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CHAPTER III ☐☐ ☐☐☐ ☐☐☐ ☐ MOTOR VEHICLES AND BICYCLES

ARTICLE I - TRAFFIC REGULATIONS

SECTION 3-101: TERMS DEFINED

The words and phrases used in this ordinance pertaining to motor vehicles and traffic regulations shall be construed as defined in R.R.S. Neb. 1943, as now existing or as hereafter amended, unless the context otherwise requires; and, if not so defined, the common meaning of such words and phrases shall prevail.

SECTION 3-102: TRUCK ROUTES

The Village Board may, by resolution, designate certain streets in the Village restricting traffic for vehicles weighing in excess of ten tons, and it shall be unlawful for persons operating such vehicles to travel on other streets than those designated for such vehicles unless to pick up or deliver goods, wares or merchandise, and in that event, the operator of such vehicle 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 restricted routes.

SECTION 3-103: TURNING; HAND SIGNALS

A signal of intention to turn right or left shall be given continuously during not less than the 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.

SECTION 3-104: 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 street, and must turn the corner as near the right-hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach

such center line of the street, 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 streets intersecting one another.

SECTION 3-105: TURNING; CAUTION

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

SECTION 3-106: TURNING; "U" TURNS

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation, or where a sign is posted indicating that U turns are prohibited.

SECTION 3-107: RIGHT OF WAY; GENERALLY

When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a law enforcement officer 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 entering a village street from a private road or drive shall yield the right of way to all vehicles approaching on such streets.

The driver of a vehicle 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.

SECTION 3-108: RIGHT OF WAY; EMERGENCY VEHICLES

Upon the approach of any authorized emergency vehicles which are operated on official business and the drivers thereof sound an audible signal by bell, siren or whistle, every vehicle within one block of the route of such emergency vehicle shall immediately stop, except at the time they are on or crossing a street intersection, in which event such vehicle shall drive clear of

the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right-hand curb as possible and remain there until such authorized emergency vehicle or vehicles have passed.

SECTION 3-109: POSITION OF VEHICLE ON ROADWAY; GENERALLY

Upon all streets and highways of sufficient width, 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 of the main traveled portion of the roadway.

SECTION 3-110: BACKING

While backing, unceasing vigilance must be exercised so as not to injure those behind. The driver of a parked vehicle about to back shall give moving vehicles the right of way.

Source: Neb. Rev., Stat. §60-6165 to 60-6169

SECTION 3-111: DRIVING IN SIDEWALK SPACE

No motor vehicle, including motorcycles or scooters, shall be driven on any sidewalk or within any sidewalk space, except a permanent or temporary driveway.

Source: Neb. Rev. Stat. §60-6178 to 60-6184

SECTION 3-112: STOPS; MANDATORY

All vehicles, before crossing a sidewalk or emerging from a garage, alley, filling station or other place, shall come to a complete stop, and after giving sufficient warning shall proceed slowly and with extreme caution while crossing such sidewalk or leaving such garage, alley, filling station or other place. The term "slowly" shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic thereon.

SECTION 3-113: STOP SIGNS

Every person operating any vehicle, upon approaching any stop sign erected in accordance with ordinances prescribed heretofore, shall cause such vehicle to come to a complete stop with the front wheels of said vehicle parallel with said stop sign. .

Source: Neb. Rev. Stat. §60-6122 to 60-6128

SECTION 3-114: SIGNS, SIGNALS

The Village Board may, by resolution, provide for the placing of stop signs, restricted parking or other signs, signals, standards or mechanical devices in any street or alley for the purpose of regulating or prohibiting traffic and parking 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. The placement of such regulatory sign shall be prima facie evidence of the restricting resolution.

SECTION 3-115: SPEED LIMITS

No person shall operate a motor vehicle on any village street, alleys or other places within the village limits at a speed greater than 25 miles per hour within the congested district, 15 miles per hour within the school zone, 10 miles per hour in the alleys of the village, 10 miles per hour within the municipal parks, adjacent roads and cul-de-sacs of the village 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.

SECTION 3-116: CLOSING OF PUBLIC WAY

The utilities superintendent or his/her designee shall have the authority to close to traffic any public way for construction, reconstruction or repair purposes. The public way so closed shall be blocked off by barricades and by flares which shall be kept burning at all times from one half hour after sunset to one half hour before sunrise. No person, except the persons engaged in such work and while actually engaged therein, shall drive any vehicle or ride or lead any animal, nor as a pedestrian, enter upon such public way or portion of public way so closed to traffic.

SECTION 3-117: QUIET ZONES; UNNECESSARY NOISE

All streets or portions thereof lying within 300 feet of any hospital, nursing home or school, which have been declared to be "quiet zones" by the Village Board, shall be respected as such by all drivers. 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 village to make, or cause to be made, any unnecessary noise with any signal device, or to use the same except as a road signal.

SECTION 3-118: FUNERAL PROCESSIONS

No vehicle, except police vehicles 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.

SECTION 3-119: GLASS; POINTED OBJECTS

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

from the street.

SECTION 3-120: 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.

Source: Neb. Rev. Stat. §60-6129 to 60-6139

SECTION 3-121: 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.

SECTION 3-122: SPEED; ELECTRONIC DETECTOR

The speed of any motor vehicle within the Village may be determined by the use of radio microwaves or other electronic device. The results of such determinations shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue.

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/her badge of authority; provided that such officer shall have observed the recording of the speed of such motor vehicle by radio microwaves or other electronic device, or received a radio message from another officer who observed the speed of the motor vehicle recorded by 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 was recorded and must include a description of the vehicle and the recorded speed.

Source: Neb. Rev. Stat. §60-6159 to 60-6163

SECTION 3-123: EMERGENCY; REGULATIONS

The village police officer is hereby empowered to make and enforce temporary regulations to cover emergencies. Source: Neb. Rev. Stat. §60-435

SECTION 3-124: POLICE; ENFORCEMENT

The village police or sheriffs department is hereby authorized, empowered and ordered to exercise all powers and duties with relation to the management of street traffic and, in the interest of public safety, health and convenience, to direct, control, stop, restrict, regulate, temporarily divert, or exclude the movement of pedestrian, animal and vehicular traffic of every kind in streets and parks and on bridges. The driver of any vehicle shall stop upon the signal of

any police officer.

Source: Neb. Rev. Stat. §60-435

SECTION 3-125: 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.

SECTION 3-126: 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.

Source: Neb. Rev Stat. §60-683

SECTION 3-127: OVERLOADING FRONT SEAT OR OBSTRUCTING DRIVER'S VIEW OR DRIVING MECHANISM; PROHIBITED

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

SECTION 3-128: RIDING OUTSIDE VEHICLE

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

SECTION 3-129: DRIVING ABREAST

Two or more vehicles shall not be driven abreast except when passing.

SECTION 3-130: FOLLOWING; DISTANCE

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

SECTION 3-131: ENGINE BRAKING

It shall be and hereby is determined unlawful for any person in any part of the Village to make or

cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for the purposes of assisting braking on any semi-tractor. Proper notices shall be posted by the Village notifying the public of such prohibition.

SECTION 3-132: 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.

SECTION 3-133: LOADS; PROJECTING

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

SECTION 3-134: LOADS; SPILLING

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

ARTICLE II - ABANDONED VEHICLES

SECTION 3-201: TERMS DEFINED

No person, firm, partnership, association, corporation or organization of any kind shall abandon any vehicle, as defined by R.R.S. Neb. 1943, within the Village of Union. A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:

1. With no number plates affixed thereto, for more than six hours on any public property;
2. For more than 24 hours on any public property, except any portion thereof on which parking is legally permitted;
3. For more than 48 hours, after the parking of such vehicle shall have become illegal if left on a portion of public property on which parking is legally permitted;
4. For more than seven days on private property if left initially without the permission of the owner, or after permission of the owner shall be terminated.
5. This section shall not apply to a vehicle in an enclosed buildings; to a vehicle on the premise of a business enterprise operated in a lawful place and manner, when such vehicle is necessary to the lawful operation of the business; to a vehicle when restoration or repair work is being done on the vehicle and is being completed in an expeditious manner; or to a vehicle in an

appropriate storage place or depository maintained in a lawful place and manner by the Municipality. Any vehicle allowed to remain on property in violation of this section shall constitute a nuisance and shall be abated, and any person in violation this Section shall be guilty of a misdemeanor.

No person in charge or control of any private property, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or discarded vehicle to remain on such property longer than seven continuous days. Any vehicle described in this paragraph shall be deemed to be an abandoned vehicle for purposes of this article.

For purposes of this article, "public property" shall mean (1) any public right of way, street, highway, alley, park or other village-owned property, and (2) any privately owned property which is not included within the definition of public property. A vehicle in an enclosed building, appropriate storage pound or depository licensed by the Village, or owned and being restored or repaired with satisfactory progress being shown by the controller of the real property where said vehicle is located, is specifically hereby excluded from this section.

SECTION 3-202: ENFORCEMENT

The Village Board shall remove or cause to be removed any abandoned vehicle. Such vehicle shall be impounded until lawfully claimed or disposed of, as provided in Section 3-204 hereafter; provided, any such abandoned vehicle which is located on private property shall not be removed or impounded until the Board has given written notice of intent to remove said abandoned vehicle ten days prior thereto to the property owner upon whose property said abandoned vehicle is located. The Board or its duly authorized agent may enter upon private property at all reasonable hours for the purpose of inspecting such abandoned vehicle, posting notice thereon and/or removing or impounding such abandoned vehicle. It shall be unlawful for any person to prevent the Board or its agent(s) from entering on private property for the purpose of carrying out his/her/their duties. Neither the owner, lessee, occupant of the premises from which any abandoned vehicle shall be removed nor the Village shall be liable for any loss or damage to such abandoned vehicle which occurs during its removal, while in the possession of the Village, or as a result of any subsequent disposition.

SECTION 3-203: NOTICE

Except for vehicles automatically becoming the property of the Village as set forth in Section 3-205 hereunder, the Board shall make an inquiry concerning the last registered owner of such abandoned vehicle as follows:

1. Abandoned vehicles with numbered plates affixed: to the jurisdiction which issued said plates; or
2. Abandoned vehicles with no numbered plates affixed: to the Department of Motor Vehicles.

The Village Board shall notify the last registered owner, if any, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction after five days from the date that such notice was mailed. If the agency described in Subsections 1 or 2 of this section also notifies the Board that a lien or mortgage exists, such notice shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of its removal and storage. In the event the owner does not appear within the time prescribed herein, or in the event that the owner cannot be determined, such abandoned vehicle shall be disposed of as hereinafter provided.

SECTION 3-204: DISPOSITION

The Village Board shall sell said abandoned vehicle at public auction to the highest bidder within 60 days from the date that title to such abandoned vehicle is vested in the Village as provided in Section 3-205 hereafter. Such sale and the time and place thereof shall be advertised for one week in a newspaper of general circulation in the Village. Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the Village, shall be held by the Village without interest for the benefit of the owner of such abandoned vehicle for a period of two years. If not claimed within such two-year period, such proceeds shall be paid into the general fund of the Village.

SECTION 3-205: TRANSFER OF TITLE

If an abandoned vehicle at the time of abandonment has no numbered plates of the current year affixed and is of a wholesale value of \$250.00 or less, taking into consideration the vehicle's condition as determined by the Village Board, title shall immediately vest in the Village and the Board is not required to follow Section 3-203 herein. With respect to those abandoned vehicles governed by Section 3-203 herein, title to such vehicles, if unclaimed, shall vest in the Village five days from the date the notice referred to therein is mailed or, if the last registered owner cannot be determined, when notice of that fact is received by the Board. Upon the sale of an abandoned vehicle at auction, the Village shall furnish the purchaser with the requisite affidavit to provide to the county clerk where the vehicle was last registered that said vehicle was abandoned and became the property of the Village prior to the sale.

SECTION 3-206: PENAL PROVISIONS

Any person who violates any of the prohibitions or provisions of this article shall be deemed guilty of a misdemeanor and fined in a sum not to exceed \$500.00. Source: Neb. Rev. Stat. §60-1901 through 60-1911

ARTICLE III - PARKING

SECTION 3-301: 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.

Source: Neb. Rev. Stat. §39-674

SECTION 3-302: 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, in such manner as to have both right wheels within 12 inches of the curb and so as to leave at least four feet between the vehicle so parked and any other parked vehicle. 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. No person shall park a vehicle so as to obstruct a private driveway or drive for any period of time. No person shall park a vehicle, or permit it to stand, within 15 feet in either direction from the entrance of any fire station.

Source: Neb. Rev. Stat. §39-672 and 39-673

SECTION 3-303: PARKING; AREAS

The Village Board may, by resolution, set aside and post any street, alley, public way or portion thereof for the parking of any particular kind or class of vehicle. Where the parking of vehicles has been prohibited by resolution, 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. The placement of "no parking" or restricted parking signs shall be prima facie evidence of the restricting resolution.

SECTION 3-304: OBSTRUCTING ALLEY

No vehicle, while parked, shall have any portion thereof projecting into any alley entrance.

SECTION 3-305: ALLEYS; LOADING AND UNLOADING

No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one hour. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley.

SECTION 3-306: UNLOADING; FREIGHT VEHICLES

Vehicles of an overall length of less than 20 feet, including load, while discharging freight may back to the curb, but shall occupy as little of the street as possible.

SECTION 3-307: FIRE HYDRANTS AND STATION

No vehicle shall be parked within 15 feet in either direction of any fire hydrant or fire station. The

curb space within such area of 15 feet in either direction of such fire hydrant or station shall be painted red to indicate such prohibition.

Source: Neb. Rev. Stat. §39-672

SECTION 3-308: SCHOOLS, THEATERS

The Village Board may, by resolution, prohibit the parking or stopping of vehicles at the curb on streets directly in front of any entrance to a school house, school building, fire station or theater, and if such parking shall be prohibited by resolution, such curbs adjacent to the entrance of said school house, school building, fire station or theater shall be painted red to indicate such prohibition.

SECTION 3-309: CURB INTERSECTIONS

No vehicle shall be parked or left standing for any purpose near the intersection of curb lines where said curb lines are painted red to indicate such prohibition. In no case shall any vehicle be parked within 25 feet of the intersection of the curb lines, whether painted red or not. In the absence of curbs, parking shall be prohibited within 15 feet of the intersection of property lines which establish the street right of way.

Source: Neb. Rev. Stat. §39-672

SECTION 3-310: OBSTRUCTING TRAFFIC

No vehicle shall, except in case of an accident or emergency, stop within any street intersection or alley entrance or any such location as to obstruct any street, crosswalk or alley entrance.

Source: Neb. Rev. Stat. §39-672

SECTION 3-311: CURBS, PAINTED

It shall be the duty of the Village Board to cause the curb space to be painted and to keep the same painted as in this article provided. 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.

SECTION 3-312: DISPLAY OR REPAIR OF VEHICLES

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

SECTION 3-313: EMERGENCY VEHICLES

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

SECTION 3-314: TIME LIMIT

The chairman and Board of Trustees may, by resolution, entirely prohibit or fix a time limit for the parking and stopping of vehicles in any street or district designated in 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.

SECTION 3-315: SNOW REMOVAL

The chairman of the Village Board shall have the power to proclaim a snow emergency in the case of a severe snowstorm. In the event a snow emergency is called, the village 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. 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 to a suitable nearby location without further notice to the owner or operator of such vehicle.

SECTION 3-316: 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 any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles.

SECTION 3-317: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES; DISPLAY OF PERMITS

1. The Village Board 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 Neb. Rev. Stat. §60-311.14, (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 Village, whose motor vehicles display the permit specified in Neb. Rev. Stat. §18-1739, and (d) 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.

2. If the Village 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.

Source: Neb. Rev. Stat. §18-1736, 18-1737

SECTION 3-318: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING STALLS OR SPACES

The Village Board 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 Neb. Rev. Stat. §60-311.14

R.S., (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.

Source: Neb. Rev. Stat. §18-1737

SECTION 3-319: 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 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.

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

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.

Source: Neb. Rev. Stat. §18-1738, 18-1741.01

SECTION 3-320: HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE

1. The village clerk shall take an application from a handicapped or disabled person or temporarily handicapped or disabled person or his/her parents, 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.

2. 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.

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 signed by a physician, physician's 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's 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.

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 3-321, but not both.

5. 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.

Source: Neb. Rev. Stat. §18-1738, 18-1738.02

SECTION 3-321: HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERM IT ISSUANCE

1. 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 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 village clerk shall not accept the application for a permit of any person making application contrary to the provisions of Section 18-1738.02 R.S.

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 village clerk by the Department of Motor Vehicles, and shall demonstrate to the village 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 3-320, but not both.

5. 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.

Source: Neb. Rev. Stat. §18-1738, 18-1738.02

SECTION 3-322: 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 parking permit which has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to Section 3-324. 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

village clerk. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued.

Source: Neb. Rev. Stat. §18-1739

SECTION 3-323: HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL; FEE

1. All permanently issued permits authorized under this article for handicapped or disabled parking shall be issued for a period ending September 30th 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 village clerk within 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 within 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 30 day period.

2. All permits authorized under this article for temporarily handicapped or disabled parking shall be issued for a period ending not more than six months after the date of issuance but may be renewed 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.

SECTION 3-324: HANDICAPPED OR DISABLED PERSONS; PERMITS NON-TRANSFERABLE; 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.

Source: Neb. Rev. Stat. §18-1741

SECTION 3-325: 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 Village 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 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 aboveground 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.

2. Anyone who parks a vehicle 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 3-31 9 and shall be subject to the procedures as set forth in Section 3-326 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 article.

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 Village of a violation of this section prior to the Village issuing the violator a handicapped parking infraction citation.

Source: Neb. Rev. Stat. §18-1737

SECTION 3-326: 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 Village Board 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 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.

3. At least 24 hours before the time set for 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 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/her right to trial.

5. For any handicapped parking citation issued for a handicapped parking infraction by reason of the failure to a vehicle to display a handicapped parking permit issued pursuant to Section

18-1738 or 18-1738.01 RS., the complaint shall be dismissed if, within seven business days after the date of issuance of the citation, the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his/her own right of a handicapped parking permit issued under Neb. Rev. Stat. §18-1738 or 18-1738.01 and that the peace officer has personally viewed the permit.

Source: Neb. Rev. Stat. §18-1741.01, 18-1701.04, 18-1741.06

SECTION 3-327: LIVESTOCK CARRIERS; RESTRICTIONS IN RESIDENTIAL DISTRICT

No livestock truck, loaded with livestock or otherwise, shall stand or park for any period of time except in a "truck parking area."

SECTION 3-328: TANKERS AND TRANSPORT TRUCKS; RESTRICTIONS

No oil tanker, gasoline transport or tank truck for transporting inflammable liquids, loaded or employ, shall park or stop for any period of time within any truck parking lot provided in this article or within the limits of any other street or alley of the Village, except to load or unload its cargo in a safe and expeditious manner; provided that drivers of such oil tankers, gasoline transports or tank trucks may stop or park such vehicles one time while en route through the corporate limits of the Village within the limits of any truck parking lot designated in this article for a period of time not more than 30 minutes for rest and meals; provided further that in the case of breakdown or stalling on account of exhaustion of fuel on any such streets, the stopping of the disabled vehicle for the reasonable time necessary to remove the same to the next point where repairs can be made or to meet the emergency shall not be a violation of this section. No oil tanker, gasoline transport or tank truck, whether containing any inflammable materials or not, shall park or stop for any period of time on any private premises within the Village except for the purpose of loading or unloading or breakdowns, unless such private premises is used and employed exclusively for the wholesale or retail petroleum business with ample facilities for parking oil tankers and gasoline transports or tank trucks if such use is not in violation of any other section of this code: No refrigerator or reefer truck or trailer shall park or stop for any period of time within the residential area of the Village. .

ARTICLE IV - BICYCLES, MOTORCYCLES AND ALL-TERRAIN VEHICLES

SECTION 3-401: BICYCLE OPERATION

1. No person shall ride or propel a bicycle on a street or other public highway of this village with another person on the handlebars or in any position in front of the operator.
2. No bicycle shall be ridden faster than is reasonable and proper, but every bicycle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and public highways.
3. Persons riding bicycles shall observe all traffic signs and stop at all stop signs.

4. No bicycle shall be permitted on any street or other public highway from one-half hour after sunset to one-half hour before sunrise without a headlight, visible under normal atmospheric conditions from the front thereof for not less than 500 feet, firmly attached to such bicycle and properly lighted, nor without a yellow or red light reflector attached to and visible 500 feet from the rear thereof. The said headlight shall emit a clear, white light.

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

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

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

Source: Neb. Rev. Stat. §39-686, 39-687, 39-688, 39-690, 39-691

SECTION 3-402: CLINGING TO MOTOR VEHICLE

No person riding upon any bicycle, roller skates, minibike, motorcycle, coaster, sled, skis or toy vehicle shall attach the same or himself/herself to any moving vehicle upon any roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person traveling upon any bicycle, roller skates, minibike, motorcycle, coaster, sled, skis or toy vehicle to cling to or attach himself/herself or his/her bicycle, roller skates, minibike, motorcycle, coaster, sled, skis or toy vehicle to such vehicle so driven and operated by him/her. Source: Neb. Rev. Stat. §39-689 and 39-696

SECTION 3-403: MOTORCYCLE OPERATION

1. Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter.

2. Any person who operates a motorcycle shall ride only upon a permanent and regular seat attached thereto, and shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

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

4. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him/her from keeping both hands on the handlebars.

5. No operator shall carry any person, nor shall any person ride, in a position that will interfere

with the operation or control of the motorcycle or the view of the operator.

6. A motorcycle shall be entitled to full use of a traffic lane of any highway and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such land. This subsection shall not apply to motorcycles operated two abreast in a single lane.

7. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

8. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

9. Motorcycles shall not be operated more than two abreast in a single lane.

10. Subsections 7 and 8 of this section shall not apply to police officers in the performance of their official duties.

Source: Neb. Rev. Stat. §39-692, 39-694

SECTION 3-404: MOTORCYCLE; LIGHTS

No person shall ride a motorcycle upon the streets, alleys or highways from one half hour after sunset to one half hour before sunrise, unless the same shall be equipped with at least one and not more than two headlights, plainly visible from the front and with a light on the rear exhibiting a red light visible under normal atmospheric conditions from a distance of at least 500 feet to the rear thereof; provided, said lamps shall comply with the requirements and limitations of the statutes of the State of Nebraska.

SECTION 3-405: ALL-TERRAIN VEHICLES; DEFINED

As used in this article, unless the context otherwise requires, "all-terrain vehicle" shall mean any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 600 pounds or less, (3) travels on three or more low pressure tires, (4) is designed for operator use only with no passengers, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control.

All-terrain vehicles which have been modified to include additional equipment not required by Section 3-407 and 3-408 of this article shall not be registered under Chapter 60, Article 3.

Source: Neb. Rev. Stat. §60-2801

SECTION 3-406: ALL-TERRAIN VEHICLES; OPERATION

Except as provided in subsections 1 through 3 of this section, an all-terrain vehicle shall not be operated on any street, road or highway within the Village. The crossing of any controlled-access highway shall not be permitted.

1. The crossing of a street, road or highway shall be permitted only if:

- a. The crossing is made at an angle of approximately 90 degrees to the direction of the street, road 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, road or highway;
- c. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- d. In crossing a divided street, road or highway, the crossing is made only at an intersection of such street, road or highway with another street, road or highway;

and

- e. Both the headlight and taillight of the vehicle are on when the crossing is made.
2. An all-terrain vehicle may be operated on a street, road or highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicle's use for agricultural purposes. Any person operating an all-terrain vehicle on a street, road or highway shall have a valid Class 0 operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4-126, and shall not operate such vehicle at a speed in excess of 30 miles per hour. When operated on a street, road or highway, 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 the ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.
3. All-terrain vehicles may be operated on streets, roads or highways in parades which have been authorized by the State of Nebraska or the Village.

SECTION 3-407: ALL-TERRAIN VEHICLES; HEADLIGHTS

Every all-terrain vehicle shall display a lighted headlight and taillight during the period of time from one-half after sunset to one-half hour before sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions.

Source: Neb. Rev. Stat. §60-2803

SECTION 3-408: ALL-TERRAIN VEHICLES; EQUIPMENT, REQUIREMENT

Every all-terrain 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 United States Forest Service qualified spark arrester. Source: Neb. Rev. Stat. §6-2804

SECTION 3-409: ALL-TERRAIN VEHICLES; PROHIBITIONS

No person shall:

1. Equip the exhaust system of an all-terrain vehicle with a cutout, bypass or similar device;
2. Operate an all-terrain vehicle with an exhaust system so modified; or
3. Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.
Source: Neb. Rev. Stat. §60-2805

SECTION 3-410: ALL-TERRAIN VEHICLES; ACCIDENT REPORT

If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner as provided in Section 60-505.
Source: Neb. Rev. Stat. §6-2807

SECTION 3-411: ALL-TERRAIN VEHICLES; PENALTY

Any violations of Sections 3-406 to 3-410 of this article which are also a violation under Chapter 39 or Chapter 60 of RS. Neb. may be punished under the penalty provisions of such chapter.
Source: Neb. Rev. Stat. §60-2808

SECTION 3-412: ALL-TERRAIN VEHICLES; ENFORCEMENT

Any peace officer of the State or of any political subdivision, including conservation officers of the Game and Parks Commission, shall be charged with the enforcement of the provisions of Section 3-406 to 3-410 of this article.

ARTICLE V - PENAL PROVISION

SECTION 3-501: VIOLATION; PENALTY

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

