

CHAPTER 5 - TRAFFIC REGULATIONS

Article 1. Definitions

§5-101. DEFINITIONS. The following definitions and those in Chapter 39 of the Statutes of Nebraska shall be applied throughout this Chapter. Where no definition is specified, the normal dictionary usage of the word shall apply.

ALLEY. The term "alley" shall mean a highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. *(Ref. 39-602 (2) RS Neb.)*

ALLEY ENTRANCE. The term "alley entrance" shall mean the extension of the alley from the lot line to the street curb line. *(Ref. 39-697 RS Neb.)*

ALL-TERRAIN VEHICLES. The term "all-terrain vehicles" shall mean every motor vehicle, except motorcycles, mopeds, minibikes or snowmobiles, which is primarily designed for off road use only. *(Ref. 39-697 RS Neb.)*

AUTHORIZED EMERGENCY VEHICLE. The term "authorized emergency vehicle" shall mean vehicles of the Fire Department and of the Police Department of the Municipality and ambulances. *(Ref. 39-602 (5) RS Neb.)*

BUSINESS DISTRICT. The term "business district" shall include that portion of the Municipality embraced within, and the area of public streets enumerated as follows:

All of Webster Street from Second Avenue to Seventh Avenue; all of Elm Street from Third Avenue to Sixth Avenue; all of Cedar Street from Third Avenue to Seventh Avenue; all of Fourth Avenue between Elm Street and Seward Street; all of Fifth Avenue between Elm Street and Cedar Street; all of Sixth Avenue between Elm Street and Cedar Street.

CROSSWALKS. The term "crosswalk" shall mean that portion of a roadway included within the prolongation or connection of the lateral lines of sidewalks at intersections or any other portion of the roadway distinctly indicated as a pedestrian crosswalk. *(Ref. 39-602 (13) RS Neb.)*

CURB. The term "curb" shall mean the lateral boundaries of that portion of a street designated for the use of vehicles whether marked by curb stones or not so marked.

DRIVER. The term "driver" shall mean every person who drives or is in the actual physical control of a vehicle. *(Ref. 39-602 (59) RS Neb.)*

HIGHWAY. The term "highway" shall mean the entire width between the boundary limits of any street, avenue, or way which is publicly maintained and open for public vehicular traffic. *(Ref. 39-602 (32) RS Neb.)*

INTERSECTION OR STREET INTERSECTION. The terms "intersection" or "street intersection" shall mean the space occupied by two (2) streets at the point where they cross each other, bounded by the lot lines extended and shall include the sidewalk space as well as the roadway. *(Ref. 39-602 (37) RS Neb.)*

MINIBIKE. The term "minibike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen (14") inches or an engine rated capacity of less than forty-five (45) cubic centimeters displacement or a seat height less than twenty-five (25") inches from the ground or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. *(Ref. 39-602 (51) RS Neb.)*

MOTORCYCLES. The term "motorcycle" means every vehicle designed to travel on not more than three (3) wheels in contact with the ground excluding a tractor and a minibike. *(Ref. 39-602 (54) RS Neb.)*

MOTOR VEHICLES. The term "motor vehicles" shall mean every land vehicle which is self-propelled and not operated upon rails except mopeds and self-propelled invalid chairs. *(Ref. 39-602 (53) RS Neb.)*

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

OFFICIAL TRAFFIC SIGNS OR DEVICES. The term "official traffic signs or devices" shall mean all signs, markings, and devices, other than mechanical or electrical signals, not inconsistent with this Chapter, placed or erected by authority of the Governing Body for the purpose of directing, warning, or regulating traffic. *(Ref. 39-602 (105) RS Neb.)*

OPERATOR. The term "operator" shall mean every person who drives or is in actual physical control of a vehicle. *(Ref. 39-602 (59) RS Neb.)*

OWNER. Owner shall mean a person other than a lienholder, having the property in or title to a vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excluding a lessee under a lease not intended as security. *(Ref. 39-602 (61) RS Neb.)*

PARK. The terms "park," "parked," and "parking" shall refer to any vehicle waiting or standing in any street or alley except when such vehicle is waiting in compliance with the direction of a traffic officer, traffic sign or signal, or driving emergencies, and except when actually engaged in loading or unloading merchandise or passengers. *(Ref. 39-602 (63) RS Neb.)*

PEDESTRIAN. The term "pedestrian" shall mean any person on foot. *(Ref. 39-602 (65) RS Neb.)*

PERSON. The term "person" shall mean every natural person, firm, corporation, co-partnership, or association. *(Ref. 39-602 (67) RS Neb.)*

POLICE OFFICER. The term "police officer" or "traffic officer" shall mean every officer of the Police Department of the Municipality or any officer authorized to direct or regulate traffic or make arrests for the violation of traffic regulation. *(Ref. 39-602 (70) RS Neb.)*

PRIVATE DRIVEWAY. The term "private driveway" shall mean every road or driveway not open to the use of the public for purposes of vehicular travel. *(Ref. 39-602 (71) RS Neb.)*

RAILWAY CROSSING. The term "railway crossing" shall mean that part of any street at which the tracks of a railway or railroad company shall cross said street and twenty-five (25') feet on either side of said tracks on a street.

RIGHT-OF-WAY. The term "right-of-way" shall mean the privilege of the immediate use of the roadway of one vehicle or pedestrian over another vehicle or pedestrian. *(Ref. 39-602 (81) RS Neb.)*

SIDEWALK. The term "sidewalk" shall mean that portion of a street between the curb lines and the adjacent property lines intended for pedestrian use. *(Ref. 39-602 (92) RS Neb.)*

STOP. The term "stop" shall mean to cause complete cessation of movement. *(Ref. 39-602 (100) RS Neb.)*

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

STREET. The term "street" shall mean the entire width between the boundary limits of any street, avenue, or way which is publicly maintained and open for public vehicular traffic. *(Ref. 39-602 (32) RS Neb.)*

TRAFFIC. The term "traffic" shall mean pedestrians, ridden animals, and vehicles or other conveyances, either singly or together, while using any street, alley, or public way for purposes of travel. (*Ref. 39-602 (104) RS Neb.*)

VEHICLE. The term "vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively on stationary rails or tracks. (*Ref. 39-602 (113) RS Neb.*)

Article 2. Municipal Traffic Regulations

§5-201. TRUCK ROUTES. The Governing Body may, by resolution, designate certain streets in the Municipality 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 Municipality. The Governing Body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. *(Ref. 39-6,189 RS Neb.)*

§5-202. TRAFFIC LANES; DESIGNATION. The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. *(Ref. 39-697 RS Neb.)*

§5-203. ARTERIAL STREETS; DESIGNATION. The Governing Body 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. *(Ref. 39-697 RS Neb.)*

§5-204. 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, or where a sign is posted indicating that U-turns are prohibited. *(Ref. 39-651, 39-697 RS Neb.)*

§6-205. TURNING; HAND SIGNALS. A signal of intention to turn right or left shall be given continuously during not less than the last one hundred (100') feet traveled by the vehicle before turning. The signals herein required shall be given either by means of the hand and arm, or by a signal device of a type approved by the Department of Roads. The hand and arm signals herein required shall be given from the left side of the vehicle in the following manner: STOP or decreased speed, hand and arm extended downward; LEFT TURN, hand and arm extended horizontally; RIGHT TURN, hand and arm extended upward. *(Ref. 60-6,161 thru 60-6,163 RS Neb.)*

§5-206. 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 (2) 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, the center of the intersection shall mean the meeting point of the medial lines of the highways intersecting one another. *(Ref. 60-6,159 RS Neb.)*

§5-207. TURNING; CAUTIOUS. 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. (*Ref. 60-6,109, 60-6,161, 60-680 RS Neb.*)

§5-208. RIGHT-OF-WAY. When two (2) vehicles approach, or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a Municipal Policeman 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 Municipal 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 drivers thereof make proper use of visual or audible signals, (*Ref. 60-6,146 thru 60-6,154 RS Neb.*) (*Amended by Ord. No. 422, 8/2/94*)

§5-209. RIGHT-OF-WAY; PASSING. The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle. (*Ref. 60-6,133 RS Neb.*)

§5-210. RIGHT-OF-WAY; SLOW MOVING VEHICLES. Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage to their left. Vehicles in motion shall be kept between the curb at the right and the center of the street. (*Ref. 60-6,133, 60-680 RS Neb.*)

§5-211. RIGHT-OF-WAY; EMERGENCY VEHICLES. Upon the approach of any authorized emergency vehicle, every vehicle within one (1) block of the route of such emergency vehicle shall immediately stop, except at the time they are on or crossing a street intersection, in which event, such vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately

move to a position as near the right hand curb as possible and remain there until such authorized emergency vehicle or vehicles have passed; Provided, said vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals. *(Ref. 60-6,151 RS Neb.)*

§5-212. POSITION OF VEHICLE ON HIGHWAY; GENERALLY. Upon all highways of sufficient width, one-way streets excepted, the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least one half (1/2) of the main traveled portion of the roadway. *(Ref. 60-6,131 RS Neb.)*

§5-213. POSITION OF VEHICLE ON HIGHWAY; PASSING. A vehicle shall not be driven to the left of the center line of the highway in overtaking or passing another vehicle proceeding in the same direction, unless such left side is clearly visible and free from oncoming traffic for a sufficient distance to permit such overtaking and passing to be made in safety. *(Ref. 60-6,136 RS Neb.)*

§5-214. POSITION OF VEHICLE ON HIGHWAY; SLOW VEHICLES. Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage on the left. *(Ref. 60-6,133, 60-680 RS Neb.)*

§5-215. CROSSWALKS. The Governing Body may, by resolution, establish and maintain, by appropriate devices, markers, or lines upon the street, crosswalks, at intersections where there is particular danger to pedestrians crossing the street, and at such other places as they may deem necessary. *(Ref. 60-680 RS Neb.)*

§5-216. SIGNS, SIGNALS. The Governing Body 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 Municipality'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. *(Ref. 60-6,119 thru 60-6,121, 60-680 RS Neb.)*

Article 3. Prohibitions

§5-301. LITTERING. It shall be unlawful for any person to drop, or cause to be left, upon any municipal highway, street, or alley, except at places designated by the Governing Body, any rubbish, debris, or waste, and any person so doing shall be guilty of littering. *(Ref. 39-683 RS Neb.)*

§5-302. 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. *(Ref. 39-683 RS Neb.)*

§5-303. 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. *(Ref. 39-619 RS Neb.)*

§5-304. 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. *(Ref. 39-618 RS Neb.)*

§5-305. QUIET ZONES; UNNECESSARY NOISE. All streets, or portions thereof, lying within three hundred (300') feet of any hospital, nursing home, or school, and which have been declared to be "quiet zones" by the Governing Body shall be respected as such by all drivers, and no driver of any vehicle shall within such zones, make any unnecessary noise or sound the horn, or other warning device, of such vehicle except in an emergency. It shall be unlawful for any person in any part of said Municipality to make, or cause to be made, any unnecessary noise with any signal device, or to use the same except as a road signal. *(Ref. 39-697 RS Neb.)*

§5-306. SPEED LIMITS. No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than twenty-five (25) miles per hour within the residential district, and twenty (20) miles per hour within the business district, except as follows:

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|--|----------------|
| | Miles per hour |
| 1. Highway 136 from the Western corporate city limit to Jefferson Street | 45 |
| | Miles per hour |

2. Highway 136 from Jefferson Street to Cherry Street 40
3. Highway 136 from Cherry Street to Locust Street 30
4. Highway 136 from Locust Street to the Eastern corporate city limit 40
5. Highway 281 from the Northern corporate city limit to 8th Avenue 35
6. Highway 281 from 8th Avenue to 1st Avenue. 25
7. Highway 281 from 1st Avenue to 3rd Street 40
8. Highway 281 from 3rd Street to the Southern Corporate City limits 45

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. (*Ref. 39-662, 39-663 RS Neb.*)

§5-307. 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 fifteen (15) miles per hour past such premises, and such driver shall stop at all stop signs located at, or near, such school premises, and it shall be unlawful for such driver to make a U-turn at any intersection where such stop signs are located at, or near, such school premise. (*Ref. 60-6,190 RS Neb.*)

§5-308. SPEED; ELECTRONIC DETECTION. Determinations made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement officer may be corroborated by the use of radio microwaves or other electronic device. The results of such radio microwave or other electronic speed measurement may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the Municipality may offer in evidence the results of such radio microwave or other electronic speed measurement for the purpose of establishing the speed of any motor vehicle, the Municipality shall prove the following:

- A. The measuring device was in proper working order at the time of conducting the measurement;
- B. The measuring device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;
- C. The person operating such device and interpreting such measurement was qualified by training and experience to properly test and operate the device; and
- D. The operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, and the measuring device was found to be in proper working order.

The driver of any such motor vehicle may be arrested without a warrant under the

authority herein granted if the arresting officer is in uniform or displays his or her badge of authority; Provided, that such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves, or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded, and must include a description of the vehicle and the recorded speed. *(Ref. 60-6192 RS Neb.)*

§5-309. DRUNKEN DRIVING. *(Repealed by Ordinance No. 429, 8/2/94)*

§5-310. 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. *(Ref. 60-6,213, 60-6,215, 60-4,182 RS Neb.)*

§5-311. RECKLESS DRIVING; WILLFUL. Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons, or property shall be deemed to be guilty of willful, reckless driving, and shall be punished as provided by statute. *(Ref. 60-6,214 thru 60-6,218 RS Neb.)*

§5-312. CARELESS DRIVING. Any person who drives any motor vehicle in this Municipality carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. *(Ref. 60-6,212 RS Neb.)*

§5-313. NEGLIGENCE DRIVING. Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving. *(Ref. 60-4,182 RS Neb.)*

§5-314. BACKING. It shall be unlawful for any person to back a motor vehicle on the Municipal streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; Provided, a vehicle shall be backed only when such movement can be made in safety and in no case shall the distance of the backing exceed one and one half (1½) lengths of the vehicle. *(Ref. 60-6,169, 60-680 RS Neb.)*

§5-315. UNNECESSARY STOPPING. It shall be unlawful for any person to stop any vehicle on any public street or alley, other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right-of-way to pedestrians or to other vehicles. *(Ref. 60-6,166, 60-680 RS Neb.)*

§5-316. PASSING; INTERSECTIONS. The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction, while traversing a street intersection, if such passing requires such overtaking vehicle to drive to the left of the center of the street. *(Ref. 60-6,136 RS Neb.)*

§5-317. PASSING; HINDRANCE. The driver of a vehicle about to be overtaken and passed by another vehicle shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. *(Ref. 60-6,133 RS Neb.)*

§5-318. DRIVING ABREAST. Two (2) 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 (2) abreast in a single lane. *(Ref. 60-6,139, 60-6,6308 RS Neb.)*

§5-319. FOLLOWING; DISTANCE. The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of the vehicles, and the traffic and condition of the street. *(Ref. 60-6,140 RS Neb.)*

§5-320. FOLLOWING; FIRE APPARATUS. The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500') feet, or drive into, or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. *(Ref. 60-6,183 RS Neb.)*

§5-321. FUNERAL PROCESSIONS. No vehicle, except police vehicles, fire department vehicles, when responding to emergency calls or orders in their several departments, ambulances responding to emergency calls, or vehicles carrying United States mails shall be driven through a funeral procession or cortege except with the permission of a police officer. *(Ref. 60-6,140, 60-680 RS Neb.)*

§5-322. CROWDING; FRONT SEAT. No person shall drive a motor vehicle when it is so loaded, or when there is in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of such vehicle. *(Ref. 60-6,179 RS Neb.)*

§5-323. DRAGGING; ROPE, CHAIN. No person shall permit any rope, strap, chain or other article to drop behind any vehicle while in use on the streets, except persons operating vehicles transporting gasoline, benzene or other flammable materials. *(Ref. 60-680 RS Neb.)*

§5-324. RIDING; OUTSIDE VEHICLE. No person shall permit any other person to

ride on the running board, hood, top, or fenders of any motor vehicle. Nor shall any person ride on the running board, hood, top, or fenders of any motor vehicle. (*Ref. 60-6179, 60-680 RS Neb.*)

§5-325. CLINGING TO MOTOR VEHICLES. No person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall attach himself or the bicycle, coaster, roller skates, sled, skis, or toy vehicle to any vehicle upon a roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person traveling upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle to cling to or attach himself or the bicycle to such vehicle driven and operated by him. (*Ref. 60-6,136 RS Neb.*) (*Amended by Ord. No. 423, 8/2/94*)

§5-326. DRIVING IN SIDEWALK SPACE. No motor vehicle or livestock shall be driven or ridden within any sidewalk space, except a permanent or temporary driveway. (*Ref. 60-6178 RS Neb.*)

§5-327. VEHICLE; MUFFLER. Every motor vehicle operated within this Municipality shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; Provided, the provisions of this Section shall not apply to authorized emergency vehicles. (*Ref. 60-6,,137, 60-2209 RS Neb.*)

§5-328. CHILD PASSENGERS: USE OF RESTRAINT SYSTEM OR OCCUPANT PROTECTION SYSTEM. (A) For purposes of this section, occupant protection system has the meaning provided in section 60-6,265 RS Neb.

(B) (1) Any person who drives any motor vehicle which has or is required to have an occupant protection system shall ensure that:

(a) All children up to six (6) years of age being transported by such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on January 1, 2004, and which is correctly installed in such vehicle; and

(b) All children six (6) years of age and less than eighteen (18) years of age being transported by such vehicle use an occupant protection system.

(2) Division (B)(1) shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2004, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant

protection system.

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

(D) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (B) when operating such authorized emergency vehicles pursuant to their employment.

(E) A driver of a motor vehicle shall not be subject to the requirements of division (B) if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions. (Ref. 60-6,267 RS Neb.)

(F) (1) A person violating any provision of division (B) is guilty of an offense. The failure to provide a child restraint system for more than one (1) child in the same vehicle at the same time, as required in division (B), shall not be treated as a separate offense.

(2) Enforcement of division (B)(1)(b) shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation of some other offense unless the violation involves a person under the age of eighteen (18) years riding in or on any portion of the vehicle not designed or intended for the use of passengers when the vehicle is in motion. (Ref. 60-6,268 RS Neb.) (Amended by Ord. Nos. 326, 11/5/85; 386, 1/8/91; 545, 4/3/01; 566, 1/4/05)

§5-329. SAFETY BELT REQUIRED. (1) Any driver and front seat passenger of a motor vehicle operated on a street or highway in the Municipality shall wear a safety belt, except that the number of front seat passengers required to wear a safety belt shall not exceed the number of safety belts which were installed in the front seat of such motor vehicle by the manufacturer. Any driver transporting a child who is four (4) years of age or more but is less than sixteen (16) years of age shall be responsible for securing such child in a safety belt if the child is riding in the front seat of the motor vehicle. All safety belts so worn shall be properly adjusted and fastened and shall (1) be of a type which meets the requirements of 49 C.F.R. section 571.208 as such regulations currently exists or as the regulation existed when the safety belts were originally installed by the manufacturer or (2) if the safety belts have been replaced, be of a type which meets the requirements of 49 C.F.R. section 571.208 that applied to the originally installed safety belts or of a more recently issued version of such regulations. Requirements for a child under the age of four (4) are provided in sections 60-6,267 to 60-6,269 RS Neb.

(2) Enforcement of this section by State or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation or some other offense.

(3) Any person who violates this section shall be guilty of a traffic infraction as

defined in section 60-672 RS Neb. and shall be fined twenty-five dollars (\$25.00) but no court costs shall be assessed against him or her nor shall any points be assessed against the driving record of such person.

(4) This section shall not apply to (1) a driver or passenger who possesses written verification from a physician that the driver or passenger is unable to wear a safety belt for medical reasons and (2) a rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier between the first and last delivery points.

(5) Evidence that a person was not wearing a seat belt at the time he or she was injured shall not be admissible in regard to the issue of liability or proximate cause, but may be admissible as evidence concerning mitigation of damages, except that it shall not reduce recovery for damages by more than five percent (5%). (*Ref. 60-6,212, 60-6,266 RS Neb.*) (*Ord. No. 326, 11/5/85*)

§5-330 OPERATING A TRUCK ON A SIDE STREET. It shall be unlawful for the operator of any truck and trailer, including oil tankers, with an overall length of more than twenty feet (20') to operate any such vehicle on any street within the City Limits, other than Webster Street and Fourth Avenue, except to reach a point of loading or unloading or to reach a place designated for the parking of any such vehicle. Any such vehicle being operated on a street other than Webster Street for the purpose of reaching a point for loading or unloading or a place designated for parking must take the most direct route to reach such destination. (*Ord. No. 542, 3/7/00*)

Article 4. Enforcement

§5-401. EMERGENCY REGULATIONS. The Chief of Police or any other person similarly designated by the Council is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. *(Ref. 60-435 RS Neb.)*

§5-402. POLICE; ENFORCEMENT. The Municipal Police are hereby authorized, empowered, and ordered to exercise all powers, and duties, with relation to the management of street traffic and to direct, control, stop, restrict, regulate, and, when necessary, temporarily divert, or exclude, in the interest of public safety, health, and convenience the movement of pedestrian, animal, and vehicular traffic of every kind in streets, parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. *(Ref. 60-683 RS Neb.)*

§5-403. 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. *(Ref. 60-680 RS Neb.)*

Article 5. Operator and Vehicle Qualifications

§5-501. REGISTRATION; OPERATOR AND VEHICLE LICENSE. (1) No person shall operate or park a motor vehicle upon any street, alley, or public highway within the Municipality without having first registered the same in accordance with Chapter 60, Article 3, RS Neb., and section 60-321 RS Neb., except as provided in this subsection. A person may operate a motor vehicle without registration for a period not to exceed thirty (30) days from the date of purchase. Upon registration, such vehicle shall have the required number plates displayed upon said vehicle in the manner and places provided for by section 60-323 RS Neb. If a citation is issued to an owner or operator of a vehicle for a violation of this subsection and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten (10) days after the issuance of the citation, no prosecution for the offense cited shall occur.

(2) No person shall operate a motor vehicle upon any street, alley, or public highway without having obtained a motor vehicle operator's license in accordance with Chapter 60, Article 4, RS Neb. It shall be unlawful for any person to operate a motor vehicle upon any street, alley, or public highway during the period that his or her operator's license has been revoked or canceled. (*Ref. 60-302, 60-320, 60-320.01, 60-321, 60-323, 60-4,186 RS Neb.*) (*Amended by Ord. Nos. 424, 8/2/94; 469, 11/5/96*)

§5-502. REGISTRATION; TRAILERS. No trailer, semi-trailer, or cabin trailer shall be operated or parked on any street, alley, or public highway within the Municipality without having first registered the same in accordance with Chapter 60, Article 3, RS Neb., and section 60-321 RS Neb., except as provided in this section. A person may pull such trailer, semitrailer, or cabin trailer without registration for a period not to exceed thirty (30) days from the date of purchase. Upon registration, such trailer, semitrailer, or cabin trailer shall have the required number plate displayed upon said trailer as provided for by section 60-311 RS Neb. If a citation is issued to an owner or operator of a vehicle for a violation of this section and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten (10) days after the issuance of the citation, no prosecution for the offense cited shall occur. (*Ref. 60-302, 60-320, 60-321 RS Neb.*) (*Amended by Ord. Nos. 425, 8/2/94; 470, 11/5/96*)

§5-503. LICENSE PLATES. The license plates, required on every motor vehicle by laws of the State of Nebraska, or by laws of any other state while such vehicle is operated within the corporate limits, shall be kept clear and free from grease, dust, or other blurring matter so they will be plainly visible at all times, and shall be attached in such manner as to be clearly readable at a distance of one hundred feet (100') and under no circumstances shall they be obstructed by any portion of the vehicle. (*Ref. 60-324, 60-325 RS Neb.*)

§5-504. VEHICLES; EQUIPMENT AND MAINTENANCE. Every motor vehicle, while in use on the streets, alleys, or highways of the Municipality shall be equipped with efficient brakes adequate to control the movement of, to stop, and to hold such vehicle, including two (2) separate means of applying the brakes, and shall be further equipped with a good and sufficient horn in good working order, or other efficient signal devices. From sunset to sunrise, and any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the street, alley, or highway at a distance of five hundred feet (500'), every motor vehicle shall be equipped with lighted headlights, and every motor vehicle and trailer shall be equipped with one or more taillights, at the rear of the motor vehicle or trailer, exhibiting a red light visible from a distance of at least five hundred feet (500') to the rear of such vehicle. No person shall operate any vehicle which is equipped with an electric light or lights that confuse travelers or pedestrians on streets or crosswalks within the Municipality. Every motor vehicle having a width of eighty inches (80") or more shall display clearance lights as required by State law. All vehicle brakes shall be maintained in good working order: provided, motorcycles need only be equipped with one (1) brake. All horns on motor vehicles shall be capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200'); provided, no vehicle except as herein provided, shall be equipped with, nor shall any person use upon a vehicle, any siren, or horn otherwise than as reasonable warning; nor shall any person use any horn or warning device upon a vehicle to make any unnecessary, loud, or harsh sound; and provided further that, every Police and Fire Department vehicle, ambulance, or other authorized emergency vehicle used for emergency calls shall be equipped with a bell, siren, or whistle of the type approved by the Governing Body. (*Ref. 60-6,219, 60-6,220, 60-6,224, 60-6,235, 60-6,244, 60-6,285 RS Neb.*) (*Amended by Ord. Nos. 426, 8/2/94; 471, 11/5/96*)

§5-505. VEHICLES; UNOBSTRUCTED VIEW. No person shall drive on a street any motor vehicle constructed or loaded in such a way as to prevent the driver from obtaining a view of the street to the rear unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the street for a distance of at least two hundred feet (200') to the rear of such vehicle. It shall be unlawful for any person to drive upon a street, any vehicle with a sign, poster, or other nontransparent material upon the front windshield, side windows, or rear windows of such motor vehicle other than a certificate, or paper required to be so displayed by law. Every windshield on a motor vehicle shall be equipped with a device for removing rain, snow, or other moisture from the windshield, which device shall be so constructed as to be operated by the driver within the vehicle. (*Ref. 60-6,254, 60-6,255, 60-6,256 RS Neb.*)

§5-506. LOADS; PROJECTING. When any vehicle shall be loaded in such a manner that any portion of the load extends more than four feet (4') beyond the rear of the bed or the body of such vehicle, a red flag of not less than twelve inches (12") both in length and width shall be carried by day, and red light after sunset at the extreme rear end of such

load. (*Ref. 60-6.243 RS Neb.*)

§5-507. LOADS; SPILLING. All vehicles used for carrying coal, earth, cinders, 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. (*Ref. 60-6,304 RS Neb.*)

Article 6. Recreational Vehicles

§5-601. BICYCLE; OPERATION. (1) No person shall operate a bicycle on a street or highway within the Municipality with another person on the handlebars or in any position in front of the operator.

(2) 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.

(3) Persons operating bicycles shall observe all traffic signs and stop at all stop signs.

(4) 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 five hundred feet (500') 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 one hundred feet (100') and six hundred feet (600') 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 five hundred feet (500') to the rear may be used in addition to such red reflector.

(5) 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.

(6) 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:

(a) Overtaking and passing another bicycle or vehicle proceeding in the same direction;

(b) Preparing for a left turn onto a private road or driveway or at an intersection;

(c) 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;

(d) 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

(e) Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in section 60-6,142 RS Neb.

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

(7) No person shall park a bicycle on any sidewalk unless a bicycle stand is located on said sidewalk.

(8) No person shall operate a bicycle on the sidewalks within the business district. (Ref. 60-6,315, 60-6,317, 60-6,318 RS Neb.) (Amended by Ord. No. 427, 8/2/94)

§5-602. MINIBIKES; UNLAWFUL OPERATION. It shall be unlawful for any person to operate a minibike upon any street or highway within the corporate limits of the Municipality. (Ref. 60-2101.01, 60-2107 RS Neb.)

§5-603. MINIBIKES; EMERGENCIES AND PARADES. Minibikes shall be exempt from the provisions of this Article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization. (Ref. 60-2102 RS Neb.)

§5-604. MINIBIKES; PUBLIC LANDS. Minibikes shall be prohibited upon the public lands owned by the Municipality except where allowed by resolution of the Governing Body. (Ref. 60-2106 RS Neb.)

§5-605. MINIBIKES; TRAFFIC LAWS INAPPLICABLE. Minibikes, their owners and their operators shall be exempt from the requirements of Chapter 60, articles 3, 4, and 5 RS Neb. (Ref. 60-6,347 RS Neb.) (Amended by Ord. No. 567. 1/4/05)

§5-606. SNOWMOBILES; EQUIPMENT. Every snowmobile operated within the Municipality 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 head lamp, one tail lamp, reflector material of a minimum area of sixteen (16) square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the Director of Motor Vehicles.

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. (Ref. 60-2002, 60-2013 RS Neb.)

§5-607. SNOWMOBILES: UNLAWFUL ACTS. It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by him, to be operated:

1. Within the congested area of the Municipality 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.

2. At a rate of speed greater than reasonable or proper under the surrounding circumstances.

3. In a careless, reckless or negligent manner so as to endanger person or property.

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. (*Ref. 60-2013, 60-2015 RS Neb.*)

§5-608. SNOWMOBILES; PUBLIC LANDS. Snowmobiles shall be prohibited from operation on the public lands owned by the Municipality, except where allowed by resolution of the Governing Body. (*Ref. 60-2016 RS Neb.*)

§5-609. ALL-TERRAIN VEHICLES; PERMITS AND OPERATION.

(1) For purposes of this section:

(a) All-terrain vehicle (herein called an ATV) 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 use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (e) has a bench seat or a saddle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control. Vehicles commonly called golf carts are included within this class of vehicles if they meet the requirements of this section. Other off-road designed vehicles, including, but not limited to go-carts, riding lawn mowers, and garden tractors, as well as mopeds, scooters, minibikes and snowmobiles are not included in this classification or regulated by this section. (*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. (*Neb. Rev. Stat. 60-624*)

(2) An ATV may be operated on streets and highways within the corporate limits of the city only if the operator and the vehicle complies with the provisions of this section.

(3) Prior to operation of any ATV as provided herein, the owner shall obtain a permit for operation from the Municipal Clerk, which permit shall be affixed to the left front fender of the ATV. The permit shall have a registration number and shall be valid only for the ATV registered with the Clerk. Permits shall be issued annually and be valid only for the year for which issued. The permit fee shall be \$20.00, whether for a part or full year, to be collected by the Clerk at the time of issuance. The Clerk shall verify that the ATV and operator complies with the requirements of this section, including proof of insurance, flag, SMV sign, headlight(s), taillight(s), age and valid drivers license. The Clerk shall provide a copy of this section to the applicant.

(4) An ATV may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of the applicable speed limit and in any case not over thirty miles per hour. When operating an ATV as authorized in subsection (2) of this section, the headlight and taillight affixed to 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 and a slow-moving vehicle sign 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.

(5) Any person operating an ATV as authorized in subsection (2) of this section shall be 21 years of age or older and have (a) A valid Class 0 operator's license or a farm permit as provided in Neb. Rev. Stat. 60-4,126; and (b) Liability insurance coverage for the ATV while operating the ATV on a street or highway. The person operating the ATV shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

(6) ATVs may be operated without complying with subsections (3) and (4) 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.

(7) An ATV shall not be operated on any state highway and the crossing of any state highway shall not be permitted except as provided herein. This section authorizes and applies to operation of an ATV only on the streets and alleys of the city of Red Cloud.

(8) The crossing of a state highway by an ATV shall be permitted only if:

(a) 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;

(b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) When crossing a state highway, the crossing is made only at an intersection of such highway with a street or another state highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made. (Neb. Rev. Stat. 60-6,356)

(9) A person who violates this section shall be punished as provided generally in the municipal code. (*Neb. Rev. Stat. §60-6,355 to §60-6,358. Ord. No. 592, 4/7/2009, Amended by Ord. No. 596, 10/6/2009*)

§5-610. ALL-TERRAIN VEHICLES; EMERGENCIES; EXCEPTIONS. Three-wheel or similar all-terrain vehicles shall be exempt from the provisions of §5-609 during any public emergency or when so allowed by resolution of the Governing Body. (*Ref. 60-2106 RS Neb.*)

§5-611. ALL-TERRAIN VEHICLES; PUBLIC LANDS. The use of three-wheel or similar all-terrain vehicles shall be prohibited upon the public lands and sidewalks of the Municipality except where allowed by resolution of the Governing Body. (*Ref. 17-567, 60-680, 60-2106 RS Neb.*)

§5-612. ALL-TERRAIN VEHICLES; TRAFFIC LAWS APPLICABLE. Whenever any three-wheel or similar all-terrain vehicle is lawfully driven within the Municipality, it shall not be operated at a speed greater than is reasonable and prudent under the

conditions and shall be subject to all traffic laws set forth in this Chapter which apply to all motor vehicles, except those which by their very nature have no application. (*Ref. 17-567, 60-680, 60-2106 RS Neb.*)

§5-613. MOTORCYCLES; TRAFFIC LAWS APPLICABLE. All motorcycles operated within the Municipality shall be subject to all traffic laws set forth in this Chapter except those which by their very nature have no application. (*Ref. 60-6,92, 60-680, 60-2106 RS Neb.*)

Article 7. Parking

§5-701. VEHICLES; UNATTENDED. No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon and, when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of the street. The driver of a motor vehicle, when traveling upon a down grade upon any street, shall not coast with the gears of the vehicle in neutral. *(Ref. 60-6,168 RS Neb.)*

§5-702. PARKING; 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 twelve (12") inches of the curb or edge of the roadway, and so as to leave at least four (4') feet between the vehicle so parked and any other parked vehicles, except where the Governing Body 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. *(Ref. 60-680, 60-6,167 RS Neb.) (Amended by Ord. No. 428, 8/2/94)*

§5-703. PARKING; DESIGNATION. The Governing Body 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. *(Ref. 60-6,167, 60-680 RS Neb.)*

§5-704. PARKING; AREAS. The Governing Body 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. *(Ref. 60-680 RS Neb.)*

§5-705. PARKING; OBSTRUCTING ALLEY. No vehicle, while parked shall have any portion thereof projecting into any alley. *(Ref. 60-680 RS Neb.)*

§5-706. PARKING; ALLEYS. No vehicle shall be parked in any alley, except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of fifteen (15) minutes. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. *(Ref. 60-680 RS Neb.)*

§5-707. UNLOADING; FREIGHT VEHICLES. Vehicles of an over-all length of less than twenty (20') feet, including load, while discharging or loading freight may back to the

curb, but shall occupy as little of the street as possible. (*Ref. 60-680 RS Neb.*)

§5-708. PARKING; BUSINESS DISTRICT UNLOADING. It shall be unlawful for the operator of any truck with an overall length of more than twenty (20') feet to stop or park any such vehicle on a street which the Governing Body 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 Governing Body 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 Governing Body by resolution. (*Ref. 60-680 RS Neb.*)

§5-709. PARKING; FIRE HYDRANTS AND STATIONS. No vehicle shall be parked within fifteen (15') feet in either direction of any fire hydrant nor within twenty (20') feet of the driveway entrance to any fire station. The curb space within such area of fifteen (15') feet in either direction of such fire hydrant shall be painted red to indicate such prohibition. (*Ref. 60-6,166 RS Neb.*)

§5-710. PARKING; SCHOOLS. No vehicle shall stop or park on the highway adjacent to the school for any reason including loading or unloading of passengers. (*Ref. 60-680 RS Neb.*)

§5-711. PARKING; STREET INTERSECTIONS. Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within twenty-five (25') feet of the intersection or curb lines, or if none, then within fifteen (15') feet of the intersection of property lines, nor where said curb lines are painted yellow to indicate such prohibition. (*Ref. 60-6,166 RS Neb.*)

§5-712. PARKING; 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. (*Ref. 60-680 RS Neb.*)

§5-713. PARKING; CURBS, PAINTED. It shall be the duty of the City to cause the curb space to be painted and keep the same painted as provided in this Article. No person,

firm, or corporation shall paint the curb of any street, or in any manner set aside, or attempt to prevent the parking of vehicles in any street, or part thereof, except at such places where the parking of vehicles is prohibited by the provisions of this Article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the Municipality through its proper officers, at the direction of the Governing Body. (*Ref. 60-680 RS Neb.*)

§5-714. PARKING; DISPLAY OR REPAIR. It shall be unlawful for any person to park upon any street, alley, or public place within this Municipality any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this Municipality, excepting in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (*Ref. 60-680 RS Neb.*)

§5-715. PARKING; CURRENT LICENSE. It shall be unlawful to park, or place on the streets, alleys, or other public property any motor vehicle without first securing a current license as provided by law, and no such licensed motor vehicle shall be allowed to stand for a longer period than twenty-four (24) hours. (*Ref. 60-323 RS Neb.*)

§5-716. PARKING; TIME LIMIT. The Governing Body 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. (*Ref. 60-680 RS Neb.*)

§5-717. PARKING; MAXIMUM TIME LIMIT. The parking of a motor vehicle on a public street for over twenty-four (24) consecutive hours is unlawful, except where a different maximum time limit is posted. (*Ref. 60-680 RS Neb.*)

§5-718. PARKING; MAINTENANCE. The Municipal Police may order any street or alley, or portion thereof, vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley, or by posting appropriate signs along such streets or alleys. Such signs shall be posted not less than four (4) 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 Municipal Police, to a suitable nearby location without further notice to the owner or operator of such vehicle. (*Ref. 17-557 RS Neb.*)

§5-719. PARKING; REMOVAL OF ILLEGALLY PARKED VEHICLES.

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

The owner or other person lawfully entitled to the possession of such vehicle may be charged with the reasonable cost for such removal and storage, payable before such vehicle is released. Any such towing or storage fee shall become a security interest in the vehicle prior to all other claims. This fee shall be in addition to any other fees or penalties owed the Municipality for such vehicle. (*Ref. 60-671, 60-680 RS Neb.*)

§5-720. PARKING; 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. (*Ref. 60-608 RS Neb.*)

§5-721. PARKING; DETACHED TRUCKS; TRAILERS. It shall be unlawful for the owner or operator of a truck trailer to park such trailer detached from its motor vehicle on the streets in the business or residential district of the City, except when such owner or operator is performing a service for an adjacent or abutting property owner, and only then for a period of not longer than three (3) hours; provided, however, the location of the detached trailer does not impede the safe flow of traffic. (*Ref. 60-680 RS Neb.*)

§5-722. PARKING; CERTAIN VEHICLES PROHIBITED; EXCEPTIONS. It shall be unlawful for the owner or operator of a semi-trailer-truck with trailer attached or unattached, any trailer unattached, any other motor vehicle with trailer, bed or box attached which exceed nine (9') feet in length, or any motor home exceeding twenty (20') feet in length measured bumper to bumper, except emergency vehicles, to park on the streets within the City, except when being used for the purpose of delivering or collecting goods, wares, merchandise or materials and then only for a period of time no longer than is necessary for the expeditious delivery or collecting of goods, wares, merchandise or materials; provided, that the provisions of this section shall not apply to trucks or motor vehicles being used within the City in connection with building, repair, service or moving operations, or trucks or motor vehicles parked off of the travel lanes of the street in industrially zoned areas. (*Ref. 60-680 RS Neb.*)

§5-723. PARKING; VEHICLES WHICH TRANSPORT COMBUSTIBLE LIQUIDS. It shall be unlawful for the driver of any motor vehicle equipped to transport inflammable gas, anhydrous ammonia, or any combustible liquids, or other hazardous or poisonous chemicals, to park such vehicle on any street, alley, or private property in a residential area except for the purpose of loading or unloading, for a longer period of time than one (1) hour continuously. (*Ref. 60-680 RS Neb.*)

§5-724. PARKING; BUREAU OF VIOLATIONS. There is hereby created the Bureau of Violations within the powers and duties of the office of the Municipal Clerk. A copy of each citation issued for non-moving traffic violations shall be deposited with the Municipal Clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid to him. Fines shall be payable at the office of the Clerk. Such fines shall be in the amount of two (\$2.00) dollars for each violation if paid within thirty (30) days from the date of issuance. Should any such fine not be paid within the thirty (30) day period, the Clerk shall ask the Municipal Attorney to file a complaint in the appropriate court. The fine for any such violation after thirty (30) days or after judgment is entered against the violator shall be five (\$5.00) dollars plus costs. All money collected by the Municipal Clerk under this section shall be transferred to the school district in which the Municipality lies. (*Ref. 18-1729 RS Neb.*)

§5-725. PARKING; HANDICAPPED OR DISABLED PERSONS; DEFINITIONS. For purposes of this Article:

(1) 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 two hundred feet (200) without the use of a wheel-chair, 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 or 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;

(2) 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 (1) year; and

(3) 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. (*Ref. 18-1738, 18-1741.01 RS Neb.*) (*Ord. No. 496, 8/5/97*)

§5-726. PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES; DISPLAY OF PERMITS. (1) The Governing Body may designate parking spaces for the exclusive use of (a) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to section 60-311.14 RS Neb., (b) handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state, (c) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality,

whose motor vehicles display the permit specified in section 18-1739 RS Neb., and (d) such other motor vehicles, as certified by the Municipality, 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.

(2) If the Governing Body so designates a parking space, it shall be indicated by posting above ground 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. (*Ref. 18-1736, 18-1737 RS Neb.*) (*Ord. No. 494, 8/5/97*)

§5-727. PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFF STREET PARKING SPACES. The Governing Body and any person in lawful possession of any offstreet 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 section 60-311.14 RS Neb., (b) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality, whose vehicles display the permit specified in section 18-1739 RS Neb., and (c) such other motor vehicles, as certified by the Municipality, which display such permit. Such designation shall be made by posting above ground 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. (*Ref. 18-1737 RS Neb.*) (*Ord. No. 495, 8/3/97*)

§5-728. PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE. (1) The Municipal Clerk shall take an application from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces 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. (*Ref. 18-1738(1) RS Neb.*)

(2) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to the provisions of section 18-1738.02 RS Neb. (*Ref. 18-1738.02 RS Neb.*)

(3) A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity, and shall submit a completed medical form containing the statutory criteria for qualification and signed by a physician, physician assistant, or advanced practice registered nurse certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped

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

(4) A person may hold only one permit under this section and may hold either a permit under this section or a permit under section 5-729 (Motor Vehicle Permit Issuance), but not both.

(5) The Municipal 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. (*Ref.18-1738(3) RS Neb.*) (*Ord. No. 497, 8/5/97*) (*Amended by Ord. No. 549, 4/3/01*)

§5-729. PARKING; HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT ISSUANCE.

(1) The Municipal 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.

(2) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to section 18-1738.02 RS Neb.

(3) A person applying for a permit or for the renewal of a permit pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the Municipal Clerk by the Department of Motor Vehicles, and shall demonstrate to the Municipal 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.

(4) No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under section 5-728, but not both.

(5) The Municipal 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. (*Ref. 18-1738.01, 18-1738.02 RS Neb.*) (*Ord. No. 498, 8/3/97*)

§5-730. PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS; PROHIBITED ISSUANCE; DUPLICATE PERMITS.

(1) The permit issued for handicapped or disabled parking shall be constructed of a

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

(2) In addition to the requirements of subsection (1) of this section, the permit shall show such identifying information with regard to the handicapped or disabled person or temporarily handicapped or disabled person to whom it is issued as is necessary to the enforcement of this Article.

(3) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to section 5-732. At the expiration of such suspension, a permit may be renewed upon the payment of the permit fee.

(4) 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 Municipal Clerk. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. (*Ref. 18-1739 RS Neb.*) (*Ord. No. 499, 8/5/97*)

§5-731. PARKING; HANDICAPPED OR DISABLED PERSONS: PERMITS; PERIOD VALID; RENEWAL; FEE. (1) All permits authorized under this Article for handicapped or disabled parking prior to September 10, 1993, shall be issued for a period ending January 1 of the fourth year following the date of issuance. All permits authorized under this Article for handicapped or disabled parking after September 9, 1993, and before September 10, 1995, shall be issued for a period of three (3) years. Upon the expiration of a permanent permit, it may be renewed pursuant to the provisions of this section and section 5-728 or 5-729. After September 9, 1995, all permanently issued permits authorized by this Article shall be issued for a period ending September 30 of the third year following the date of issuance and shall expire on that date, except that an application for the renewal of a permit filed with the Municipal Clerk within thirty (30) days of the date after its expiration shall be deemed to have been filed prior to the date of its expiration. The possession of an expired but otherwise valid handicapped parking permit with thirty (30) days following the date of its expiration shall serve as a full and complete defense in any action for a handicapped parking infraction resulting from the absence of a handicapped parking permit arising during that thirty-day period.

(2) All permits authorized under this Article after September 9, 1995, for temporarily handicapped or disabled parking shall be Issued for a period ending not more than six (6) months after the date of issuance but may be renewed for a one-time period not to exceed six months. For the renewal period, there shall be submitted an additional

application with proof of a handicap or disability and the required permit fee.

(3) A permit fee of three dollars (\$3.00) shall be charged for each permit, two dollars (\$2.00) of which shall be retained by the Municipal Clerk and one dollar (\$1.00) of which shall be forwarded on a quarterly basis to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. (*Ref. 18-1740 RS Neb.*) (*Ord. No. 500, 8/5/97*)

§5-732. PARKING; HANDICAPPED OR DISABLED PERSONS; 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 (6) months. At the expiration of such period, a suspended permit may be renewed upon payment of the permit fee. (*Ref. 18-1741 RS Neb.*) (*Ord. No. 501, 8/5/97*)

§5-733. PARKING; HANDICAPPED OR DISABLED PERSONS; CITATION, ISSUANCE; COMPLAINT; TRIAL, DISMISSAL. (1) For any offense classified as a handicapped parking Infraction, a handicapped parking citation may be issued by any peace officer or by any person designated by ordinance by the Governing Body to exercise the authority to issue a citation for any handicapped parking infraction.

(2) 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 (3) days after the issuance of the handicapped parking citation. One (1) copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

(3) At least twenty-four (24) hours before the time set for the appearance of the cited person, either the Municipal Attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such person shall be released from the obligation to appear as specified.

(4) 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.

(5) 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 section 18-1738 or 18-1738.01 RS Neb., the complaint shall be dismissed if within seven (7) business days after the date of issuance of the citation, the

person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit issued under section 18-1738 or 18-1738.01 RS Neb. and that the peace officer has personally viewed the permit. (*Ref. 18-1741.01, 18-1741.04, 18-1741.06 RS Neb.*) (*Ord. No. 502, 8/5/97*)

§5-734. PARKING; HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY. (1) The owner or person in lawful possession of an offstreet parking facility, after notifying the Police or Sheriffs Department, and the Municipality providing onstreet parking or owning, operating, or providing an offstreet parking facility, may cause the removal, from a stall or space designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying the proper permit or the distinguishing license plates specified in this Article if there is posted 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.

(2) Anyone parking in any onstreet 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 offstreet 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 5-725, and shall be subject to the procedures as set forth in section 5-733 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.

(3) In the case of a privately owned offstreet parking facility the owner or person in lawful possession of such facility shall not be required to inform the Municipality of a violation of this section prior to the Municipality issuing the violator a handicapped parking infraction citation. (*Ref. 18-1737 RS Neb.*) (*Ord. No. 503, 8/5/97*)

Article 8. Penal Provision

§5-801 VIOLATION: PENALTY. (*Repealed by Ord. No. _____, 1-08-05. See §12-101*)