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CHAPTER 3 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 3-101: DEFINITIONS

The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §60-606 through 60-676) (Am. by Ord. No. 938, 6/14/94)

SECTION 3-102: AUTOMATIC LIGHTS AND SIGNALS

No vehicle shall turn at any intersection where an automatic signal system is in operation except when such signal system is displaying a green light; provided, vehicles may turn on a red signal when in compliance with the provisions of this article governing such turns. No vehicle shall be turned so as to proceed in the opposite direction at any

intersection where an automatic signal system is in operation. (Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-6,123)

SECTION 3-103: AUTOMATIC SIGNAL SYSTEM

At each intersection where an automatic signal system is in operation, all vehicular and pedestrian traffic crossing such street intersection shall be governed by such automatic signal system. The display of the red signal light shall be a signal for traffic to stop outside of the street intersection. The display of the yellow signal light shall announce that traffic be ready to stop when the red light is displayed, and the green signal light shall be a signal for traffic to promptly move forward. It shall be unlawful for any person to violate any such signal. (Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-6,123)

SECTION 3-104: RIGHT TURN ON RED

Except where a traffic control device is in place prohibiting a turn, vehicles facing a steady red signal may cautiously enter the intersection to make a right turn after stopping. Such turning vehicle shall yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other vehicular traffic lawfully using the intersection. The City Council has the authority to prohibit turning right on red at any intersection within the City where it deems such a prohibition necessary; provided, those intersections where turning right on red is prohibited shall bear signs to that effect placed and printed in such a manner so as to be conspicuous from a vehicle about to enter the intersection. (Neb. Rev. Stat. §60-6,123, 60-680)

SECTION 3-105: JAYWALKING

No pedestrian shall cross any street at a place other than a crosswalk nor any street intersection diagonally. (Neb. Rev. Stat. §60-6,154, 60-680)

SECTION 3-106: TRUCK ROUTES

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

SECTION 3-107: ONE-WAY TRAFFIC

The City Council may, by resolution, provide for one-way travel in any street or alley located in the City and shall provide for appropriate signs and markings when said streets have been so designated by resolution. (Neb. Rev. Stat. §60-680)

SECTION 3-108: TRAFFIC LANES; DESIGNATION

The City Council may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. (Neb. Rev. Stat. §60-680)

SECTION 3-109: ARTERIAL STREETS; DESIGNATION

The City Council may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated. (Neb. Rev. Stat. §60-680)

SECTION 3-110: TURNING; "U" TURNS

No vehicle shall be turned so as to proceed in the opposite direction except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation or where a sign is posted indicating that "U" turns are prohibited. (Neb. Rev. Stat. §60-6,160, 60-680)

SECTION 3-111: TURNING; GENERALLY

Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right hand side of the highway and must turn the corner as near the right hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, the "center of the intersection" shall mean the meeting point of the medial lines of the highways intersecting one another. (Neb. Rev. Stat. §60-6,159)

SECTION 3-112: RIGHT-OF-WAY; GENERALLY

A. 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 police officer stationed at the intersection.

B. 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.

C. 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.

D. 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.

E. The driver of a vehicle entering a city street from a private road or drive shall yield the right-of-way to all vehicles approaching on such street.

F. 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 visible or audible signals.

(Neb. Rev. Stat. §60-6,146 through 60-6,154) (Am. by Ord. No. 939, 6/14/94)

SECTION 3-113: RIGHT-OF-WAY; EMERGENCY VEHICLES

Upon the approach of any authorized emergency vehicle, 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 emergency vehicle has passed, provided that said vehicle is being operated on official business and the driver thereof makes use of proper visual or audible signals. (Neb. Rev. Stat. §60-6,151)

SECTION 3-114: POSITION OF VEHICLE ON HIGHWAY; GENERALLY

Upon all highways of sufficient width, one-way streets excepted, the driver of a vehicle shall drive it 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. (Neb. Rev. Stat. §60-6,131)

SECTION 3-115: POSITION OF VEHICLE ON HIGHWAY; PASSING

A vehicle shall not be driven to the left of the center line of the highway in overtaking or passing another vehicle proceeding in the same direction, unless such left side is clearly visible and free from oncoming traffic for a sufficient distance to permit such overtaking and passing to be made in safety. (Neb. Rev. Stat. §60-6,136)

SECTION 3-116: CROSSWALKS

The City Council may, by resolution, establish and maintain crosswalks, by appropriate devices, markers or lines upon the street, at intersections where there is particular danger to pedestrians crossing the street and at such other places as may be deemed necessary. (Neb. Rev. Stat. §60-680)

SECTION 3-117: SIGNS, SIGNALS

The City Council 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 City's jurisdiction for the purpose of regulating or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect or refuse to comply with such regulation or prohibition. (Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

SECTION 3-118: 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. (Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

SECTION 3-119: SIGNS, TRAFFIC CONTROL AND 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. (Neb. Rev. Stat. §60-6,129, 60-6,129.01) (Ord. No. 792, 12/5/89)

SECTION 3-120: LITTERING

It shall be unlawful for any person to drop or cause to be left, upon any city highway, street or alley, except at places designated by the City Council, any rubbish, debris or waste, and any person so doing shall be guilty of littering. (Neb. Rev. Stat. §39-311)

SECTION 3-121: QUIET ZONES; UNNECESSARY NOISE

All streets or portions thereof lying within 300 feet of any hospital and which have been declared to be "quiet zones" by the City Council shall be respected as such by all drivers. No driver of any vehicle within such zones shall 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 city 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 3-122: SPEED LIMITS

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

SECTION 3-123: SPEED LIMITS; POSTED LIMITS

Speed limits have been set by ordinance on the following streets and have been appropriately posted. No person shall operate a motor vehicle on these streets at a speed greater than the following:

<i>Street</i>	<i>From</i>	<i>To</i>	<i>Time</i>	<i>Speed Limit</i>
Harrison/Hwy. 281	Douglas Street	Hynes Avenue		45 mph
Harrison/Hwy. 281	Hynes Avenue	Kros Drive		50 mph
Hwy. 20/275	Tenth Street	East city limits		35 mph
Adams Street	Third Street	Fourth Street	During school hours, 7 A.M. to 5 P.M.	15 mph
Benton Street	180 ft. W of center line of Third Street	Fourth Street	During school hours, 7 A.M. to 5 P.M.	15 mph

Benton Street	Jefferson Street	Madison Street		15 mph
Clay Street	Jefferson Street	Madison Street		15 mph
Clay Street	Fifth Street	Sixth Street	During school hours, 7 A.M. to 5 P.M.	15 mph
Douglas Street	Thurman Street	Second Street		35 mph
Douglas Street	Eighth Street	East city limits		35 mph
Douglas Street	Second Street	Eighth Street		25 mph
Hynes Avenue	Fifth Street	Seventh Street	During school hours, 7 A.M. to 5 P.M.	15 mph
Jefferson Street	Clay Street	Benton Street		15 mph
Kros Drive	Fourth Street	790 ft. E of center line of Fourth Street	During school hours, 7 A.M. to 5 P.M.	15 mph
Madison Street	Clay Street	Benton Street		15 mph
Tipperary Drive	Fifth Street	Seventh Street	During school hours, 7 A.M. to 5 P.M.	15 mph
First Street	Hynes Avenue	Kros Drive	May 1 to August 31	15 mph
First Street	Hynes Avenue	Kros Drive	September 1 to April 30	25 mph
Fourth Street/ South Highway 281	RP 182 + 58	RP 182 + 44		65 mph
Fourth Street/ South Highway 281	South ROW line of C & NW RR (RP 182 + 95)	RP 182 + 58		45 mph
Fourth Street	180 ft. N of center line of Clay Street	South ROW line of C & NW RR		25 mph
Fourth Street	180 ft. N of center line of Clay Street	Adams Street	During school hours, 7 A.M. to 5 P.M.	15 mph
Fourth Street	180 ft. S of center line of Kildare Street	Kros Drive	During school hours, 7 A.M. to 5 P.M.	15 mph
Fifth Street	Williams Street	Tipperary Drive	During school hours, 7 A.M. to 5 P.M.	15 mph

(Am. by Ord. Nos. 512, 7/3/79; 523, 11/6/79; 575, 4/2/81; 578, 5/7/81; 703, 9/2/86; 747, 3/1/88; 779, 9/5/89; 780, 10/3/89; 783, 11/7/89; 885, 10/6/92; 886, 11/10/92; 960, 11/1/94; 986, 6/6/95; 1044, 1/21/97; 1079, 11/17/97; 1328, 3/4/13; 1340, 8/4/14)

SECTION 3-124: SPEED; ELECTRONIC DETECTION

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

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

B. The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his or her badge of authority; provided, such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded and must include a description of the vehicle and the recorded speed.

(Neb. Rev. Stat. §60-6,192) (Am. by Ord. No. 653, 1/3/84)

SECTION 3-125: NEGLIGENT DRIVING

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

SECTION 3-126: CARELESS DRIVING

Any person who drives any motor vehicle in the City carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. (Neb. Rev. Stat. §60-6,212) (Ord. No. 528, 11/6/79)

SECTION 3-127: BACKING

It shall be unlawful for any person to back a motor vehicle on the city 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 of the vehicle.

SECTION 3-128: UNNECESSARY STOPPING

It shall be unlawful for any person to stop any vehicle on any public street or alley other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right-of-way to pedestrians or to other vehicles.

SECTION 3-129: PASSING; INTERSECTIONS

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction while traversing a street intersection, if such passing requires such overtaking vehicle to drive to the left of the center of the street. (Neb. Rev. Stat. §60-6,136)

SECTION 3-130: PASSING; HINDRANCE

The driver of a vehicle about to be overtaken and passed by another vehicle shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle. (Neb. Rev. Stat. §60-6,133)

SECTION 3-131: DRIVING ABREAST

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

SECTION 3-132: FOLLOWING; DISTANCE

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles, the traffic and condition of the street. (Neb. Rev. Stat. §60-6,140)

SECTION 3-133: SIDEWALK SPACE

No motor vehicle or livestock shall be driven or ridden within any sidewalk space, except a permanent or temporary driveway. (Neb. Rev. Stat. §60-6,178)

SECTION 3-134: VEHICLE; MUFFLER

Every motor vehicle operated within this city shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. It shall be unlawful to use a muffler "cut-out" on any motor vehicle upon any streets; provided, the provisions of this section shall not apply to authorized emergency vehicles. (Neb. Rev. Stat. §60-6,286, 60-2209)

SECTION 3-135: EMERGENCY REGULATIONS

The chief of police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Neb. Rev. Stat. §60-435)

SECTION 3-136: POLICE; ENFORCEMENT

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

SECTION 3-137: POLICE; REFUSAL TO OBEY

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

SECTION 3-138: POLICE; TRAFFIC OFFICERS

The City Council or the city police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer, notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection. (Neb. Rev. Stat. §60-6,212.21, 60-680, 60-683)

SECTION 3-139: LOADS; PROJECTING

When any vehicle shall be loaded in such a manner that any portion of the load extends more than 4 feet beyond the rear of the bed or the body of such vehicle, a red flag shall be displayed by day and a red light after sunset at the extreme rear end of such load. (Neb. Rev. Stat. §60-6,243)

SECTION 3-140: LOADS; SPILLING

All vehicles used for carrying coal, earth, cinders, sand, gravel, rock, asphalt, tar, or any similar substance shall be so constructed as to prevent the sifting or spilling of any of the contents. (Neb. Rev. Stat. §60-6,304)

SECTION 3-141: WEIGHT LIMITS; TENTH STREET AND SALE BARN ROAD

Weight limits are hereby set and established upon Tenth Street and the Sale Barn Road between Highway No. 275 and Tenth Street, pursuant to the weight limits that are established by the Nebraska Legislature from time to time for weight limits on state highways and it is hereby declared unlawful for any person to operate a vehicle or trailer upon said streets in violation of the weight limits established by the State. (Ord. No. 757, 10/4/88)

SECTION 3-142: SEMI-TRACTORS; ENGINE BRAKES

It shall be unlawful for any person in any part of the City to make or cause to be made loud or disturbing noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, commonly referred to as "jakebraking." The City Council shall cause notices to be posted or erect signs indicating such prohibition. (Ord. No. 1007, 2/6/96)

SECTION 3-143: AVOIDING TRAFFIC CONTROL DEVICES

It shall be unlawful for the driver of any vehicle to drive such vehicle directly from a street across property adjacent to two streets intersecting at an intersection and enter upon the intersecting street to avoid following the instructions of a traffic control device or signal erected at said intersection. (Ord. No. 1297, 6/8/09)

Article 2 – Abandoned Vehicles

SECTION 3-201: TERMS DEFINED

A. No person, firm, partnership, association, corporation or organization of any kind shall abandon any vehicle, as defined by Neb. Rev. Stat. §60-1901, within the City.

B. A motor vehicle shall be deemed to be an abandoned vehicle:

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

C. An all-terrain vehicle, a utility-type vehicle, or a mini-bike shall be deemed an abandoned vehicle:

1. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
2. If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
3. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
4. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
5. If removed from private property by the City pursuant to a municipal ordinance.

D. A mobile home shall be deemed an abandoned vehicle if left in place on private property for more than 30 days after a local governmental unit, pursuant to an ordinance or resolution, has sent a certified letter to each of the last registered owners and posted a notice on the mobile home stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. Rev. Stat. §60-1903. For purposes of this section, "mobile home" means a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be tele-

scoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in Neb. Rev. Stat. §71-4603. "Mobile home" does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. Rev. Stat. §60-169.

E. No person in charge or control of any private property, whether as owner, tenant, occupant, lessee or otherwise shall allow any unlicensed, partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than seven continuous days within the City, except one vehicle securely tarped with an appropriate vehicle cover. Any vehicle described in this paragraph shall be deemed to be an abandoned vehicle for purposes of this article.

F. For purposes of this article, "public property" shall mean (1) any public right of way, street, highway, alley, park or other city-owned property, and (2) any privately owned property which is not included within the definition of public property. Any vehicle in an enclosed building, appropriate storage pound, or depository licensed by the City 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 specially hereby excluded from this section.

(Am. by Ord. Nos. 1200, 3/4/02; 1289, 5/5/08; 1305, 4/5/10; 1347, 2/2/15)

SECTION 3-202: ENFORCEMENT

The city police 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 city police have 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 city police 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 vehicle. It shall be unlawful for any person to prevent the city police from entering on private property for the purpose of carrying out their duties. Neither the owner, lessee, occupant of the premises from which any abandoned vehicle shall be removed nor the city shall be liable for any loss or damage to such abandoned vehicle which occurs during its removal, while in the possession of the City, or as a result of any subsequent disposition.

SECTION 3-203: NOTICE

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

1. With numbered plates affixed – to the jurisdiction which issued the said plates; or
2. With no numbered plates affixed – to the Department of Motor Vehicles.

B. The city police 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 subsection (A)(1) or (2) above also notifies the city police 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 city police shall sell said abandoned vehicle at public auction to the highest bidder within 60 days from the date that title is vested in the City as provided for 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 City. Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the City, shall be held by the City 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 City.

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 city police, title shall immediately vest in the City and the city police are 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 City 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 city police. Upon the sale of an abandoned vehicle at auction, the City 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 City prior to the sale. (Neb. Rev. Stat. §60-1902)

Article 3 – Parking

SECTION 3-301: UNATTENDED VEHICLES; COASTING

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 downgrade upon any street, shall not coast with the gears of the vehicle in neutral. (Neb. Rev. Stat. §60-6,168)

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 or edge of the roadway in such manner as to have both right wheels within 12" of the curb or edge of the roadway and so as to leave at least 4 feet between the vehicle so parked and any other parked vehicle, except where the City Council designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the

curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (Neb. Rev. Stat. §60-680, 60-6,167) (Am. by Ord. No. 942, 6/14/94)

SECTION 3-303: DESIGNATION

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

SECTION 3-304: PARKING AREAS

The City Council may, by resolution, set aside any street, alley, public way or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way or portion thereof longer than a period of time necessary to load and unload freight or passengers. (Neb. Rev. Stat. §60-680)

SECTION 3-305: OBSTRUCTING ALLEY

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

SECTION 3-306: ALLEYS

No vehicle shall be parked in any alley, except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one-half 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. (Neb. Rev. Stat. §60-680)

SECTION 3-307: BUSINESS DISTRICT UNLOADING

It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any such vehicle on a street which the City Council has designated on the Official Zoning Map to be within the "business district," except to load or unload, and then only when loading or unloading in an alley is impossible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload but only after the operator of said truck has obtained permission from the city police to do so. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway, or on a sidewalk. The City Council may, by resolution, provide truck parking areas adjoining or adjacent to the business district, and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes. (Neb. Rev. Stat. §60-680)

SECTION 3-308: FIRE HYDRANTS AND STATIONS

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. (Neb. Rev. Stat. §60-6,166)

SECTION 3-309: CHURCHES, SCHOOLS, THEATERS

The City Council may, by resolution, prohibit the parking or stopping of vehicles, except for unloading of passengers or freight, at the curb on streets directly in front of any entrance to a church, church building, schoolhouse, school building, or theater. (Neb. Rev. Stat. §60-680) (Am. by Ord. No. 583, 6/4/81)

SECTION 3-310: CURB

No vehicle shall park on any street with its left side to the curb unless said street has been designated to be a "one-way" street by the City Council. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away. (Neb. Rev. Stat. §60-6,167)

SECTION 3-311: CURBS; PAINTED

It shall be the duty of the street commissioner to cause the curb spaces 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 City through its proper officers at the direction of the City Council. (Neb. Rev. Stat. §60-680)

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

SECTION 3-313: TIME LIMIT

The City Council 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. (Neb. Rev. Stat. §60-680)

SECTION 3-314: MAXIMUM TIME LIMIT

The parking of a motor vehicle on a public street for over 48 consecutive hours is unlawful, except where a different maximum time limit is posted. (Neb. Rev. Stat. §60-680)

SECTION 3-315: SNOW REMOVAL AND MAINTENANCE

A. It shall be unlawful to park or stand any vehicle on any street or alley in the City at any time within 12 hours after a snowfall of 3 inches or more has occurred within

a 24-hour period, unless the snow has been removed within that time. The streets from which snow will be first removed shall be primary routes as shown in red on the map which is available for public inspection in the office of the village clerk. After snow removal has taken place on said primary routes, the next streets on which snow will be removed shall be secondary routes as shown in yellow on the said map.

B. The city police may order any street or alley or portion thereof vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley or by posting appropriate signs along such streets or alleys. Such signs shall be posted not less than four hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this chapter.

(Neb. Rev. Stat. §17-557) (Am. by Ord. No. 533, 1/1/80)

SECTION 3-316: BUREAU OF VIOLATIONS

There is hereby created the Bureau of Violations as a branch of the office of city clerk to collect all fines for violations of non-moving traffic violations. Such fines shall be in the amount of \$10.00 for each violation if paid within ten days of the date of the ticket for such violation. The fines shall be payable at the office of the city clerk. Should any such fine not be paid within the ten-day period, the clerk shall request the city attorney to file a complaint for violation of the city ordinances and to prosecute such complaint as any other complaint for violation of a city ordinance. All money collected by the city clerk under this section shall be transferred to the city treasurer. (Neb. Rev. Stat. §18-1729) (Am. by Ord. No. 545, 9/2/80)

SECTION 3-317: SUMMONS; DESTRUCTION

It shall be unlawful for any person to tear up or destroy a parking tag placed upon any vehicle by the city police.

SECTION 3-318: PROHIBITED TRUCK PARKING

No person shall park any refrigerated truck, any truck designed or used for the transport of livestock, any truck used for carrying hazardous materials, or any truck over 20 feet in length or 15,000 pounds in weight on the public streets and alleys within the corporate limits of the City. (Ord. No. 483-A, 12/6/77) (Am. by Ord. Nos. 609, 8/5/82; 984, 4/4/95)

SECTION 3-319: ILLEGALLY PARKED VEHICLES; REMOVAL; FEES

A. 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.

B. 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 ve-

hicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles.

(Neb. Rev. Stat. §60-6,165, 60-680) (Ord. No. 758, 10/4/88)

SECTION 3-320: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES; DISPLAY OF PERMITS

A. The City Council may designate parking spaces for the exclusive use of (1) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. Rev. Stat. §60-311.14, (2) handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person of another state, (3) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose motor vehicles display the permit specified in Neb. Rev. Stat. §18-1739, and (4) such other motor vehicles, as certified by the City, 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.

B. If the City Council 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 street adjacent to the space.

(Neb. Rev. Stat. §18-1736, 18-1737) (Ord. No. 866, 2/4/92) (Am. by Ord. Nos. 930, 5/3/94; 1017, 2/6/96; 1059, 7/1/97; 1127, 4/5/99)

SECTION 3-321: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING STALLS OR SPACES

The City Council 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 handicapped or disabled persons pursuant to Neb. Rev. Stat. §60-311.14, (B) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose motor vehicles display the permit specified in Neb. Rev. Stat. §18-1739, and (C) such other motor vehicles, as certified by the City, which display such permit. Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space a sign which is in conformance with the *Manual on Uniform Traffic Control Devices*. (Neb. Rev. Stat. §18-1737) (Ord. No. 866, 2/4/92) (Am. by Ord. Nos. 930, 5/3/94; 1059, 7/1/97)

SECTION 3-322: HANDICAPPED OR DISABLED PERSONS; DEFINITIONS

For purposes of this article:

A. "Handicapped or disabled person" shall mean (1) 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, (2) any individual whose personal mobility is limited as a result of respiratory problems, (3) any individual who has a cardiac condi-

tion 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 (4) any individual who has permanently lost all or substantially all the use of one or more limbs;

B. "Temporarily handicapped or disabled person" shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such a manner for no longer than one year; and

C. "Handicapped parking infraction" shall mean the violation of any section of this article regulating (1) the use of parking spaces designated for use by handicapped or disabled persons or (2) the obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990. (Neb. Rev. Stat. §18-1738, 18-1741.01) (Ord. No. 866, 2/4/92) (Am. by Ord. Nos. 930, 5/3/94; 1016, 2/6/96; 1059, 7/1/97)

SECTION 3-323: HANDICAPPED OR DISABLED PERSONS; INDIVIDUAL PERMIT

A. The city 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 a holder to park in those spaces provided for by this article when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces. For purposes of this section, the handicapped or disabled person or temporarily handicapped or disabled person shall be considered the holder of the permit.

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

C. A person applying for a permit or for the renewal of a permit shall complete an application, provide proof of identity, and submit a completed medical form signed by a physician, a physician assistant or nurse practitioner, who shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less.

D. A person may hold only one permit under this section and may hold either a permit under this section or a permit under Section 3-324, but not both.

E. The city clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section. (Neb. Rev. Stat. §18-1738, 18-1738.02) (Ord. No. 866, 2/4/92) (Am. by Ord. Nos. 930, 5/3/94; 1018, 2/6/96; 1059, 7/1/97)

SECTION 3-324: HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT

A. The city 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 temporari-

ly handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it is issued is used for the transportation of a handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces.

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

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

D. No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under Section 3-323, but not both.

E. The city clerk shall submit to the DMV the name, address, and license number of all persons applying for a permit pursuant to this section.
(Neb. Rev. Stat. §18-1738, 18-1738.02) (Ord. No. 866, 2/4/92) (Am. by Ord. Nos. 930, 5/3/94; 1019, 2/6/96; 1059, 7/1/97)

SECTION 3-325: HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS; PROHIBITED ISSUANCE; DUPLICATES

A. 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 U. S. Department of Transportation in the *Uniform Systems for Handicapped Parking*, 23 C.F.R. Part 1235.

B. In addition to the requirements of subsection (A) 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.

C. 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 3-327. At the expiration of such suspension, a permit may be renewed upon the payment of the permit fee.

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

(Neb. Rev. Stat. §18-1739) (Ord. No. 866, 2/4/92) (Am. by Ord. Nos. 893, 2/2/93; 930, 5/3/94; 1020, 2/6/96; 1059, 7/1/97)

SECTION 3-326: HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL

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 city clerk within 30 days of the date after its expiration shall be deemed to have been filed prior to the date of its expiration and 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. (Neb. Rev. Stat. §18-1740) (Ord. No. 866, 2/4/92) (Am. by Ord. Nos. 930, 5/3/94; 1020, 2/6/96; 1059, 7/1/97; 1192, 12/3/01)

SECTION 3-327: HANDICAPPED OR DISABLED PERSONS; PERMITS NOT 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 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. (Neb. Rev. Stat. §18-1741) (Ord. No. 866, 2/4/92) (Am. by Ord. Nos. 930, 5/3/94; 1020, 2/6/96; 1059, 7/1/97; 1192, 12/3/01)

SECTION 3-328: HANDICAPPED OR DISABLED PERSONS; ISSUANCE OF CITATION; TRIAL; DISMISSAL

A. 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 City Council to exercise the authority to issue a citation for any handicapped parking infraction.

B. When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the 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 is cited 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 said citation. One copy of the citation shall be delivered to the person cited or attached to the offending motor vehicle.

C. At least 24 hours before the time to set for the appearance of the cited person, either the city 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.

D. The trial of any person for a handicapped parking infraction shall be by the

court without a jury. A person cited for a handicapped parking violation may waive his or her right to trial.

E. For any handicapped parking citation issued for a handicapped parking infraction by reason of the failure to display a handicapped parking permit issued pursuant to Neb. Rev. Stat. §18-1738 or 18-1738.01, the complaint shall be dismissed if, within seven business days after the date of the 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 Neb. Rev. Stat. §18-1738 or 18-1738.01 and that the peace officer has personally viewed the permit.

(Neb. Rev. Stat. §18-1741.01, 18-1741.04, 18-1741.06) (Ord. No. 866, 2/4/92) (Am. by Ord. Nos. 892, 2/2/93; 930, 5/3/94; 1020, 2/6/96; 1059, 7/1/97)

SECTION 3-329: HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY

A. The owner or person in lawful possession of an offstreet parking facility, after notifying the Police or Sheriff's Department and the City 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.

B. 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 where it is parked in the designated space shall be guilty of a handicapped parking infraction as defined in Section 3-322 and shall be subject to the procedures set forth in Section 3-328 and the penalty provided for in this chapter. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in this chapter.

C. In the case of a privately owned offstreet parking facility, the owner or person in lawful possession of such facility shall not be required to inform the City of a violation of this section prior to the City's issuance of a handicapped parking infraction citation to the violator.

(Ord. No. 866, 2/4/92) (Am. by Ord. Nos. 930, 5/3/94; 1059, 7/1/97)

SECTION 3-330: CITY PARKS; REGULATION

The City Council may, by resolution, entirely prohibit, fix time limits and designate specific areas for parking of vehicles within any park of the City and parking other than as so designated by resolution shall be a violation of this article. (Ord. No. 991, 7/11/95)

SECTION 3-331: SNOW EMERGENCY; DETERMINATION

Whenever the mayor or his or her officially designated representative shall find, on the basis of accumulated snow, falling snow, sleet or freezing rain or on the basis of an official forecast by the U.S. Weather Bureau of snow, sleet or freezing rain, that conditions make it necessary that parking on parts of or on all roadways of the City including but not limited to residential streets, business streets and state highways which pass through the City be prohibited or restricted for snow plowing and other purposes, the mayor may put into effect a parking prohibition on parts of or on all city roadways by declaring a snow emergency, which shall permit the mayor to declare that parking be prohibited on one or both sides of said roadways, designating either the odd- or even-numbered addresses, at his or her discretion. In such declaration, the mayor shall state the date and time on which such parking prohibition shall take effect. The prohibition shall remain in effect until terminated by announcement by the mayor, who may then declare that there shall be in effect a parking prohibition on the opposite side of those roadways designated above, which prohibition shall remain in effect until terminated by announcement of the mayor. (Ord. No. 442-A, 3/2/76)

SECTION 3-332: SNOW EMERGENCY; STALLED VEHICLES

Whenever a motor vehicle becomes stalled for any reason on any roadway on that side of a street for which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off that side of a street for which parking has not been prohibited or to another proper location. No person shall abandon or leave his or her vehicle on that side of a roadway for which parking has been prohibited, except for the purpose of seeking assistance during that actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station or other place of assistance and return without delay. (Ord. No. 442-A, 3/2/76)

SECTION 3-333: SNOW EMERGENCY; NOTICE

The mayor shall cause each declaration of a snow emergency he or she makes pursuant to this article to be publicly announced by means of broadcast or telecast from broadcasting stations with a normal operating range covering the City, and the mayor may cause such declaration to further be announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the mayor, including the time it became or will become effective, and shall specify the roadways or areas affected. The mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public by issuing an executive order as soon after the declaration of an emergency as is feasible. (Ord. No. 442-A, 3/2/76)

SECTION 3-334: SNOW EMERGENCY; TERMINATION

Whenever the mayor shall find that some or all of the conditions which gave rise to a parking prohibition placed in effect pursuant to the provisions of this article no longer

exist, he or she may declare the prohibition terminated, in whole or in part, effective immediately upon announcement or at a later specified time. (Ord. No. 442-A, 3/2/76)

SECTION 3-335: SNOW EMERGENCY; CONFLICTS WITH OTHER ORDINANCES

Any provision of these snow emergency regulations which becomes effective by declaration of the mayor upon the occurrence of a snow emergency while temporarily in effect takes precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a police officer. (Ord. No. 442-A, 3/2/76)

SECTION 3-336: SNOW EMERGENCY; REMOVAL OF VEHICLES IN VIOLATION

Members of the Police Department are hereby authorized to remove or have removed a vehicle from a roadway to another place or location on a roadway or to a lot, garage or other similar facility designated by the Department when such vehicle is parked on any roadway in violation of any parking prohibition or provision of law contained in this article and is interfering or about to interfere with snow removal operations, the cost of such vehicle removal to be paid by the owner of record of such vehicle. (Ord. No. 442-A, 3/2/76)

SECTION 3-337: SNOW EMERGENCY; LIABILITY OF VEHICLE OWNER OR OPERATOR

Nothing in the snow emergency regulations shall be construed or pleaded as justifying, absolving or rendering blameless, either directly or indirectly, any person in charge of or owning any vehicle for any injury or damage to persons or property due to recklessness, incompetence or negligence in the operation of said vehicle. (Ord. No. 442-A, 3/2/76)

SECTION 3-338: DEFINITION OF MOTOR VEHICLES AND VEHICLE

For purposes of this article of the municipal code, the terms "motor vehicle" and "vehicle" shall include any definition as provided from time to time in the Nebraska Revised Statutes and further, specifically includes any trailer of any type or other wheeled vehicle which may be pulled by a motor vehicle. (Ord. No. 990, 7/11/95)

SECTION 3-339: VIOLATION OF ARTICLE; OWNER, OPERATOR

For any violation of this article the citation or complaint may be issued to or against either the owner or operator of the vehicle. It shall be unlawful for either to violate or allow a vehicle owned by him or her to violate any provision of this article. (Ord. No. 875, 5/5/92)

Article 4 – Recreational and Off-Road Vehicles

SECTION 3-401: BICYCLE; OPERATION

A. No person shall operate a bicycle on a street or highway within the City with another person on the handlebars or in any position in front of the operator.

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

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

D. No bicycle shall be operated on any street or highway from sunset to sun-rise without a headlight visible from the front thereof for not less than 500 feet on a clear night and a red reflector on the rear of a type which shall be visible on a clear night from all distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to such red reflector.

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

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

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

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

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

I. No person shall operate a bicycle on the sidewalks within the business district. (Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318) (Am. by Ord. No. 948, 7/5/94)

SECTION 3-402: CLINGING TO MOTOR VEHICLE

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. (Neb. Rev. Stat. §60-6,316) (Am. by Ord. No. 940, 6/14/94)

SECTION 3-403: MINI-BIKES; UNLAWFUL OPERATION

It shall be unlawful for any person to operate a mini-bike upon any street or highway within the corporate limits of the City. For purposes of this article, "mini-bike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than 14 inches or an engine-rated capacity of less than 45 cubic centimeters displacement, or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §60-2101.01) (Am. by Ord. No. 624, 3/1/83)

SECTION 3-404: MINI-BIKES; PUBLIC LANDS

Mini-bikes shall be prohibited upon the public lands owned by the City except where allowed by resolution of the City Council.

SECTION 3-405: SNOWMOBILES; UNLAWFUL ACTS

A. It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

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

(Neb. Rev. Stat. §60-6,337)

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

SECTION 3-406: SNOWMOBILES; PUBLIC LANDS

Snowmobiles shall be prohibited from operation on the public lands owned by the City, except where allowed by resolution of the City Council. (Neb. Rev. Stat. §60-2016)

SECTION 3-407: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINED

A. "All-terrain vehicle" (ATV) means any motorized off-highway vehicle which (1)

is 50 inches or less in width, (2) has a dry weight of 900 pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (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. (Neb. Rev. Stat. §60-6,355)

B. "Utility-type vehicle" (UTV) means any motorized off-highway vehicle which (1) is not less than 48 inches nor more than 74 inches in width, (2) is not more than 135 inches in length, including the bumper, (3) has a dry weight of not less than 600 pounds nor more than 2,000 pounds, (4) travels on four or more low-pressure tires, and (5) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side. "Utility-type vehicle" does not include golf carts or low-speed vehicles. (Neb. Rev. Stat. §60-6,355)

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

D. An ATV or UTV shall have an engine of 200 cc or larger.
(Am. Ord. No. 1378, 6/3/19)

SECTION 3-408: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION

A. An ATV and a UTV may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

B. All such vehicles shall be registered with the City as follows:

1. All such vehicles must be registered prior to use within the city limits and have a city-issued registration slip and plate with a current date sticker attached in the lower right-hand corner of the plate, which must be attached in such a manner that it is readily visible from the rear of the vehicle. Registration slip, plate, and sticker will be issued from the O'Neill Police Department office at the time of original registration of the vehicle.
2. The initial registration fee for such vehicles named herein shall be \$30.00. Information required at the time of registration: name, address, proof of insurance, VIN, year, make, model, vehicle color and engine size.
3. All vehicle registrations must be renewed annually. The renewal registration fee for such vehicles shall be \$15.00. At the time of renewal, the City will issue a current date sticker for that year and a current vehicle registration slip. The current registration slip and proof of liability insurance must be kept with the vehicle at all times for review by any law enforcement officer upon request.

C. An ATV or UTV may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of posted speed limits. When in operation as authorized herein, the headlight and taillight of the vehicle shall be on and it

shall be equipped with a bicycle safety flag which extends not less than 5 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 30 inches and shall be Day-Glo in color.

D. Any person operating an ATV or UTV as authorized herein shall:

1. Have a valid Class O operator's license and be at least 18 years of age.
2. Have liability insurance coverage for the ATV or UTV while being operated on a street or highway. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof.
3. Wear a Nebraska Department of Transportation-approved helmet if operating an ATV or wear a seat belt if operating a UTV.
4. Obey all traffic laws.

E. ATVs and UTVs may be operated without complying with subsections (C) and (D) of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

F. An ATV or UTV shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (A) through (D) and (G) of this section authorize and apply to operation of an ATV or UTV only on a street or highway other than a controlled-access highway with more than two marked traffic lanes. None shall be operated on North Harrison Street, Douglas Street, South 4th Street, and Highway 20/275.

G. Subject to subsection (E) of this section, the crossing of a street or highway shall be permitted by an ATV or UTV without complying with subsections (B) and (C) of this section only if:

1. The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;
2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;
3. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;
4. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
5. Both the headlights and taillights of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. §60-6,356) (Am. by Ord. No. 787, 11/7/89; 941, 6/14/94; 1378, 6/3/19)

SECTION 3-409: ALL-TERRAIN VEHICLES; EQUIPMENT REQUIRED

Every ATV shall be equipped with (A) a brake system maintained in good operating condition; (B) an adequate muffler system in good working condition; (C) a United States Forest Service-qualified spark arrester; and (D) all equipment set forth in this ordinance. (Neb. Rev. Stat. §60-6,358) (Am. Ord. No. 1378, 6/3/19)

SECTION 3-410: ALL-TERRAIN VEHICLES; PROHIBITIONS

No person shall (A) equip the exhaust system of an all-terrain vehicle with a cutout, bypass or similar device; (B) operate an all-terrain vehicle with an exhaust system so modified; or (C) operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events. (Neb. Rev. Stat. §60-6,359)

SECTION 3-411: ALL-TERRAIN VEHICLES; COMPETITION

All-terrain vehicles participating in competitive events may be exempted from Sections 3-409 and 3-410 of this article at the discretion of the director of motor vehicles. (Neb. Rev. Stat. §60-6,360)

SECTION 3-412: 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 provided in Neb. Rev. Stat. §60-505. (Neb. Rev. Stat. §60-6,361)

SECTION 3-413: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PENALTY

Any person who violates any provision of these ATV-UTV regulations, specifically by operating an ATV or UTV on the streets and highways of the City in violation of any provision of this ordinance, shall be punishable as provided generally in the Municipal Code and specifically:

A. A fine of \$25.00 for the first offense; \$50.00 for the second offense; and \$100.00 for the third and any subsequent offenses;

B. For the second and subsequent offenses, in addition to the fines outlined in (A) and (C) of this section, the ATV or UTV which was operated in violation of this ordinance may be impounded for a period of ten days; and

C. The owner of any impounded ATV or UTV shall pay an impoundment fee of \$10.00 for each day of impoundment. Such fee must be paid in full prior to the release of the vehicle.

(Neb. Rev. Stat. §60-6,362) (Am. Ord. No. 1378, 6/3/19)

SECTION 3-414: ALL-TERRAIN AND UTILITY-TYPE 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 3-408 to 3-412 of this article.

Article 5 – Penal Provision

SECTION 3-501: VIOLATION; PENALTY

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