

CHAPTER 4 – VEHICLES AND TRAFFIC

ARTICLE 1 – TRAFFIC REGULATIONS

- SECTION 4-101: DEFINITIONS**
- SECTION 4-102: RULES OF THE ROAD; INCORPORATED BY REFERENCE**
- SECTION 4-103: EMERGENCY REGULATIONS**
- SECTION 4-104: POLICE; ENFORCEMENT**
- SECTION 4-105: POLICE; REFUSAL TO OBEY**
- SECTION 4-106: POLICE; TRAFFIC OFFICERS**
- SECTION 4-107: TRAFFIC CITATIONS; PROCEDURE; AUDIT**
- SECTION 4-108: TRAFFIC CITATIONS; ISSUANCE AND DISPOSITION**
- SECTION 4-109: TRAFFIC CITATIONS; ILLEGAL CANCELLATION**
- SECTION 4-110: REGULATION BY VILLAGE BOARD**
- SECTION 4-111: TRUCK ROUTES**
- SECTION 4-112: SCHOOL ZONES**
- SECTION 4-113: SIGNS, TRAFFIC CONTROL AND SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH**
- SECTION 4-114: SIGNS; UNAUTHORIZED DISPLAY**
- SECTION 4-115: STOP SIGNS; GENERALLY**
- SECTION 4-116: CROSSING SIDEWALKS**
- SECTION 4-117: SPEED LIMITS**
- SECTION 4-118: SPEED; ELECTRONIC DETECTOR**
- SECTION 4-119: RACING**
- SECTION 4-120: CARELESS DRIVING**
- SECTION 4-121: RECKLESS DRIVING**
- SECTION 4-122: WILLFUL RECKLESS DRIVING**
- SECTION 4-123: NEGLIGENT DRIVING**
- SECTION 4-124: RIGHT OF WAY; GENERALLY**
- SECTION 4-125: RIGHT OF WAY; EMERGENCY VEHICLES**
- SECTION 4-126: TURNING; GENERALLY; SIGNAL**
- SECTION 4-127: TURNING; "U" TURNS**
- SECTION 4-128: BACKING**
- SECTION 4-129: DRIVING ABREAST**
- SECTION 4-130: FOLLOWING; FIRE APPARATUS**
- SECTION 4-131: FOLLOWING; DISTANCE**
- SECTION 4-132: OVERLOADING**
- SECTION 4-133: RIDING OUTSIDE VEHICLE**
- SECTION 4-134: CONVEYANCES; CLINGING TO MOTOR VEHICLES**
- SECTION 4-135: MUFFLER**
- SECTION 4-136: DRIVING IN SIDEWALK SPACE**
- SECTION 4-137: REMOVAL OF DEBRIS**
- SECTION 4-138: QUIET ZONES; UNNECESSARY NOISE**
- SECTION 4-139: LICENSE PLATES**
- SECTION 4-140: ENGINE BRAKES**

SECTION 4-141: LOADS; PROJECTING
SECTION 4-142: LOADS; CONTENTS; REQUIREMENTS

ARTICLE 2 – PARKING

SECTION 4-201: GENERALLY
SECTION 4-202: REGULATION BY VILLAGE BOARD
SECTION 4-203: CURBS PAINTED
SECTION 4-204: TIME LIMIT
SECTION 4-205: UNLOADING; FREIGHT VEHICLES
SECTION 4-206: OBSTRUCTING TRAFFIC
SECTION 4-207: STREET INTERSECTIONS
SECTION 4-208: ALLEYS; OBSTRUCTION; LOADING AND UNLOADING
SECTION 4-209: EMERGENCY VEHICLES; EXCEPTION
SECTION 4-210: SEMIS; EXCEPTION
SECTION 4-211: FIRE HYDRANTS AND STATION
SECTION 4-212: SNOW REMOVAL
SECTION 4-213: DISPLAY OR REPAIR OF VEHICLE
SECTION 4-214: HANDICAPPED OR DISABLED PERSONS;
HANDICAPPED PARKING INFRACTION; DEFINED
SECTION 4-215: HANDICAPPED OR DISABLED PERSONS;
DESIGNATION OF ONSTREET PARKING SPACES;
DISPLAY OF PERMITS
SECTION 4-216: HANDICAPPED OR DISABLED PERSONS;
DESIGNATION OF OFFSTREET PARKING SPACES
SECTION 4-217: HANDICAPPED OR DISABLED PERSONS; INDIVIDUAL
PERMIT
SECTION 4-218: HANDICAPPED OR DISABLED PERSONS; MOTOR
VEHICLE PERMIT
SECTION 4-219: HANDICAPPED OR DISABLED PERSONS; PERMIT
CONTENTS; PROHIBITED ISSUANCE; DUPLICATE
PERMITS
SECTION 4-220: HANDICAPPED OR DISABLED PERSONS; PERMITS;
PERIOD VALID; RENEWAL
SECTION 4-221: HANDICAPPED OR DISABLED PERSONS; PERMITS
NONTRANSFERABLE; VIOLATION; SUSPENSION
SECTION 4-222: HANDICAPPED OR DISABLED PERSONS; REMOVAL
OF UNAUTHORIZED VEHICLE
SECTION 4-223: HANDICAPPED OR DISABLED PERSONS; CITATION,
ISSUANCE; COMPLAINT; TRIAL; DISMISSAL
SECTION 4-224: RESTRICTED PARKING
SECTION 4-225: PROHIBITED PARKING
SECTION 4-226: DOWNTOWN PARKING DISTRICT; MOTOR VEHICLES
FOR SALE; APPLICATION PROCESS
SECTION 4-227: DOWNTOWN PARKING DISTRICT; MOTOR VEHICLES
FOR SALE; MAINTENANCE

- SECTION 4-228: DOWNTOWN PARKING DISTRICT; LICENSE RENEWAL PROCEDURE
- SECTION 4-229: BUREAU OF VIOLATIONS
- SECTION 4-230: TICKETS; INFORMATION
- SECTION 4-231: TICKETS; DESTRUCTION
- SECTION 4-232: REMOVAL OF ILLEGALLY PARKED VEHICLES

ARTICLE 3 – BICYCLES AND MINI-BIKES

- SECTION 4-301: BICYCLES; PROHIBITED ACTS
- SECTION 4-302: BICYCLES; OPERATION
- SECTION 4-303: BICYCLES; EQUIPMENT
- SECTION 4-304: MINI-BIKES; UNLAWFUL OPERATION
- SECTION 4-305: MINI-BIKES; EMERGENCIES AND PARADES
- SECTION 4-306: MINI-BIKES; PUBLIC LANDS
- SECTION 4-307: MINI-BIKES; TRAFFIC LAWS INAPPLICABLE

ARTICLE 4 – MOPEDS AND MOTORCYCLES

- SECTION 4-401: MOPEDS; DEFINED; STATUTORY REGULATION
- SECTION 4-402: MOPEDS; OPERATOR'S LICENSE REQUIRED
- SECTION 4-403: MOPEDS; TRAFFIC REGULATIONS APPLICABLE
- SECTION 4-404: MOPEDS; USE OF TRAFFIC LANES
- SECTION 4-405: MOPEDS; EQUIPMENT
- SECTION 4-406: MOPEDS; HELMET REQUIRED
- SECTION 4-407: MOTORCYCLES; OPERATION
- SECTION 4-408: MOTORCYCLE; LIGHTS
- SECTION 4-409: MOTORCYCLES; HELMET REQUIRED

ARTICLE 6 – SNOWMOBILES, ALL-TERRAIN AND UTILITY-TYPE VEHICLES, AND LOW-SPEED VEHICLES

- SECTION 4-501: SNOWMOBILES; EQUIPMENT
- SECTION 4-502: SNOWMOBILES; PUBLIC LANDS
- SECTION 4-503: SNOWMOBILES; UNLAWFUL ACTS
- SECTION 4-504: SNOWMOBILES; ENFORCEMENT
- SECTION 4-505: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINITIONS
- SECTION 4-506: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION
- SECTION 4-507: LOW-SPEED VEHICLES

ARTICLE 6 – ABANDONED VEHICLES

- SECTION 4-601: DEFINED
- SECTION 4-602: ABANDONMENT OF VEHICLE PROHIBITED

- SECTION 4-603: TITLE; VEST IN LOCAL AUTHORITY OR STATE AGENCY**
- SECTION 4-604: LOCAL AUTHORITIES; POWERS AND DUTIES**
- SECTION 4-605: LAW ENFORCEMENT AGENCY; POWERS AND DUTIES**
- SECTION 4-606: CUSTODY; WHO ENTITLED**
- SECTION 4-607: PROCEEDS OF SALE; DISPOSITION**
- SECTION 4-608: LIABILITY FOR REMOVAL**
- SECTION 4-609: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL; EXCEPTION; VIOLATION; PENALTY**
- SECTION 4-610: COSTS OF REMOVAL AND STORAGE; LAST REGISTERED OWNER LIABLE**

ARTICLE 7 – PENAL PROVISION

- SECTION 4-701: VIOLATION; PENALTY**

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 chair of the Village Board is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

SECTION 4-104: POLICE; ENFORCEMENT

The chief of police 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: TRAFFIC CITATIONS; PROCEDURE; AUDIT

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

B. All records of traffic citations required herein shall be audited at least biennially by a member of the Village Board.
(Neb. Rev. Stat. §60-680)

SECTION 4-108: TRAFFIC CITATIONS; ISSUANCE AND DISPOSITION

The village police, upon issuing a traffic citation to an alleged violator of any provision of this chapter, shall deposit a copy of the traffic citation with the village attorney, unless the citation is just a warning. Upon deposit of the traffic citation with the attorney, such citation may be disposed of only by trial in the court specified in the citation or other official action by the judge of the court, including a forfeiture of bail or by the deposit of sufficient bail with or payment of a fine to the court by the alleged violator. It shall be unlawful for the village police to dispose of a traffic citation or copies thereof or of the record of issuance of the same in a manner other than as required herein. (Neb. Rev. Stat. §29-422, 29-424)

SECTION 4-109: TRAFFIC CITATIONS; ILLEGAL CANCELLATION

Any person who cancels, or solicits the cancellation of any traffic citation in any manner other than as provided herein, shall be guilty of an offense. (Neb. Rev. Stat. §60-680)

SECTION 4-110: 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 4-111: 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 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 4-112: 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) (Am. by Ord. No. 99-2, 2/16/99)

**SECTION 4-113: 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 4-114: 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 4-115: STOP SIGNS; GENERALLY

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed in Section 4-110, 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 4-116: 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 4-117: SPEED LIMITS

A. No person shall operate a motor vehicle on any street, alley, or other public way 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.

B. For purposes of this section, the business district of the village is defined as follows:

1. 2nd Street from Spruce Street to Oak Street.
2. Elm Street from 1st Street to 3rd Street.

C. The residential district of the village is defined as being all other streets in the village except for the following, on which there shall be maximum speed limits as set forth, to wit:

1. 35 miles per hour on Main Street from Precinct Road to 5th Avenue.
2. 15 miles per hour on Main Street from 2nd Street to 3rd Street.

D. In no instance shall a person drive a vehicle on a street, alley or other public place at a speed greater than is reasonable and prudent under the conditions.

E. Where a different maximum speed in the business district and/or residential district is set by ordinance, appropriate signs shall be posted. (Am. by Ord. No. 99-2, 2/16/99)

SECTION 4-118: 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 4-119: 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 4-120: 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 4-121: 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 4-122: 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 4-123: 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) (Ord. No. 149-78, 7/10/78)

SECTION 4-124: 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 4-125: 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 4-126: 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 4-127: 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 4-128: 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 4-129: 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) (Am. by Ord. No. 133-77, 11/14/77)

SECTION 4-130: 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 4-131: 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 4-132: 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) (Am. by Ord. No. 134-77, 11/14/77)

SECTION 4-133: 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 4-134: 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 4-135: MUFFLER

Every motor vehicle operated within this village shall be equipped 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 4-136: 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 4-137: 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)

SECTION 4-138: QUIET ZONES; UNNECESSARY NOISE

All streets, or portions thereof, lying within 300 feet of any hospital, nursing home, or school, and which have been declared to be "quiet zones" by the Village Board shall be respected as such by all drivers, and no driver of any vehicle shall within such zones, make any unnecessary noise or sound the horn, or other warning device, of such vehicle except in an emergency. It shall be unlawful for any person in any part of the village to drive, use, operate, park or stop any motor vehicle in such a manner as

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to cause unnecessary noise. (Neb. Rev. Stat. §60-680)

SECTION 4-139: 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 4-140: ENGINE BRAKES

It shall be unlawful for the operator of a motor vehicle to utilize engine brakes upon said motor vehicle within the corporate limits of the village or within one mile thereof, unless the motor vehicle upon which said engine braking is being performed has an adequate muffler system to muffle the noise from the motor vehicle when the operator thereof is engine braking; provided, however, it shall be permitted to use engine brakes in an emergency situation. (Ord. No. 2001-2, 3/20/01)

SECTION 4-141: 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 4-142: 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.

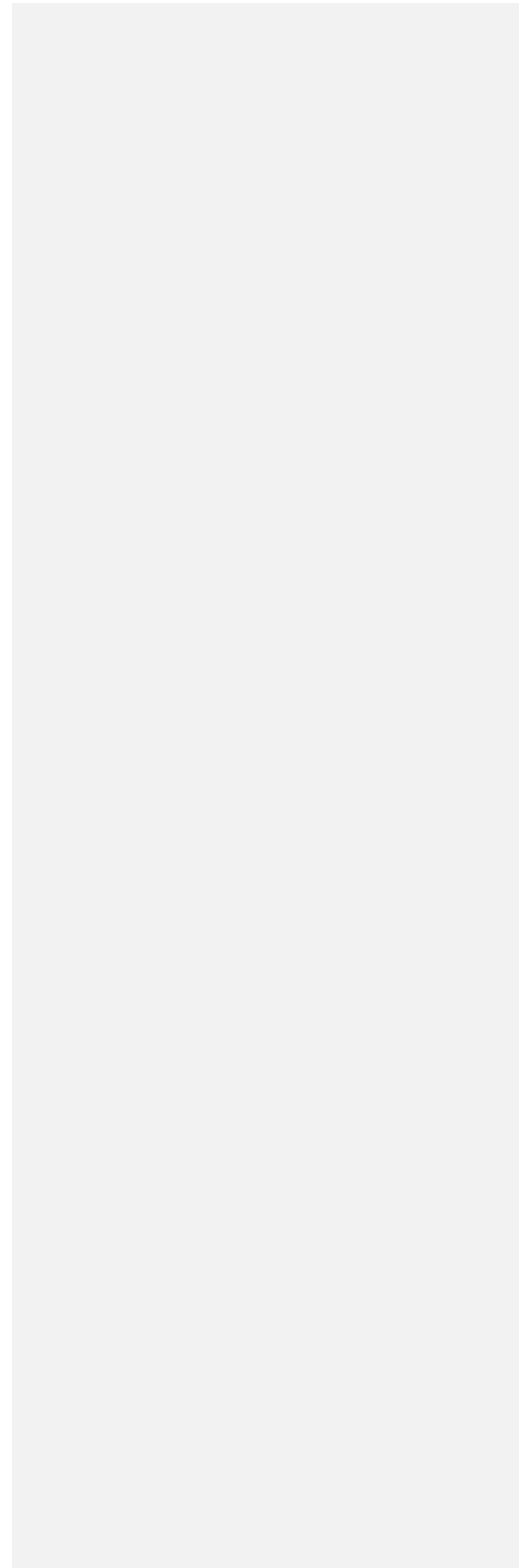
B. No person shall transport any sand, gravel, rock less than 2 inches in diameter, or refuse in any vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered 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. The means of securement to the motor vehicle, trailer, or semitrailer must be either tiedowns and tiedown

Village of Ceresco

Vehicles and Traffic

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. No person shall park a vehicle so as to obstruct a private driveway, or drive, for any period of time. (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: CURBS PAINTED

It shall be the duty of the street department to cause signs to be posted indicating the parking restriction for the area or 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) (Am. by Ord. No. 92-17, 7/30/92)

SECTION 4-204: TIME LIMIT

Unless otherwise provided for a specific area, no vehicle may be stopped or parked on a street, right-of-way, or any public property for a period longer than 48 hours. (Am. by Ord. No. 92-17, 7/30/92)

SECTION 4-205: 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 4-206: OBSTRUCTING TRAFFIC

Except in case of an accident or emergency, no person shall 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 4-207: 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 4-208: 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 4-209: 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 4-210: SEMIS; EXCEPTION

It shall be unlawful for the owner or operator of a semi-tractor truck with trailer attached or unattached, except emergency vehicles, to park on the streets, alleys, public ways

or portions thereof within the village, except when being used for the purpose of delivering or collecting goods, wares, merchandise or materials and then only for a period of time no longer than is necessary for the expeditious delivery or collecting of goods, wares, merchandise or materials; provided, the provisions of this section shall not apply to trucks or motor vehicles being used within the village in connection with building, repair, service or moving operations. (Ord. No. 96-32, 11/19/96)

SECTION 4-211: 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) (Am. by Ord. No. 92-17, 7/30/92)

SECTION 4-212: SNOW REMOVAL

A. When the chair of the Village Board determines, based upon personal observations and reports from persons knowledgeable as to said matters, that there has been a snowfall of at least 6 inches of snow within a 24-hour period, a snow emergency shall be declared. During a snow emergency, the parking of vehicles of any type or description is totally banned upon the traveled portion of all streets and the adjacent sidewalk space of the village until the snow emergency has passed and the aforementioned ban on parking is lifted.

B. When a snow emergency is declared, it shall be publicized by posting a written or printed copy of said snow emergency in three public places in the village and by notifying media which have coverage in the village as designated by the Board of Trustees. During said snow emergency, all vehicles of any type or description shall be banned from parking on the traveled portion of all streets and adjacent sidewalk space of the village.

C. The Board of Trustees and the various departments of the village are authorized to enforce this section by the removal of any unlawfully parked vehicles, at the cost of the owners thereof, pursuant to Neb. Rev. Stat. §60-6,165. (Ord. No. 2004-1, 3/15/04) (Am. by Ord. No. 2004-12, 12/21/04)

SECTION 4-213: DISPLAY OR REPAIR OF VEHICLE

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) (Am. by Ord. No. 92-17, 7/30/92)

SECTION 4-214: 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 cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV according to standards set by the American Heart Association, and any individual who has permanently lost all or substantially all the use of one or more limbs;

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 accordance and in conformity with the federal Americans with Disabilities Act of 1990.

(Neb. Rev. Stat. §18-1738, 18-1741.01)

SECTION 4-215: 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) (Ord. No. 92-1, 4/20/92)

SECTION 4-216: 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) (Ord. No. 92-1, 4/20/92)

SECTION 4-217: 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 4-218 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) (Ord. No. 92-1, 4/20/92)

SECTION 4-218: 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 disabled 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 4-217 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) (Ord. No. 92-1, 4/20/92)

SECTION 4-219: 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 as provided hereafter. 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) (Ord. No. 92-1, 4/20/92)

SECTION 4-220: HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL

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.

(Neb. Rev. Stat. §18-1740)

SECTION 4-221: 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. 92-1, 4/20/92)

SECTION 4-222: 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 herein 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) (Ord. No. 92-1, 4/20/92)

SECTION 4-223: 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 citation. One copy of the handicapped parking 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 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. 92-1, 4/20/92)

SECTION 4-224: RESTRICTED PARKING

It shall be unlawful for the owner of any motor vehicle to park the same for any period of time in an alley or permit the same to remain stationary longer than 10 minutes on that portion of 3rd Street from the north line of Beach Street to the south line of Pine Street and on that portion of Elm Street from the west line of 3rd Street to the east line of 1st Street unless said motor vehicle shall be parked not more than one tier deep on either side of the said streets at an angle of about 45 degrees and headed always in the direction of the traffic.

SECTION 4-225: PROHIBITED PARKING

A. No person shall park a motor vehicle on the traveled portion of the following streets of the village at any time, to wit:

1. The north side of Pine Street from 1st Street to 2nd Street.
2. The south side of Pine Street from 3rd Street to Precinct Road.
3. The south side of Beech Street from 1st Street to 2nd Street.
4. The south side of Beech Street from 3rd Street to Laura Lane.
5. The north side of Elm Street from 8th Street to Laura Lane.
6. The east side of Archie Street.

7. The south side of Purdum Street.
8. The east side of 5th Avenue.
9. The east side of Laura Lane, except for the cul-de-sac.
10. The east side of 7th Street.
11. The west side of 8th Street.
12. Either side of 1st Street.
13. The south side of Beech Street from 8th Street to Laura Lane.
14. The west side of 4th Street from Beech Street to Pine Street and the east side of 4th Street from Pine Street to Ash Street.
15. The west side of Precinct Road from Main Street to Pine Street.

B. All residents of the village shall provide an area on the real estate upon which they reside and/or on the non-traveled portion of the public street or alley adjacent to the real estate upon which they reside for the parking of motor vehicles which they own and/or operate and/or control or for the parking of motor vehicles of guests of said residents which said guests operate and/or control.

C. In any prosecution charging a violation of this section, proof that the particular motor vehicle described in the complaint was parked in violation of this section, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such motor vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such motor vehicle was the person who parked or placed such motor vehicle at the point where and for the time during which such violation occurred.

D. The penalty for a violation of this section shall be as set forth in Sections 4-229 through 4-232 herein.

E. The Board of Trustees shall erect and maintain suitable signs along various streets in the village in such number and at such conspicuous locations as they deem necessary to give adequate notice to the residents and nonresidents of the village of the provisions of this section.

(Ord. No. 99-3, 4/20/99) (Am. by Ord. Nos. 99-34, 10/19/99; 2002-14, 10/15/02; 2003-01, 2/18/03)

SECTION 4-226: DOWNTOWN PARKING DISTRICT; MOTOR VEHICLES FOR SALE; APPLICATION PROCESS

A. Any Nebraska licensed automobile dealership desiring to designate an area of the street right-of-way directly abutting the property upon which the dealership is located as an area upon which it may park unlicensed motor vehicles for sale shall first make application for an annual license to the Village Board. The application shall contain the following information:

1. Name, address, phone number, and contact person for the licensed automobile dealership;
2. Legal description of all property owned or leased by the dealership for the

conduct of its dealership next to which it desires to establish a designated parking area;

3. A drawing of the designated parking area made to scale which identifies property boundaries of the dealership, right-of-way lines, parking spaces, sidewalk areas, fire hydrants, driveways, lanes for traveled portion of the street and stop signs. The drawing shall show all dimensions necessary for the Village Board to determine that parking of a vehicle in a parking stall will be in compliance with all parking regulations of this municipal code and the State of Nebraska.
4. The application shall include the identification of any parking restriction provided in this article for which a waiver is sought, if any. If a waiver is sought, the application shall specify the regulation sought to be waived, the location to which the waiver will apply, the reason for the waiver, and any parking restrictions the applicant proposes as a substitute to the regulation sought to be waived. No waiver of any parking regulation of this article shall be considered granted unless the motion adopting the parking for the dealership specifically includes the granting of such waiver and the conditions upon which the waiver was granted.
5. In the absence of the granting of a waiver, the designated parking area must comply with all terms and conditions of this article.

B. The applicant may not park unlicensed vehicles in the designated parking area until the chief of police or his or her designee has inspected the area and has stated in writing that all requirements of this article applying to the designation of a parking area for a Nebraska licensed automobile dealership and terms of the grant of the application have been met.

(Ord. No. 93-1, 6/21/93) (Am. by Ord. Nos. 98-18, 10/20/98; 99-25, 5/18/99)

SECTION 4-227: DOWNTOWN PARKING DISTRICT; MOTOR VEHICLES FOR SALE; MAINTENANCE

The dealership shall within 24 hours of the end of any snowfall remove all snow from the designated parking area. The dealership shall maintain the sidewalk space and designated parking area in good and clean order, including, without limitation, keeping the designated area properly painted and striped. No loose parts, tools, or other apparatus shall be permitted in the designated area. (Ord. No. 93-1, 6/21/93)

SECTION 4-228: DOWNTOWN PARKING DISTRICT; LICENSE RENEWAL PROCEDURE

All downtown parking district licenses issued shall be for a period of one year and shall expire one year from the date of the issuance of the license by the Board of Trustees. Any licensee desiring to renew such license shall, at least 45 days in advance of the expiration date of an existing license make application for renewal by submitting to the

village clerk an application which recites the location of the current license, the date of expiration of the current license and any modifications to the license which may be permitted under Sections 4-226 through 4-228. To the extent any of the items described in Section 4-226(A)(4) are being proposed, a drawing as described in section 4-226(A)(3) shall be submitted with the renewal application. The license may not be automatically renewed but shall require action by the Board of Trustees. In the event additional time is required to determine whether to renew a license or whether to grant modifications to a license, the board may, by a majority vote, extend the existing license for a period of not more than 60 days while it considers renewal thereof. (Ord. No. 93-1, 6/21/93) (Am. by Ord. No. 2000-11, 9/19/00)

SECTION 4-229: BUREAU OF VIOLATIONS

The Bureau of Violations shall operate within the powers and duties of the office of the village clerk. A copy of each citation issued for non-moving traffic violations shall be deposited with the village clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid. There shall be a fine for each violation if paid within 30 days from the date of issuance. Should any such fine not be paid within the 30-day period, the clerk shall ask the village attorney to file a complaint in the appropriate court. There shall be an increased fine for any such violation after 30 days or after judgment is entered against the violator. Said fines shall be set by the Village Board by resolution and placed on file in the office of the village clerk for public inspection. All money collected by the village clerk under this section shall be transferred to the school district in which the village lies. (Neb. Rev. Stat. §18-1729) (Ord. No. 117-75, 9/8/75)

SECTION 4-230: TICKETS; INFORMATION

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

1. The amount of the fine if paid within 30 days;
2. The amount of the fine if not paid within 30 days;
3. The location where payment may be made: and
4. The fact that a complaint will be filed after 30 days if the fine is not paid in that time.

(Neb. Rev. Stat. §18-1729)(Ord. No. 117-75, 9/8/75)

SECTION 4-231: TICKETS; DESTRUCTION

It shall be unlawful for any person to tear up or destroy a parking ticket placed upon any vehicle by the village police or to disregard the summons contained on such ticket. (Ord. No. 117-75, 9/8/75)

SECTION 4-232: 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. This fee shall be in addition to any other fees or penalties owed the village for such vehicle.

(Neb. Rev. Stat. §60-6,165, 60-680) (Ord. No. 84-19, 9/17/84) (Am. by Ord. No. 88-10, 10/17/88)

Article 3 – Bicycles and Mini-Bikes

SECTION 4-301: BICYCLES; PROHIBITED ACTS

A. Any person who rides a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

B. Any person who rides a bicycle shall not remove his or her feet from the pedals and shall have at least one hand on the handlebars at all times.

C. Any person who operates a bicycle shall not carry any package, bundle, or article which prevents such operator from keeping at least one hand upon the handlebars.

D. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
(Neb. Rev. Stat. §60-6,315)

SECTION 4-302: BICYCLES; OPERATION

A. 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 or 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. 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.

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

C. Except as provided in Neb. Rev. Stat. §60-6,142, whenever a usable path for bicycles has been provided adjacent to a highway, a person operating a bicycle shall use such path and shall not use such highway.

D. A local authority may by ordinance further regulate the operation of bicycles and may provide for the registration and inspection of bicycles.
(Neb. Rev. Stat. §60-6,317)

SECTION 4-303: BICYCLES; EQUIPMENT

A. When in use at nighttime, a bicycle shall be equipped with a light visible from a distance of at least 500 feet to the front on a clear night and with a red reflector on the rear of a type which is approved by the Department of Motor Vehicles or a local authority and which is 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.

B. Any bicycle used on a highway shall be equipped with a brake or brakes which will enable the operator to stop the bicycle within 25 feet of the point of braking when moving at a speed of 10 miles per hour on dry, level, clean pavement.
(Neb. Rev. Stat. §60-6,318)

SECTION 4-304: 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 4-305: 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 4-306: 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 4-307: 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 REQUIRED

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 REQUIRED

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 6 – Snowmobiles, All-Terrain and 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)

SECTION 4-502: SNOWMOBILES; PUBLIC LANDS

Snowmobiles shall be prohibited from operation on the public lands owned by the village, except where allowed by resolution of the Village Board. (Neb. Rev. Stat. §60-6,338)

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)

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)

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 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 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.

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

Village of Ceresco

Vehicles and Traffic

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 ~~%~~ 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 %~~16~~ 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 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 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 investigatory 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. (Am. by Ord. No. 2002-13, 10/15/02)