

Chapter Five

TRAFFIC

Article 1. Definitions

§5-101 DEFINITIONS.

The words and phrases used in this Chapter, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Chapter 60, Article 6 of the Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. *(Ref 60-606 through 60-676 RS Neb) (Amended by Ord 612, 5/23/94)*

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 when towing a semi-trailer 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. *(Amended by Ord 909, 3/23/2013)*

§5-202 ONE-WAY TRAFFIC:

The Governing Body may, by resolution, provide for one-way travel in any street, or alley located in the Municipality and shall provide for appropriate signs and markings when said streets have been so designated by resolution. *(Ref 60-680 RS Neb)*

§5-203 TRAFFIC LANE; DESIGNATION:

The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. *(Ref 60-680 RS Neb)*

§5-204 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 60-680 RS Neb)*

§5-205 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. *(Ref 60-6,160, 60-680 RS Neb)*

§5-206 RIGHT-OF-WAY:

1) 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.

(2) 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.

(3) 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.

(4) The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk.

(5) 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.

(6) 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 through 60-6,154 RS Neb) (Amended by Ord 613, 5/23/94)*

§5-207 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 of the main traveled portion of the roadway. *(Ref 60-6,131 RS Neb)*

§5-208 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)*

§5-209 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 through 60-6,121, 60-680 RS Neb)*

§5-210 STOP SIGNS:

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line, or, if there is no stop line, before entering the crosswalk; but if neither is indicated, then as near the right-of-way line of the intersecting roadway as possible. *(Ref 60-6,119 through 60-6,121, 60-680 RS Neb)*

§5-211 SIGNS, TRAFFIC CONTROL DEVICES, TRAFFIC SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH:

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. *(Ref 60-6,129, 60-6,130 RS Neb) (Ord 559, 11/27/89)*

§5-212 SCHOOL CROSSING ZONES; DESIGNATION:

(1) Section 60-682.01 RS Neb provides fines for operating a motor vehicle in violation of authorized speed limits and states that the fines are doubled if the violation occurs within a school crossing zone.

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

(3) The Governing Body may, by resolution, designate to the public any area of a roadway, other than a freeway, as a school crossing zone through the use of a sign or traffic control device as specified by the Governing Body in conformity with the Manual on Uniform Traffic Control Devices. Any school crossing zone so designated starts at the location of the first sign or traffic control device identifying the school crossing zone and continues until a sign or traffic control device indicates that the school crossing zone has ended. *(Ref 60-658.01 RS Neb) (Ord 730, 10/26/98)*

Article 3. Prohibitions and Enforcement

§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 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 60-6,129 RS Neb)*

§5-303 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)*

§5-304 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 60-680 RS Neb)*

§5-305 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, 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. *(Ref 39-662, 39-663 RS Neb)*

§5-306 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 lengths (1 ½) of the vehicle. *(Ref 39-675, 60-680 RS Neb)*

§5-307 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 39-628, 39-694 RS Neb)*

§5-308 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 39-681 RS Neb)*

§5-309 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 39-676 RS Neb)*

§5-310 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. 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 60-6,286 RS Neb)*

§5-311 EMERGENCY REGULATIONS:

The Chief of Police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. *(Ref 60-435 RS Neb) (Amended by Ord 390, 3/22/76)*

§5-312 TRAFFIC CITATIONS; FORM AND RECORDS:

The Municipal Clerk shall provide, in appropriate form, traffic citations containing notices to appear. The Municipal Clerk shall be responsible for the issuance of such books, and shall maintain a record of every such book, and each citation number therein issued to the Municipal Police. The Clerk shall require and retain a receipt for every book so issued. The Municipal Clerk shall require the return of all copies of every traffic citation which has been spoiled, or upon which any entry has been made, and not issued to an alleged violator.

§5-313 TRAFFIC CITATION; ILLEGAL CANCELLATION:

Any person who cancels, or solicits the cancellation of any traffic citation in any manner other than as provided herein, shall be guilty of a misdemeanor. (*Ref 60-680 RS Neb*)

§5-314 RADAR DEVICE; PROHIBITED:

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

For purposes of this section unless the context otherwise requires:

- (1) Radar transmission device shall mean any mechanism designed to interfere with the reception of radio microwaves in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles;
- (2) Possession shall mean to have a device defined above in a motor vehicle if such device is not:
 - (a) Disconnected from all power sources and
 - (b) In the rear trunk, which shall include the spare tire compartment, or any other compartment which is not accessible to the driver or any other person in the vehicle while such vehicle is in operation. If no such compartment exists in a vehicle, then such device must be disconnected from all power sources and be placed in a position not readily accessible to the driver or any other person in the vehicle; and
- (3) Transceiver shall mean an apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver. (*Ref 60-6,275 through 60-6,276 RS Neb*) (*Ord 467, 9/13/82*)

§5-315 DRUNKEN DRIVING: (*Repealed by Ord 633, 5/23/94*)

§5-316 SPEED LIMITS; DESIGNATED STREETS:

No person shall operate a motor vehicle on any of the following streets at a rate of speed greater than indicated below. Appropriate signs shall be posted:

- a. On State Highway No 50 from 9th Street to 7th Street: 30 miles per hour;
 - b. On State Highway No 8 from "D" Street to "H" Street: 30 miles per hour;
 - c. On "D" Street (a one way street) North from 7th Street to 9th Street: 15 miles per hour;
 - d. On 9th Street (a one way street) East from "D" Street to "E" Street: 15 miles per hour;
 - e. On "E" Street (a one way street) South from 9th Street to 7th Street: 15 miles per hour.
- (*Ref 30-662, 60-6,190 RS Neb*) (*Ord 489, 3/12/84*)

§5-317 CHILD PASSENGERS; USE OF RESTRAINT SYSTEM OR OCCUPANT PROTECTION SYSTEM:

(1) For purposes of this section, occupant protection system has the meaning provided in section 60-6,265 RS Neb.

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

1. 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

2. 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.

(b) Division (2) (a) 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.

(3) 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 (2) 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.

(4) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (2) when operating such authorized emergency vehicles pursuant to their employment.

(5) A driver of a motor vehicle shall not be subject to the requirements of division (2) 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*)

(6) (a) A person violating any provision of division (2) 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 (2), shall not be treated as a separate offense.

(b) Enforcement of division (2) (a) 1. 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*) (*Ord 521, 10/12/87*) (*Amended by Ords 572, 1/28/91; 762, 9/24/01; 800, 11/24/03; 813, 12/27/05*)

§5-318 MOTORCYCLE; HELMET REQUIRED:

A person shall not operate or be a passenger on a motorcycle or moped on any highway unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No 218, 49 C.F.R. 571.218, for motorcycle helmets. (*Ref 60-6,278 through 60-6,282 RS Neb*) (*Ord 548, 9/26/88*) (*Amended by Ord 620, 5/23/94*)

§5-319 DRIVING ON SHOULDERS OF HIGHWAY:

No person shall drive on the shoulders of highways, except that (1) vehicles may be driven onto the shoulders of roadways (a) by federal mail carriers while delivering the United States mail or (b) to safely remove a vehicle from traffic lanes and (2) implements of husbandry may be driven onto the shoulders of roadways. (*Ref 60-6,142 RS Neb*) (*Ord 549, 9/26/88*)

§5-320 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 riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle to cling or attach himself or the bicycle to such vehicle driven and operated by him. (*Ref 60-6,316 RS Neb*) (*Ord 614, 5/23/94*)

§5-321 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 & 320.01, 60-321, 60-323, 60-4,186 RS Neb*)(*Ord 615, 5/23/91*)(*Amd Ord 664, 2/26/96*)

§5-321.01 REGISTRATION; MOTOR VEHICLE FEE:

(1) DEFINITIONS: For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) LIMITS OF THE CITY. Includes the extraterritorial zoning jurisdiction of the city.

PERSON. Includes bodies corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, cooperatives, and associations. Person does not include any federal, state, or local government or any political subdivision thereof.

(B) Except as otherwise provided in division (D) of this section, the governing body of the city shall have power to require any individual whose primary residence or person who owns a place of business which is within the limits of the city and that owns and operates a motor vehicle within such limits to pay an annual motor vehicle fee and to require the payment of such fee upon the change of ownership of such vehicle. All such fees which may be provided for under this section shall be used exclusively for constructing, repairing, maintaining, or improving streets, roads, alleys, public ways, or parts thereof or for the amortization of bonded indebtedness when created for such purposes.

(2) To ensure compatibility with the Vehicle Title and Registration System maintained by the Department of Motor Vehicles:

(A) Any (city/village) that collects the annual motor vehicle fee authorized under this section shall use the plate types listed under Neb. RS 60-3,104 and, as applicable, weight categories listed under the Motor Vehicle Registration Act when reporting information to the Vehicle Title and Registration System; and

(B) Any (city/village) that adopts an annual motor vehicle fee under this section or that modifies an existing motor vehicle fee shall notify the Department of Motor Vehicles of such new or modified fee within 10 business days after the passage of the ordinance authorizing such new or modified fee and at least 60 days prior to the implementation of such new or modified fee.

(C) No motor vehicle fee shall be required under this section if:

(1) A vehicle is used or stored but temporarily in the city for a period of six months or less in a 12-month period;

(2) An individual does not have a primary residence or a person does not own a place of business within the limits of the city and does not own and operate a motor vehicle within the limits of the city; or

(3) An individual is a full-time student attending a postsecondary institution within the limits of the city and the motor vehicle's situs under the Motor Vehicle Certificate of Title Act is different from the place at which he or she is attending such institution.

(D) After December 31, 2012, no motor vehicle fee shall be required of any individual whose primary residence is or person who owns a place of business within the extraterritorial zoning jurisdiction of the city.

(E) The fee shall be paid to the County Treasurer of the county in which the city is located when the registration fees as provided in the Motor Vehicle Registration Act are paid. These fees shall be credited by the County Treasurer to the road fund of the city. (*Neb RS 18-1214*) *Statutory Ref: Motor Vehicle Registration Act, Neb RS 60-301. (Ord 907, 1/28/2013; 1004, 8/9/2021)*

§5-322 REGISTRATION; TRAILERS:

No trailer, semitrailer, 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*) (*Ord 616, 5/23/91*) (*Amended by Ord 665, 2/26/96*)

§5-323 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*) (*Ord 617, 5/23/91*)(*Amended by Ord 666, 2/26/96*)

§5-324 BICYCLES; 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 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) (Ord 618, 5/23/94)

§5-325 MOTORCYCLES; LIGHTS:

No person shall operate a motorcycle upon the streets, alleys, or highways within the Municipality from sunset to sunrise unless the same is equipped with at least one (1) and not more than two (2) headlights and a taillight exhibiting a red light visible from a distance of at least five hundred feet (500') to the rear of such motorcycle. The headlights shall comply with the requirements and limitations set forth in the Nebraska Rules of the Road. *(Ref 60-6,219 RS Neb) (Ord 619, 5/23/94)*

§5-326 MOPEDS; OPERATOR'S LICENSE REQUIRED:

No person shall operate a moped upon the streets, alleys, or highways within the Municipality unless such person has (1) a valid Class O operator's license or (2) a valid school or learner's permit. *(Ref 60-6,310 RS Neb) (Ord 621, 5/23/94)*

§5-327 MOPEDS; TRAFFIC REGULATIONS APPLICABLE:

(1) Any person who rides a moped upon a roadway shall have all the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application. Such regulations applicable to mopeds shall apply whenever a moped is operated upon any street, alley, or highway within the Municipality or upon any path set aside by the Department of Transportation or the Municipality for the use of mopeds. Notwithstanding any established maximum speed limits in excess of twenty-five (25) miles per hour, no person shall operate any moped at a speed in excess of thirty (30) miles per hour. (*Ref 60-6,311, 60-6,313 RS Neb*) (*Ord 622, 5-23-94*) (*Amending Ord 949, 3/12/2018*)

§5-328 MOPEDS; OPERATION:

(1) Any person who operates a moped shall ride only upon a permanent and regular seat attached to the moped. A person operating a moped shall not carry any other person nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one (1) person.

(2) A person shall ride upon a moped only while sitting astride the seat, facing forward.

(3) No person shall operate a moped while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that interferes with the operation or control of the moped or the view of the operator.

(5) Any moped which carries a passenger shall be equipped with footrests for such passenger. (*Ref 60-6,312 RS Neb*) (*Ord 623, 5/23/94*)

§5-329 MOPEDS; USE OF TRAFFIC LANES:

(1) A moped shall be entitled to full use of a traffic lane or any of any highway with an authorized speed limit of forty-five (45) miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two abreast in a single lane.

(2) No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.

(3) Mopeds shall not be operated more than two (2) abreast in a single lane.

(4) Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five (45) miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.

(5) No person who rides upon a moped shall attach himself, herself, or the moped to any other vehicle on a roadway.

(6) Mopeds shall not be operated on the sidewalks. (*Ref 60-6,313 RS Neb*) (*Ord 624, 5/23/94*)

§5-330 SCHOOL CROSSING ZONES; OVERTAKING AND PASSING:

A person operating a motor vehicle may not overtake and pass another vehicle in any school crossing zone designated by the Governing Body in which the roadway has only one lane of traffic in each direction. (*Ref 60-6,134.01 RS Neb*) (*Ord 731, 10/26/98*)

§ 5-331 ENGINE BRAKES, PROHIBITED:

The use of engine brakes is prohibited within the corporate limits of the city. Appropriate signs shall be posted. (*Ord 769, 2/25/02*)

§5-332 LOADS; SPILLING OR SHIFTING:

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

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

(3) No person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be either tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle. (*Ref 60-6,304 RS Neb*) (*Ord 799, 11/24/03*)

§ 5-333 PEDESTRIAN/BICYCLE TRAILS; MINI-BIKES AND OTHER MOTORIZED VEHICLES:

No person shall operate a mini-bike or similar two-wheeled, three-wheeled, or four-wheeled miniature vehicle, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, or any motor vehicle, motorcycle, moped or other motorized vehicle upon any pedestrian/bicycle trail. (*Ord 822, 4/10/06*)

§ 5-334 PEDESTRIAN/BICYCLE TRAILS; HORSES AND OTHER ANIMALS:

No person shall permit or allow a horse, mule, burro, or other solid-hoofed animal to traverse on or across the surface or any other area designated as within a pedestrian/bicycle trail. (*Ord 824, 4/24/06*)

Article 4. Parking

§5-401 PARKING; GENERALLY:

No person shall park any vehicle, or approach the curb with a vehicle, except when headed in the direction of the traffic, and except when parallel parking as provided herein. 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 inches (12") of the curb or edge of the roadway, and so as to leave at least four feet (4') 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. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (*Ref 60-680, 60-6,167 RS Neb*) (*Amended by Ord 626, 5/23/94*)

§5-402 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*)

§5-403 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*)

§5-403.01 PARKING; PROHIBITED:

No person or entity shall park along the following areas at any time:

- (1) West side of B Street from 7th Street to 10th Street.
- (2) East side of E Street from 11th Street to 12th Street.
- (3) 7th Street from B Street to E Street.

(*Ord 772-B, 11/14/02*) (*Amended by Ords 776, 7/14/03; 778, 7/28/03*)

§5-404 UNLOADING; FREIGHT VEHICLES:

Vehicles while discharging or loading freight may back to the curb, but shall occupy as little of the street as possible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload. Where possible, such vehicles shall be parked in areas designated as loading zones. It shall be unlawful for the operator or any vehicle to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway or public alley, or on a sidewalk.

§5-405 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 39-672 RS Neb)*

§5-406 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)*

§5-407 PARKING; OBSTRUCTING ALLEY:

No vehicle while parked in an alley shall be parked so as to leave less than ten (10') feet on one side of such vehicle for free and clear passage of other vehicles.

§5-408 PARKING; CURBS, PAINTED:

It shall be the duty of the Utilities Superintendent 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)*

§5-409 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)*

§5-410 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)*

§5-411 PARKING; MAXIMUM TIME LIMITS:

(A) The parking of a motor vehicle on a public street or in a City parking lot for over seventy-two (72) consecutive hours is unlawful, except where a different maximum time limit is posted.

(B) Any person violating this section shall be punished by a fine as defined in section 5-414 of this Code. (*Amended by Ords 766, 11/12/01; 768, 2/25/02*)

§5-412 PARKING; SNOW REMOVAL AND MAINTENANCE:

(A) *Snow removal and declaration.* The Municipal Police or Utilities Superintendent may order any street or alley, or portion thereof, vacated for weather emergencies or street maintenance. 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, or if there is no suitable nearby location, the vehicle may be towed to a place of safekeeping designated by the Municipal Police. When it is necessary to move or tow any vehicle which is in violation of this section, the owner of the vehicle shall be required to pay all costs of any towing.

(B) *Parking: snow emergency route designated areas.* The following streets in the City of Pawnee City, Nebraska are hereby declared to be Snow Emergency Routes:

12th Street from C Street to F Street (Hwy 50)
E Street from 7th Street to 9th Street
F Street from 5th Street to 7th Street
G Street from 5th Street to 8th Street
5th Street from G Street to F Street
6th Street from F Street to I Street (Hospital)

(C) *Snow emergency route; parking.* A parking prohibition shall automatically go into effect on any part of any Snow Emergency Route on which there has been an accumulation of snow and/or ice of two (2) inches or more in one (1) snowfall. This prohibition shall continue on a street until said street is cleared of snow.

(D) While the emergency route prohibition is in effect, no person shall park or allow to remain parked, any vehicle on any street designated as the Snow Emergency Route.

(E) However, nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law. (*Amending Ord 900, 2/27/12; 967, 4/22/19*)

§5-413 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 39-608 RS Neb*)

§5-414 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/her. Fines shall be payable at the office of the Clerk. Such tickets shall be in the amount of fifteen dollars (\$15.00), split between ten dollars (\$10.00) parking fee and five dollars (\$5.00) administrative fee, for each violation if paid within seven (7) days from the date of issuance; provided, however if any person shall have received more than one (1) in any period of thirty (30) consecutive days, then the fine shall be twenty dollars, split between fifteen dollars (\$15.00) parking fine and five dollars (\$5.00) administrative fee, for each violation after the first violation if paid within seven (7) days from date of issuance. Should any such fine not be paid within the seven (7) day period, the Clerk shall instruct the City Attorney to file a complaint in the appropriate court. The fine for any such violation after seven (7) days or after judgment is entered against the violator shall be thirty dollars (\$30.00), plus costs. All money collected by the City Clerk under this section shall be transferred to the Clerk of the County Court at the end of each month. (*Ref 18-1729 RS Neb*) (*Amended by Ords 380, 3/22/76; 438, 1/28/80; 765, 11/26/01; 801, 10/11/04*)

§5-415 PARKING; TICKETS:

All tickets issued for violations of non-moving traffic regulations contained in this Chapter shall, in addition to information normally stated on such tickets, carry the following information:

1. The amount of the fine if paid within seven (7) days;
 2. The amount of the fine if not paid within seven (7) days;
 3. The location where payment may be made; and
 4. The fact that a complaint will be filed after seven (7) days if the fine is not paid in that time.
- (*Ref 29-423 RS Neb*)

§5-416 PARKING; STOPPING AND STANDING OF VEHICLES ADJACENT TO PAINTED CURBS:

It shall be unlawful for any person to park, stop or leave standing any vehicle upon the streets of the City adjacent to a curb which has been painted red. It shall further be unlawful for any person to park any vehicle other than for freight unloading or loading upon the streets of the City adjacent to any curb which has been painted yellow.

All persons violating this section shall be ticketed and fined in the sum set by ordinance for parking violations.

All terms used in this section shall be given the meaning ascribed to them by section 39-602 RS Neb if they appear therein. (*Ref 60-680 RS Neb*) (*Ord 444, 8/24/81*)

§5-417 PARKING; PRIVATE LOTS:

Any person parking a motor vehicle in a properly posted, restricted parking lot without the consent of the owner or tenant authorized to give permission shall be guilty of an infraction and the vehicle shall be subject to being towed away at the request of such lot owner or tenant. Any person found guilty under this section shall be subject to the penalties provided for infractions. If the identity of the operator of a motor vehicle in violation of this section cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such infraction. When any law enforcement officer observes or is advised that a motor vehicle may be in violation of this section, he or she shall make a determination as to whether a violation has in fact occurred and if so shall personally serve or attach to such motor vehicle a citation directed to the owner or operator of such vehicle, which shall set forth the nature of the violation. Any person who refuses to sign the citation or otherwise comply with the command of the citation shall be punished as provided by section 29-426 RS Neb.

Signs designating a restricted parking lot shall be readily visible and shall state the purpose or purposes for parking on the restricted parking lot, state the hours for restricted parking, and state who to contact for information regarding a towed vehicle. (*Ref 60-2401, 60-2402 RS Neb*) (*Ord 450, 10/26/81*)

§ 5-417.01 PARKING; TRUCK PARKING ROUTE:

A designated truck parking lot route shall be established as follows: 7th Street (Highway 50/8) to C Street, C Street to 5th Street and reverse route to exit. Appropriate signs shall be posted. (*Ord 769, 2/25/02*)

§5-418 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 the 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. (*Ref 39-671, 60-680 RS Neb*) (*Ord 550, 9/26/88*)

§5-419 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 hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

(2) If the Governing Body 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. *(Ref 18-1736, 18-1737 RS Neb) (Amended by Ords 627, 5/23/94; 667, 2/26/96; 701, 11/24/97; 743, 7/12/99)*

§5-420 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING STALLS OR 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 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. *(Ref 18-1737 RS Neb) (Amended by Ords 628, 5/23/94; 702, 11/24/97)*

§5-421 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 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 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 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. *(Ref 18-1738, 18-1741.01 RS Neb) (Amended by Ords 629, 5/23/94; 668, 2/26/96; 703, 11/24/97)*

§5-422 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.

(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.

(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 assistant, or nurse practitioner certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or nurse practitioner shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six (6) 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 5-423, 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, 18-1738.02 RS Neb) (Amended by Ords 669, 2/26/96; 704, 11/24/97)*

§5-423 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 5-422, 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) (Amended by Ords 670, 2/26/96; 705, 11/24/97)*

§5-424 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 5-426. 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) (Amended by Ords 599, 7/12/93; 671, 2/26/96; 706, 11/24/97)*

§5-425 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 5-422 or 5-423. 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 within 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 (6) 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) (Amended by Ords 630, 5/23/94; 672, 2/26/96; 707, 11/24/97)*

§5-426 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) (Amended by Ords 673, 2/26/96; 708, 11/24/97)*

§5-427 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 Sheriff's 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 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 5-421 and shall be subject to the procedures set forth in section 5-428 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*) (*Amended by Ords 600, 7/12/93; 631, 5/23/94; 674, 2/26/96; 710, 11/24/97*)

[Editor's Note: Sections 5-419 through 5-427 were adopted in their entirety by Ordinance No 584, 7/8/92, replacing Ordinance No 562, 11/27/89]

§5-428 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 632, 5/23/94) (Amended by Ord 709, 11/24/97)*

§ 5-429 PARKING; COMMERCIAL VEHICLES:

No person or entity shall store outdoors or park more than two (2) hours on any street, alley or public right-of-way within the City limits any commercial truck, farm truck, bus or trailer over a one (1) ton manufacturer rated hauling capacity but not including pickup trucks; provided, however, that this section shall not prohibit parking of any vehicle necessary for licensing or testing purposes or parking in areas designated by the Municipality. *(Ord 744, 10/25/99)*

Article 5. All-Terrain Vehicles

§5-501 ALL-TERRAIN VEHICLES, DEFINED; UTILITY-TYPE VEHICLES, DEFINED:

- (A) All-terrain vehicle means any motorized off-highway vehicle which
 - (1) is fifty inches or less in width,
 - (2) has a dry weight of twelve hundred pounds or less,
 - (3) travels on three or more non-highway tires, and
 - (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger.
- (B) (1) Utility-type vehicle means any motorized off-highway vehicle which
 - (a) is seventy-four inches in width or less,
 - (b) is not more than one hundred eighty inches, including the bumper, in length,
 - (c) has a dry weight of two thousand pounds or less,
 - (d) travels on four or more non-highway tires.(2) Utility-type vehicle does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles.

(C) Utility-type vehicles which have been modified or retrofitted with after-market parts to include additional equipment not required by sections 5-503 and 5-504 of this article shall not be registered under the Motor Vehicle Registration Act, nor shall such modified or retrofitted vehicles be eligible for registration in any other category of vehicle defined in the act.

§5-502 ALL TERRAIN VEHICLES; UTILITY-TYPE VEHICLES; OPERATION; RESTRICTIONS:

(1) An all-terrain vehicle or a utility-type vehicle shall not be operated on any controlled-access highway with more than two marked traffic lanes. The crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted except as provided in subsection (5) of this section. Subsections (2), (3), (4) and (5) of this section authorize and apply to operation of an all-terrain vehicle or a utility-type vehicle only on a highway other than a controlled-access highway with more than two marked traffic lanes.

- (2) A registration sticker shall be issued upon submitting the following:
 - (a) Certification from a peace officer employed with the Pawnee County Sheriff's Department stating that the all-terrain vehicle or utility-type vehicle has been inspected and complies with the equipment requirements identified in these rules and regulations.
 - (b) The person operating the all-terrain vehicle or utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.
 - (c) A \$15.00 fee paid annually for each vehicle registered, from the date of registration. The registration sticker entitles the all-terrain vehicle or utility-type vehicle to be operated on the streets and highways of the City for a period of one (1) year from the date of issuance. The annual fee shall not be prorated, and no refunds shall be allowed for any reason. A registration sticker shall be displayed on the left lower corner of the windshield of such

vehicle, or if the vehicle is not equipped with a windshield, at the left front of such vehicle.

(d) A duplicate registration sticker shall be issued by the City Clerk for lost or destroyed registration stickers without payment.

(3) An all-terrain vehicle or utility-type vehicle may be operated as authorized in subsection (3) of this section when such operation occurs only between the hours of sunrise and sunset. Any person operating an all-terrain vehicle or utility-type vehicle as authorized in subsection (3) of this section shall have a valid Class O operator's license or a farm permit as provided in section [60-4,126](#), shall have liability insurance coverage for the all-terrain vehicle or utility-type vehicle while operating the all-terrain vehicle or utility-type vehicle on a highway, and shall not operate such vehicle at a speed in excess of thirty (30) miles per hour or the posted speed limit, whichever is less. The person operating the all-terrain vehicle or utility-type vehicle shall be 16 years of age or older. When operating an all-terrain or utility-type vehicle as authorized in subsection (3) of this section, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

(4) All-terrain vehicles or Utility-type vehicles may be operated on highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(5) The crossing of a highway other than a controlled-access highway with more than two marked traffic lanes shall be permitted by an all-terrain vehicle or a utility-type vehicle only if:

(a) The crossing is made at an angle of approximately ninety degrees to the direction of the 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 highway;

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

(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made. (*Amended by Ord 1015, 8/09/21*)

§5-503 UTILITY TYPE VEHICLES; EQUIPMENT REQUIRED:

Every utility-type 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.

§5-504 UTILITY TYPE VEHICLES; PROHIBITED:

No person shall:

- (1) Equip the exhaust system of an all-terrain vehicle or utility-type vehicle with a cutout, bypass, or similar device;

- (2) Operate an all-terrain vehicle or utility-type vehicle with an exhaust system so modified; or
- (3) Operate an all-terrain vehicle or utility-type vehicle with the spark arrester removed or modified except for use in closed-course competition events.

§5-505 UTILITY TYPE VEHICLES; COMPETITIVE EVENTS; EXEMPTIONS:

All-terrain vehicles or Utility-type vehicles participating in competitive events may be exempted from sections 5-503 to 5-505 at the discretion of the Director of Motor Vehicles.

5-506 UTILITY TYPE VEHICLES; ACCIDENT; REPORT REQUIRED:

If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle or utility-type vehicle involved in the accident shall give notice of the accident in the same manner as provided in section [60-699](#).

§5-507 UTILITY TYPE VEHICLES; PENALTY:

(1) Any person who violates sections 5-502 to 5-507 of this Article or Nebraska State Statutes while operating an all-terrain vehicle or utility-type vehicle shall be subject to the following penalty:

- (a) For the first offense, use by said operator shall be prohibited within the City limits for a period of six (6) months.
- (b) For the second offense, within four (4) years from the first offense, use by said operator shall be prohibited within the City for a period of one (1) year.

(2) Any person who violates sections 5-502 to 5-507 of this Article, shall be guilty of a Class III misdemeanor, except that if such person is convicted of a second or subsequent offense within any period of one year, he or she shall be guilty of a Class II misdemeanor.

(3) Any violation of such sections which is also a violation under any other provision of Chapter 60 may be punished under the penalty provisions of such chapter. (*Amended by Ord 940, 4/24/2017 & 983, 3-23-2020*)

§5-508 ALL-TERRAIN VEHICLES; PENALTY:

Any violation of sections 5-502 to 5-507 of this Article which is also a violation under Chapter 39 or Chapter 60 of RS Neb may be punished under the penalty provisions of such Chapter. (*Ref 60-2808 RS Neb*)

§5-509 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 sections 5-502 to 5-507 of this Article.

Article 6. Penal Provision

§5-601 VIOLATION; PENALTY:

(1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500.00). A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

(2) (a) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref 17-505, 18-1720, 18-1722 RS Neb) (Amended by Ord 756, 8/28/00)*