

CHAPTER 4 – VEHICLES AND TRAFFIC

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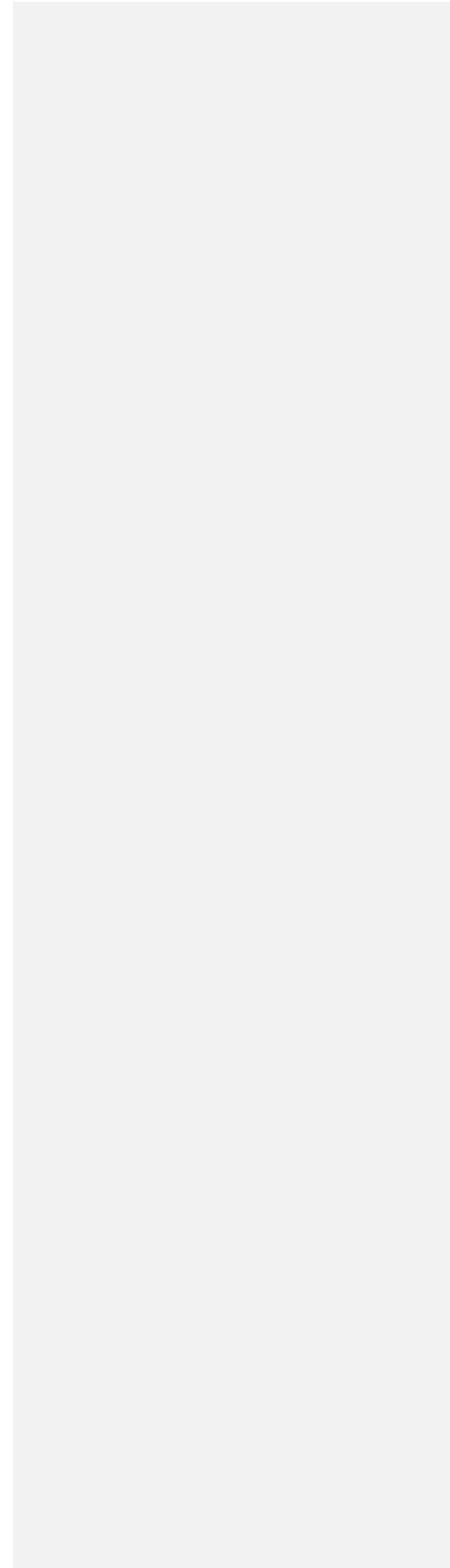
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CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 4-101: DEFINITIONS

The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60, 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)

SECTION 4-102: RULES OF THE ROAD; INCORPORATED BY REFERENCE

The Nebraska Rules of the Road, together with all subsequent amendments thereto, as adopted by the State of Nebraska relating to traffic regulations, are incorporated by reference into this section and made a part of this article as though spread at large herein, except those provisions in conflict with this article when the Village Board has the authority to alter such regulations. (Neb. Rev. Stat. §18-132)

SECTION 4-103: EMERGENCY REGULATIONS

The village police are hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

SECTION 4-104: POLICE; ENFORCEMENT

The county sheriff is hereby authorized, empowered, and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict, regulate and, when necessary, temporarily divert or exclude 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 4-105: POLICE; REFUSAL TO OBEY

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

SECTION 4-106: POLICE; TRAFFIC OFFICERS

The Village Board or the village police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer notwithstanding the directive of a stop sign or signal device which may

have been placed at any such intersection. (Neb. Rev. Stat. §60-680, 60-683)

SECTION 4-107: REGULATION BY VILLAGE BOARD

A. The Village Board may by resolution mark lanes for traffic on street pavements at such places as it may deem advisable, provide for one-way travel in any street or alley, designate any street or portion thereof as a snow route, and establish and maintain crosswalks

B. The Village Board may by resolution provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the Village's jurisdiction for the purpose of regulating or prohibiting traffic thereon.

C. Such resolutions 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.
(Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

SECTION 4-108: TRUCK ROUTES

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

SECTION 4-109: SCHOOL ZONES

It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes, during school recess or while children are going to or leaving school during the opening or closing hours, to drive such vehicle in excess of 15 miles per hour past such premises. Such driver shall stop at all stop signs located at or near such school premises and it shall be unlawful for such driver to make a "U" turn at any intersection where such stop signs are located at or near such school premises. (Neb. Rev. Stat. §60-6,190)

**SECTION 4-110: 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, 60-6,130)

SECTION 4-111: 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. (Neb. Rev. Stat. §60-6,127)

SECTION 4-112: STOP SIGNS; GENERALLY

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 4-113: CROSSING SIDEWALKS

A. The driver of a vehicle emerging from an alley, driveway, private road, or building shall stop such vehicle immediately before driving onto a sidewalk and shall yield the right-of-way to any pedestrian approaching on any sidewalk. Before entering the highway, the driver shall yield the right-of-way to all vehicles approaching on such highway.

B. The driver of a vehicle entering an alley, building, private road, or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk.
(Neb. Rev. Stat. §60-6,149)

SECTION 4-114: 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. (Neb. Rev. Stat. §60-6,164, 60-6,166)

SECTION 4-115: 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 4-116: SPEED; ELECTRONIC DETECTOR

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

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 was recorded and must include a description of the vehicle and the recorded speed.
(Neb. Rev. Stat. §60-6,192)

SECTION 4-117: RACING

No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record. No person shall in any manner participate in any such race, competition, contest, test, or exhibition. (Neb. Rev. Stat. §60-6,195)

SECTION 4-118: CARELESS DRIVING

Any person who drives any motor vehicle in the Village 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, 60-4,182)

SECTION 4-119: RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving and as such shall be punished as provided by statute. (Neb. Rev. Stat. §60-6,213, 60-6,215, 60-4,182)

SECTION 4-120: WILLFUL RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be deemed to be guilty of willful reckless driving. (Neb. Rev. Stat. §60-6,214, 60-6,216, 60-4,182)

SECTION 4-121: NEGLIGENT DRIVING

Any person who drives any vehicle in such a manner as to indicate the absence of care, prudence and forethought as duty requires should be exercised under the circumstances or who drives any vehicle which is engaged in a race upon a street is guilty of negligent driving. (Neb. Rev. Stat. §60-4,182)

SECTION 4-122: 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 village 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 and all vehicles approaching on such streets.
(Neb. Rev. Stat. §60-6,146 through 60-6,154)

SECTION 4-123: RIGHT OF WAY; EMERGENCY VEHICLES

A. Upon the immediate approach of an authorized emergency vehicle which makes use of proper audible or visual signals:

1. The driver of any other vehicle shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes unless otherwise directed by any peace officer; and
2. Any pedestrian using such roadway shall yield the right of way until such emergency vehicle passes unless otherwise directed by any peace officer.

B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Neb. Rev. Stat. §60-6,151)

SECTION 4-124: TURNING; GENERALLY; SIGNAL

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. A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. (Neb. Rev. Stat. §60-6,159, 60-6,161)

SECTION 4-125: TURNING; "U" TURNS

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

SECTION 4-126: BACKING

It shall be unlawful for any person to back a motor vehicle on the village 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. (Neb. Rev. Stat. §60-6,169)

SECTION 4-127: 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)

SECTION 4-128: FOLLOWING; FIRE APPARATUS

The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block when fire apparatus has stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 4-129: FOLLOWING; DISTANCE

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

SECTION 4-130: OVERLOADING

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

SECTION 4-131: RIDING OUTSIDE VEHICLE

No person shall permit any other person to ride on the running board, hood, top, or fenders of any motor vehicle nor shall any person ride on the running board, hood, top, or fenders of any motor vehicle. (Neb. Rev. Stat. §60-180)

SECTION 4-132: CONVEYANCES; CLINGING TO MOTOR VEHICLES

No person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall attach himself or the said conveyance 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 his conveyance to such vehicle driven and operated by him. (Neb. Rev. Stat. §60-6,316)

SECTION 4-133: MUFFLER

Every motor vehicle operated within this village 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)

SECTION 4-134: DRIVING IN SIDEWALK SPACE

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

SECTION 4-135: REMOVAL OF DEBRIS

Any person who removes a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance deposited on the highway from such vehicle. (Neb. Rev. Stat. §39-311)

Comment [MJF1]: Statute is actually still in chapter 39

SECTION 4-136: UNNECESSARY TIRE NOISE

No person shall drive, use, operate, park or stop any motor vehicle in such a manner as to cause unnecessary tire noise.

SECTION 4-137: LICENSE PLATES

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

SECTION 4-138: ENGINE BRAKES

It shall be unlawful for any person within the village limits to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for purposes of assisted braking on any motor vehicle; provided, however, it shall be permitted to use engine brakes in an emergency situation.

SECTION 4-139: 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 of not less than 12 inches both in length and width shall be carried by day and a red light after sunset at the extreme rear end of such load. (Neb. Rev. Stat. §60-243)

SECTION 4-140: LOADS; CONTENTS; REQUIREMENTS

A. 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.

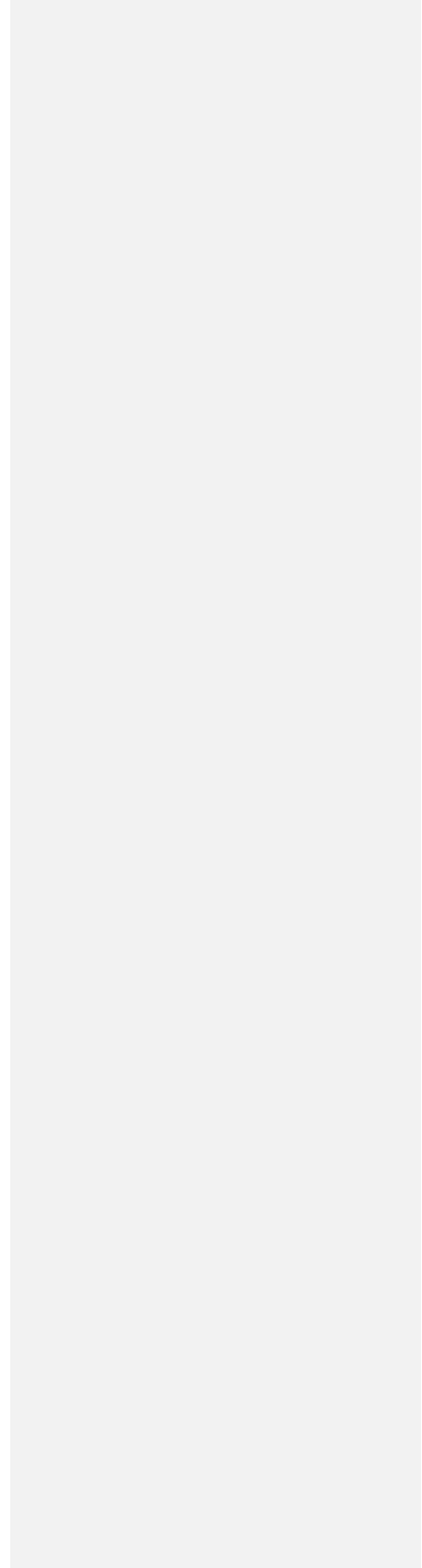
B. No person shall transport any sand, gravel, rock less than 2 inches in diameter, or refuse in any vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered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

C. 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.

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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.
(Neb. Rev. Stat. §60-6,304)



Article 2 – Parking

SECTION 4-201: GENERALLY

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles when parked shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least 4 feet between the vehicle so parked and any other parked vehicles, except where the Village Board designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. (Neb. Rev. Stat. §60-6,167, 60-680)

SECTION 4-202: REGULATION BY VILLAGE BOARD

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

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

C. The Village Board 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 4-203: MAXIMUM TIME LIMIT

The parking of a motor vehicle on a public street for over 24 consecutive hours is unlawful, except where a different maximum time limit is posted. (Neb. Rev. Stat. §60-680)

SECTION 4-204: 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 Village Board has designated to be within the "business district," except to load or unload, and then only when loading or unloading in an alley is impossible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle

within a street intersection, on a crosswalk, in front of a private driveway or on a sidewalk. The board may by resolution provide truck parking areas adjoining or adjacent to the business district and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes. No truck, including oil tankers, shall park or stop for any period of time within the limits of any street outside the business district except for the purpose of loading or unloading the cargo thereof in the ordinary course of business except in the area or areas provided for by resolution. (Neb. Rev. Stat. §60-680)

SECTION 4-205: TRUCK PARKING AREAS; REGULATIONS

A. The Village Board may by resolution designate an area to be known as a “no truck parking” area and shall indicate such area appropriate signs. It shall be unlawful for an operator of any truck, truck-trailer, or semi-trailer of an overall length of 20 feet or more, including load, to stop or park in such no truck parking area. Such vehicles may stop, stand or park within such area for such time as is necessary, in no case to exceed one-half hour to load or unload in alleys where such stopping is possible; and provided further, if stopping for the purpose of loading or unloading in alleys within such no truck parking area is impossible, it shall be lawful for such vehicles to stop, stand or park in the streets within such area for such purposes after having obtained a written permit from a law enforcement officer to do so.

B. The board may by resolution provide truck parking areas on streets near or adjacent to the no truck parking area and when such truck parking areas have been established, it shall be the duty of the truck operators to use such areas for parking purposes except when loading or unloading as permitted above in this section.

C. It shall be unlawful for the operator of any truck, truck-tractor, or semi-trailer, regardless of length, to park such vehicle with the endgate down and extending beyond the body of such vehicle or to stop, stand or park such vehicle within a street intersection, on a crosswalk or a sidewalk or in front of a private driveway.

D. It shall be unlawful for any motor carrier, common carrier or contract carrier, as defined in Neb. Rev. Stat. §75-223, to stop or park in any street or alley within the residence district between the hours of 6:00 p.m. on any one day and 8:00 a.m. of the succeeding day or to use or employ any of the parking space in such residence district for any commercial purpose.

E. It shall be unlawful for any oil tanker, gasoline transport or tank truck transporting inflammable liquids to park or stop for any period of time within the limits of any street or alley of the Village except to load or unload its cargo in a safe and expeditious manner. Drivers of such vehicles may stop or park such vehicles on arterial streets or highways while enroute through the Village for a period of time not to exceed one hour for rest and meals. In case of breakdown or stalling because of exhaustion of its motor fuel, the stopping of such disabled vehicle for the reasonable time necessary to meet such emergency shall not be a violation of this section. It

shall be unlawful to park or stop any such vehicle, whether containing any inflammable liquid or not, for any period of time on any private premises within the corporate limits of the Village except to load, unload or meet an emergency situation unless such private premises are outside the fire limits and are used exclusively for the conduct of the wholesale or retail petroleum business with ample parking facilities for such vehicles.

SECTION 4-206: TRAILERS AND MOTOR HOMES PROHIBITED

It is unlawful to park any commercial or agricultural trailer, camping trailer or motor home on the public streets of the village except when the same is being used for temporary loading or unloading purposes, and in that case not to exceed four hours.

SECTION 4-207: UNLOADING; FREIGHT VEHICLES

Vehicles of an overall length of less than 20 feet, including load, while discharging or loading freight may back to the curb but shall occupy as little of the street as possible. (Neb. Rev. Stat. §60-680)

SECTION 4-208: PRIVATE LOTS

A. 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 Neb. Rev. Stat. §29-426.

B. 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 whom to contact for information regarding a towed vehicle. (Neb. Rev. Stat. §60-2401.01, 60-2402)

SECTION 4-209: CURBS PAINTED

It shall be the duty of the street commissioner 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 Village through its proper officers at the direction of the Village Board. (Neb. Rev. Stat. §60-680)

SECTION 4-210: OBSTRUCTING TRAFFIC

No person shall, except in case of an accident or emergency, stop any vehicle in any location where such stopping will obstruct any street, intersection, or entrance to an alley or public or private drive. (Neb. Rev. Stat. §60-680)

SECTION 4-211: STREET INTERSECTIONS

Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection or curb lines or if none, then within 15 feet of the intersection of property lines. (Neb. Rev. Stat. §60-6,166)

SECTION 4-212: ALLEYS; OBSTRUCTION; LOADING AND UNLOADING

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

B. 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 five minutes. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley.
(Neb. Rev. Stat. §60-680)

SECTION 4-213: EMERGENCY VEHICLES; EXCEPTION

The provisions of this article regulating the movement, parking, and standing of vehicles shall not apply to any authorized emergency vehicle while the driver of such vehicle is operating the same in an emergency. (Neb. Rev. Stat. §60-6,114)

SECTION 4-214: FIRE HYDRANTS AND STATION

No vehicle shall be parked (A) within 15 feet in either direction of any fire hydrant; (B) within 20 feet of the driveway entrance to any fire station; nor (C) on the side of the street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted. Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost, and expense of the owner or claimant. (Neb. Rev. Stat. §60-6,166)

SECTION 4-215: SNOW REMOVAL AND STREET CLEANING

The Village Board shall have the power to order any street, alley or portion thereof vacated for weather emergencies, and street maintenance or street cleaning. 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. 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 village personnel to a suitable nearby location without further notice to the owner or operator of such vehicle. (Neb. Rev. Stat. §17-557)

SECTION 4-216: DISPLAY OR REPAIR OF VEHICLE

It shall be unlawful for any person to park upon any street, alley, or public place within the Village any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle or race the motor of same while on the public streets or alleys of this village, except in case of breakdown or other emergency. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Neb. Rev. Stat. §60-680)

SECTION 4-217: REMOVAL OF ILLEGALLY PARKED VEHICLES

A. 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 officer 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 vehicle 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. 203, 10/3/88)

SECTION 4-218: HANDICAPPED OR DISABLED PERSONS; HANDICAPPED PARKING INFRACTION; DEFINED

For purposes of this article:

A. "Handicapped or disabled person" shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than 200 feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, any individual who has a cardi-

ac condition to the extent that his/her functional limitations are classified in severity as being Class III or Class IV according to standards set by the American Heart Association, and any individual who has permanently lost all or substantially all the use of one or more limbs;

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

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 conformity with the Americans with Disabilities Act of 1990. (Neb. Rev. Stat. §18-1738, 18-1741.01)

SECTION 4-219: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES; DISPLAY OF PERMITS

A. The Village Board may designate parking spaces for the exclusive use of (1) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons, (2) handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state, (3) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Village, whose motor vehicles display the permit specified in Neb. Rev. Stat. §18-1739, and (4) such other motor vehicles, as certified by the Village, which display such permit. All such permits shall be displayed by attaching the permit to the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. When there is no rearview mirror, the permit shall be displayed on the dashboard.

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

SECTION 4-220: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING SPACES

The Village Board and any person in lawful possession of any offstreet parking facility may designate stalls or spaces in such facility for the exclusive use of (A) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals, (B) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Village, whose vehicles display the permit specified in Neb. Rev. Stat. §18-1739, and (C) such other motor vehicles, as certified by the Village, which display such permit. Such designation

shall be made by posting aboveground and immediately adjacent to and visible from each stall or space a sign which is in conformance with the *Manual on Uniform Traffic Control Devices*. (Neb. Rev. Stat. §18-1737)

SECTION 4-221: HANDICAPPED OR DISABLED PERSONS; INDIVIDUAL PERMIT

A. The village 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.

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

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

D. A person may hold only one permit under this section and may hold either a permit under this section or a permit under Section 4-222 but not both.

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

SECTION 4-222: HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT

A. The village clerk shall take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided for by this article if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disa-

bled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces.

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

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

D. No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under Section 4-221 but not both.

E. The village clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section

(Neb. Rev. Stat. §18-1738.01, 18-1738.02)

SECTION 4-223: HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS; PROHIBITED ISSUANCE; DUPLICATE PERMITS

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 System 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 4-225. 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 completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the village clerk. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued.
(Neb. Rev. Stat. §18-1739)

SECTION 4-224: HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL; FEE

A. Permanently issued handicapped or disabled parking permits issued prior to October 1, 2011, shall be valid for a period ending on the last day of the month of the applicant's birthday in the third year after issuance and shall expire on that day. Permanently issued handicapped or disabled parking permits issued on or after October 1, 2011, shall be valid for a period ending on the last day of the month of the applicant's birthday in the sixth year after issuance and shall expire on that day.

B. All permits authorized under this article for temporarily handicapped or disabled parking shall be issued for a period ending not more than six months after the date of issuance but may be renewed one time for a period not to exceed six months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability.

C. A fee shall be charged for each permit, part of which shall be retained by the village clerk and the remainder forwarded on a quarterly basis to the state treasurer for credit to the Department of Motor Vehicles cash fund. Such fee amount shall be on file for public inspection in the office of the village clerk.
(Neb. Rev. Stat. §18-1740)

SECTION 4-225: HANDICAPPED OR DISABLED PERSONS; PERMITS NONTRANSFERABLE; VIOLATION; SUSPENSION

Permits issued under this article shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to this article. No person shall knowingly hold more than one permit or knowingly provide false information on an application for a permit. Any violation of this section shall be cause for suspension of such permit for a period of six months. At the expiration of such period, a suspended permit may be renewed upon payment of the permit fee. (Neb. Rev. Stat. §18-1741) (Ord. No. 95-22, 12/4/95)

SECTION 4-226: HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE

A. The owner or person in lawful possession of an offstreet parking facility, after notifying the Police or Sheriff's Department and the village providing onstreet parking or owning, operating, or providing an offstreet parking facility, may cause the removal from a stall or space designated exclusively for handicapped or disabled

persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons of any vehicle not displaying the proper permit or the distinguishing license plates specified in this article if there is posted aboveground and immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously states the area so designated as a tow-in zone.

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 while it is parked in the designated space shall be guilty of a handicapped parking infraction as defined in Section 4-218 and shall be subject to the procedures set forth herein 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 Village of a violation of this section prior to the Village's issuing of a handicapped parking infraction citation to the violator.
(Neb. Rev. Stat. §18-1737)

SECTION 4-227: HANDICAPPED OR DISABLED PERSONS; CITATION, ISSUANCE; COMPLAINT; 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 Village Board to exercise the authority to issue a citation for any handicapped parking infraction.

B. When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the citation shall enter thereon all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicle, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the handicapped parking citation. One copy of the citation shall be delivered to the person cited or attached to the offending motor vehicle.

C. At least 24 hours before the time set for the appearance of the cited person, either the village attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such person shall be released from the 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 of a vehicle to display a handicapped parking permit issued pursuant to Neb. Rev. Stat. §18-1738 or 18-1738.01, the complaint shall be dismissed if, within seven business days after the date of issuance of the citation, the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his/her own right of a handicapped parking permit issued under Neb. Rev. Stat. §18-1738 or 18-1738.01 and that the peace officer has personally viewed the permit.
(Neb. Rev. Stat. §18-1741.01, 18-1741.04, 18-1741.06)

Article 3 – Bicycles and Mini-Bikes

SECTION 4-301: BICYCLES

A. No person shall ride or propel a bicycle on a street or other public highway of this village with another person on the handlebars or in any position in front of the operator.

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

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

D. No bicycle shall be permitted on any street or other public highway from one-half hour after sunset and one-half hour before sunrise without a headlight, visible under normal atmospheric conditions from the front thereof for not less than 500 feet, indicating the approach or presence of the bicycle, firmly attached to such bicycle and properly lighted, or without a yellow or red light reflector attached to and visible 500 feet from the rear thereof. The said headlight shall emit a clear, white light.

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

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

G. No person shall park a bicycle on any sidewalk unless a bicycle stand is located on said sidewalk.
(Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318)

SECTION 4-302: 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 Village. 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, an engine-rated capacity of less than 45 cubic centimeters displacement or a seat height less than 25 inches from the ground, or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §60-6,347, 60-6,352)

SECTION 4-303: MINI-BIKES; EMERGENCIES AND PARADES

Mini-bikes shall be exempt from the provisions of this article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization. (Neb. Rev. Stat. §60-6,348)

SECTION 4-304: MINI-BIKES; PUBLIC LANDS

Mini-bikes shall be prohibited upon the public lands owned by the Village except where allowed by resolution of the Village Board. (Neb. Rev. Stat. §60-60-678)

SECTION 4-305: MINI-BIKES; TRAFFIC LAWS INAPPLICABLE

The provisions of Neb. Rev. Stat. Chapter 60, Articles 1, 3, 4, 5, and 17 shall not be applicable to the owners and operators of any mini-bike. (Neb. Rev. Stat. §60-6,347)

Article 4 – Mopeds and Motorcycles

SECTION 4-401: MOPEDS; DEFINED; STATUTORY REGULATION

“Moped” shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than 30 miles per hour on level ground. Mopeds, their owners, and their operators shall be subject to Neb. Rev. Stat. Chapter 60, Article 4 but shall be exempt from the requirements of Neb. Rev. Stat. Chapter 60, Articles 1, 3, 5, and 17. (Neb. Rev. Stat. §60-6,309)

SECTION 4-402: MOPEDS; OPERATOR'S LICENSE REQUIRED

No person shall operate a moped upon the streets, alleys, or highways within the Village unless such person has a valid Class O operator's license or a valid school or learner's permit. (Neb. Rev. Stat. §60-6,310)

SECTION 4-403: MOPEDS; TRAFFIC REGULATIONS APPLICABLE

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 Village or upon any path set aside by the Department of Roads or the Village for the use of mopeds. Notwithstanding any established maximum speed limits in excess of 25 miles per hour, no person shall operate any moped at a speed in excess of 30 miles per hour. (Neb. Rev. Stat. §60-6,311, 60-6,313)

SECTION 4-404: MOPEDS; USE OF TRAFFIC LANES

A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of 45 miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane. This section shall not apply to mopeds operated two abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. Mopeds shall not be operated more than two abreast in a single lane. Any person who operates a moped on a roadway with an authorized speed limit of more than 45 miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file. (Neb. Rev. Stat. §60-6,313)

SECTION 4-405: MOPEDS; EQUIPMENT

Any moped which carries a passenger shall be equipped with footrests for such passenger. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars. (Neb. Rev. Stat. §60-6,312)

SECTION 4-406: MOPEDS; HELMET

A person shall not operate or be a passenger on a moped or motorcycle on any highway, as defined in state statutes, unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his 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, visor, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's *Federal Motor Vehicle Safety Standard No. 218*, 49 C.F.R. 571.218, for motorcycle helmets. (Neb. Rev. Stat. §60-6,279) (Ord. No. 205, 10/3/88)

SECTION 4-407: MOTORCYCLES; OPERATION

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

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

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

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

E. No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

F. A motorcycle shall be entitled to full use of a traffic lane of any highway and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full

use of such lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

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

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

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

J. Subsections (G) and (H) of this section shall not apply to police officers in the performance of their official duties.

(Neb. Rev. Stat. §60-6,307, 60-6,308)

SECTION 4-408: MOTORCYCLE; LIGHTS

No person shall ride a motorcycle upon the streets, alleys or highways from one-half hour after sunset to one-half hour before sunrise unless the same shall be equipped with at least one and not more than two headlights, plainly visible from the front; and a light on the rear exhibiting a red light visible under normal atmospheric conditions from a distance of at least 500 feet to the rear thereof; provided, said lights shall comply with the requirements and limitations of state statutes. (Neb. Rev. Stat. §60-6,219)

SECTION 4-409: MOTORCYCLES; HELMET

A person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in state statutes, unless such person is wearing a protective helmet as provided in Section 4-406.

Article 5 – Snowmobiles, All-Terrain Vehicles, Utility-Type Vehicles and Low-Speed Vehicles

SECTION 4-501: SNOWMOBILES; EQUIPMENT

A. Every snowmobile operated within the Village shall be registered with the State of Nebraska as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one taillamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the Director of Motor Vehicles.

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

(Neb. Rev. Stat. §60-6,332, 60-6,335) (Ord. No. 198, 3/7/88)

SECTION 4-502: SNOWMOBILES; PUBLIC LANDS

Snowmobiles may be operated upon public lands owned by the village; provided, such operation is done in a manner which does not endanger others using the lands, and the snow covering the land is of such depth and consistency so as to make reasonably certain vegetation will not be destroyed or damaged by such operation. (Neb. Rev. Stat. §60-6,338) (Ord. No. 198, 3/7/88)

SECTION 4-503: 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 tail light when such would be required by conditions.
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.

(Neb. Rev. Stat. §60-6,337)

B. It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by that person, to be operated within the congested area of the Village unless weather conditions are such that it provides the only practicable

method of safe vehicular travel or said snowmobile is engaged in responding to an emergency. (Neb. Rev. Stat. §60-6,337) (Ord. No. 198, 3/7/88)

SECTION 4-504: SNOWMOBILES; ENFORCEMENT

Any law enforcement officer, including a conservation officer, may enforce the provisions relating to snowmobiles. (Neb. Rev. Stat. §60-6,343) (Ord. No. 198, 3/7/88)

SECTION 4-505: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINITIONS

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 900 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)

SECTION 4-506: 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 village only if the operator and the vehicle comply with the provisions of this section.

B. 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 30 miles per hour. When operating an ATV or UTV 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 square inches and shall be Day-Glo in color.

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

1. A valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. 60-4,126; and
2. Liability insurance coverage for the 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 within five days of such a request.

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

E. An ATV or a 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 (C) and (F) 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.

F. Subject to subsection (E) of this section, the crossing of a street or highway shall be permitted by an ATV or a 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 headlight and taillight of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. 60-6,356)

SECTION 4-507: LOW-SPEED VEHICLES

A. "Low-speed vehicle" means a four-wheeled motor vehicle (1) whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour on a paved, level surface; (2) whose gross vehicle weight rating is less than

3,000 pounds; and (3) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2011. (Neb. Rev. Stat. §60-119.01, 60-336.01, 60-501, 60-605)

B. A low-speed vehicle may be operated on any highway on which the speed limit is not more than 35 miles per hour and may cross a highway on which the speed limit is more than 35 miles per hour. Nothing in this section shall prevent the village from adopting more stringent ordinances governing low-speed vehicle operation if the Village Board determines that such ordinances are necessary in the interest of public safety. Any person operating a low-speed vehicle as authorized under this section shall have a valid Class O operator's license and shall have liability insurance coverage for the vehicle. (Neb. Rev. Stat. §60-605(32))

Article 6 – Abandoned Vehicles

SECTION 4-601: DEFINED

A. A motor vehicle is an abandoned vehicle:

1. If left unattended, with no license plates or valid “In Transit” 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 Village pursuant to a municipal ordinance.

B. For purposes of this section:

1. “Public property” means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property; and
2. “Private property” means any privately owned property which is not included within the definition of public property.

C. No motor vehicle subject to forfeiture under state statutes shall be an abandoned vehicle under this section.

(Neb. Rev. Stat. §60-1901)

SECTION 4-602: ABANDONMENT OF VEHICLE PROHIBITED

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

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

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

SECTION 4-604: LOCAL AUTHORITIES; POWERS AND DUTIES

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

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

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

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

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

(Neb. Rev. Stat. §60-1903)

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

A local law enforcement agency which has custody of a motor vehicle for investigato-

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

SECTION 4-606: CUSTODY; WHO ENTITLED

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

SECTION 4-607: PROCEEDS OF SALE; DISPOSITION

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

SECTION 4-608: LIABILITY FOR REMOVAL

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

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

No person other than one authorized by the Village Board shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be guilty of a Class V misdemeanor. (Neb. Rev. Stat. §60-1908)

**SECTION 4-610: COSTS OF REMOVAL AND STORAGE; LAST REGISTERED
OWNER LIABLE**

The last registered owner of an abandoned vehicle shall be liable to the Village Board for the costs of removal and storage of such vehicle. (Neb. Rev. Stat. §60-1909)

Article 7 – Penal Provision

SECTION 4-701: 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.