

TITLE VII: TRAFFIC CODE

Chapter

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CHAPTER 70: TRAFFIC REGULATIONS

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GENERAL REGULATIONS

§ 70.01 DEFINITIONS.

The words and phrases used in this chapter, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Neb. RS Chapter 39, as now existing or hereafter amended. If not defined in the designated statute, the word or phrase shall have its common meaning.

BUSINESS DISTRICT. Includes the portion of the village enumerated as follows: all of Blocks 2, 3, 4 and the south one-half of Block 5.

MUFFLER. A device consisting of a series of chamber or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

RESIDENTIAL DISTRICT. Includes all parts of the village not included in the business district. (1976 Code, § 5-101)

§ 70.02 TRUCK ROUTES.

(A) The governing body may, by resolution, designate certain streets in the village that trucks shall travel upon, and it shall be unlawful for persons operating the 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 the truck shall return to the truck routes as soon as possible in traveling through, or about the village.

(B) The governing body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes.
(1976 Code, § 5-201) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,681

§ 70.03 ONE-WAY TRAFFIC.

The governing body may, by resolution, provide for one-way travel in any street, or alley located in the village and shall provide for appropriate signs and markings when the streets have been so designated by resolution.

(1976 Code, § 5-202) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 70.04 TRAFFIC LANES; DESIGNATION.

The governing body may, by resolution, mark lanes for traffic on street pavements at places as it may deem advisable.

(1976 Code, § 5-203) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 70.05 ARTERIAL STREETS; DESIGNATION.

The governing body may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when the street has been so designated.

(1976 Code, § 5-204) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 70.06 TURNING; U-TURNS.

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

(1976 Code, § 5-205) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 70.07 GENERAL TURNING.

(A) Vehicles turning to the right into an intersecting street shall approach the 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.

(B) The driver of a vehicle intending to turn to the left shall approach the 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 the 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.

(1976 Code, § 5-206) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,159

§ 70.08 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 the vehicles intersect and there is danger of a collision, unless otherwise directed by a Village Marshal stationed within 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 the 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.

(D) 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.

(E) The driver of a vehicle entering a village street from a private road, or drive shall yield the right-of-way to all vehicles approaching on the streets. The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals.

(1976 Code, § 5-207) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,146 through 60-6,154

§ 70.09 POSITION OF VEHICLE ON HIGHWAY; GENERALLY.

(A) Upon all highways of sufficient width, one-way streets excepted, the driver of a vehicle shall drive the same on the right half of the roadway.

(B) In passing or meeting other vehicles, drivers shall give each other at least one-half of the main traveled portion of the roadway.

(1976 Code, § 5-208) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,131

§ 70.10 CROSSWALKS.

The governing body may, by resolution, establish and maintain, by appropriate devices, markers or lines upon the street, crosswalks, at intersections where there is particular danger to pedestrians crossing the street, and at other places as they may deem necessary.

(1976 Code, § 5-209) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 70.11 SIGNS; SIGNALS.

The governing body may, by resolution, provide for the placing of stop signs, or other signs, signals, standards or mechanical devices in any street or alley under the village's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. The resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where the sign, signal, standard or mechanical device shall be placed; and the hours when the regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect or refuse to comply with the regulation, or prohibition.

(1976 Code, § 5-210) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-680, 60-6,119 through 60-6,121

§ 70.12 STOP SIGNS.

(A) Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause the vehicle to come to a complete stop before entering or crossing any street, highway or railroad crossing.

(B) 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.

(1976 Code, § 5-211) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-680, 60-6,119 through 60-6,121

§ 70.13 TRAFFIC-CONTROL DEVICES; SURVEILLANCE; 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.

(1976 Code, § 5-212) (Ord. 217, passed 2-4-1991) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,129, 60-6,130

SPECIFIC REGULATIONS**§ 70.25 LITTERING.**

It shall be unlawful for any person to drop, or cause to be left, upon any municipal highway, street or alley, except at places designated by the governing body, any rubbish, debris or waste, and any person so doing shall be guilty of littering.

(1976 Code, § 5-301) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 39-311

§ 70.26 SIGNS; DEFACING OR INTERFERING WITH.

It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal.

(1976 Code, § 5-302) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,129

§ 70.27 UNAUTHORIZED DISPLAY OF SIGNS.

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 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.

(1976 Code, § 5-303) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,127

§ 70.28 SPEED LIMITS.

(A) No person shall operate a motor vehicle on any street, alley or other place at a rate of speed greater than 20 mph within the village, unless an ordinance specifically adopts a different rate of speed.

(B) The following speed limits shall apply to US Highway 30:

(1) 65 mph from the west corporate limits to 750 feet west of the L-17B junction (Chestnut Street);

(2) 50 mph from 750 feet west of the L-17B junction to 750 feet east of the L-17B junction (Chestnut Street);

(3) 65 mph from 750 feet east of the L-17B junction (Chestnut Street) to the east corporate limits.

(C) In no instance shall a person drive a vehicle on a street, alley or 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.

(1976 Code, § 5-304) (Ord. 350, passed 6-9-2003; Ord. 480, passed 9-11-2017) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,186

§ 70.29 SPEED NEAR SCHOOLS.

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 the vehicle at a rate of speed in excess of 15 mph past the premises, and the driver shall stop at all stop signs located at, or near, the school premises, and it shall be unlawful for the driver to make a U-turn at any intersection where the stop signs are located at, or near, the school premise.

(1976 Code, § 5-305) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,186

§ 70.30 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 the unloading is permitted; provided, a vehicle shall be backed only when the 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.

(1976 Code, § 5-306) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-680, 60-6,169

§ 70.31 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 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.

(1976 Code, § 5-307) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-680, 60-6,166

§ 70.32 PASSING; INTERSECTIONS.

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction, while traversing a street intersection, if the passing requires overtaking vehicle to drive to the left of the center of the street.

(1976 Code, § 5-308) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,136

§ 70.33 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 maybe driven no more than two abreast in a single lane. (1976 Code, § 5-309) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,139, 60-6,308

§ 70.34 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.

(1976 Code, § 5-310) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-680, 60-6,179

§ 70.35 MOTOR VEHICLES ON RUNWAY PROHIBITED.

It shall be unlawful for any person to operate a wheeled motor vehicle upon the municipal airport runway; provided, this section shall not apply to those motor vehicles used by airport authorities for maintenance and operation of the airport.

(1976 Code, § 5-311) Penalty, see § 70.99

§ 70.36 DRIVING IN SIDEWALK SPACE.

No motor vehicle shall be driven or ridden within any sidewalk space, except a permanent or temporary driveway.

(1976 Code, § 5-312) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,178

§ 70.37 VEHICLE; MUFFLER.

(A) 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.

(B) No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner so that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured.

(C) 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.

(1976 Code, § 5-313) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,286, 60-6,371

§ 70.38 EMERGENCY; REGULATIONS.

The Village Marshal is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

(1976 Code, § 5-314)

Statutory reference:

Related provisions, see Neb. RS 81-2005

§ 70.39 POLICE; ENFORCEMENT.

The Village Marshal 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.

(1976 Code, § 5-315) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-683

§ 70.40 REFUSAL TO OBEY POLICE.

It shall be unlawful for any person to refuse, or fail to comply with, any lawful order, signal or direction of a police officer.

(1976 Code, § 5-316) Penalty, see § 70.99

§ 70.41 RADAR DEVICE; PROHIBITED.

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

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

POSSESSION. To have a device defined above in a motor vehicle if the device is not:

(a) Disconnected from all power sources; and

(b) In the rear trunk, which shall include the spare tire compartment, or any other compartment which is not accessible to the driver or any other person in the vehicle while the vehicle is in operation. If no compartment exists in a vehicle, then the device must be disconnected from all power sources and be placed in a position not readily accessible to the driver or any other person in the vehicle.

RADAR TRANSMISSION DEVICE. Any mechanism designed to interfere with the reception of radio microwaves in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles.

TRANSCIEIVER. An apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver.

(1976 Code, § 5-317) (Ord. 150, passed 6-6-1983) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,274 through 60-6,276

§ 70.42 DRUNKEN DRIVING.

(A) It shall be unlawful for any person to operate, or be in actual physical control of, any motor vehicle while under the influence of alcoholic liquor, or of any drug or when that person has ten-hundredths of 0.10% or more by weight of alcohol in his or her body fluid as shown by chemical analysis of his or her blood, breath or urine.

(B) Any person who operates or has in his or her actual physical control a motor vehicle upon a public highway shall be deemed to have given his or her consent to submit to a chemical test of his or her blood, breath or urine, for the purpose of determining the amount of alcoholic content in his or her body fluid.

(C) Any duly authorized law enforcement officer may require the person to submit to the chemical test when the person has been arrested:

(1) For any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle if the officer has reasonable grounds to believe that the person was under the influence of alcoholic liquor at the time of the offense;

(2) For refusing to submit to a preliminary test of his or her breath for alcohol content if the officer has reasonable grounds to believe that the person has alcohol in his or her body; or

(3) When the preliminary breath test results indicate an alcohol content of ten-hundredths of 0.10% or more by weight.

(D) Any person who refuses to submit to the preliminary breath test shall be guilty of a misdemeanor. Any person who refuses to submit to a chemical blood, breath or urine test as required above or who shall operate or be in actual physical control of any motor vehicle while under the influence of alcoholic liquor or of any drug or while having ten-hundredths of 0.10% by weight of alcohol in his or her body fluid as shown by a chemical blood, breath or urine test shall be deemed guilty of a Class W misdemeanor, and upon conviction thereof, shall be punished in accordance with state law; provided, the provisions of Neb. RS 60-6,196 and 60-6,197 with respect to the license of the person to operate a motor vehicle shall be applicable as though it were a violation of this section.

(E) Upon the conviction of any person for the violation of this section, there shall be assessed as part of the court costs, the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Neb. RS 60-6,201, for the test administered and the analysis thereof if the test was actually made.

(1976 Code, § 5-318) (Ord. 149, passed 6-6-1983) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,196 through 60-6,203

§ 70.43 CHILD PASSENGERS; RESTRAINT AND PROTECTION.

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

(1) All children under the age of five and weighing less than 40 pounds being transported in the vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration as of July 10, 1990, and which is correctly installed in the vehicle;

(2) All children under the age of 16 and weighing 40 or more pounds being transported in the vehicle use an occupant protection system; and

(3) This division (A) shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208 except taxicabs, mopeds, motorcycles and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(B) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition or other medical reason, the provisions of division (A) above shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for the waiver.

(C) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (A) above when operating the authorized emergency vehicles pursuant to their employment.

(D) Enforcement of division (A)(2) above shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation or some other offense. (1976 Code, § 5-319) (Ord. 196, passed 8-3-1987; Ord. 340, passed 9-10-2001) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-6,267(1), 60-6,267(2), 60-6,267(3), 60-6,268(3)

§ 70.44 MOTORCYCLE; HELMET.

(A) Commencing January 1, 1989, a person shall not operate or be a passenger on a motorcycle or moped on any highway unless the person is wearing a protective helmet of the type and design manufactured for use by operators of the vehicles and unless the helmet is secured properly on his or her head with a chin strap while the vehicle is in motion.

(B) All the 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.

(C) Each 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. (1976 Code, § 5-320) (Ord. 211, passed 9-6-1989) Penalty, see § 70.99

Statutory reference:

Related provisions, see Neb. RS 60-4,182

§ 70.45 ENGINE BRAKES.

No person operating any motor vehicle, tractor, semi-tractor or truck shall use, operate or engage engine or compression brakes within the corporate limits of the village. (1976 Code, § 5-321) (Ord. 345, passed 4-8-2002) Penalty, see § 70.99

§ 70.99 PENALTY.

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24-hours' of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the village may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (1976 Code, § 5-601) (Ord. 399, passed 10-9-2000)

Statutory reference:

Related provisions, see Neb. RS 17-207, 17-505, 18-1720, 18-1722

CHAPTER 71: PARKING REGULATIONS

Section

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GENERAL PROVISIONS**§ 71.01 PARKING GENERALLY.**

(A) No person shall park any vehicle, or approach the curb with a vehicle, except when headed in the direction of the traffic.

(B) Vehicles, when parked, shall stand parallel with and adjacent to the curb or edge of the roadway, in a manner so as to have both right wheels within 12 inches of the curb or edge of the roadway, and so as to leave at least four feet between the vehicle so parked and any other parked vehicles, except where the governing body designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway.

(C) Where stalls are designated either on the curb or pavement, vehicles shall be parked within the stalls.

(1976 Code, § 5-501) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-680, 60-6,167

§ 71.02 DESIGNATION.

The governing body may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb.

(1976 Code, § 5-502)

Statutory reference:

Related provisions, see Neb. RS 60-680, 60-6,167

§ 71.03 AREAS OF PARKING.

(A) The governing body may, by resolution, set aside any street, alley, public way or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited.

(B) No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of the street, alley, public way or portion thereof, longer than a period of time necessary to load and unload freight or passengers.

(1976 Code, § 5-503) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 71.04 OBSTRUCTING ALLEY.

No vehicle, while parked, shall have any portion thereof projecting into any alley entrance.
(1976 Code, § 5-504) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 71.05 TRUCK UNLOADING.

(A) It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any vehicle on Chestnut Street from Front Street to Sheridan Street, and on Sherman Street from Elm Street to Olive Street 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.

(B) It shall be unlawful for the operator of any truck, regardless of length, to park the vehicle within a street intersection, on a crosswalk, in front of a private driveway or on a sidewalk.

(C) The governing body may, by resolution, provide truck parking areas within the village, and when the parking areas are provided, it shall be the duty of all truck operators to use the parking areas for all parking purposes.

(1976 Code, § 5-505) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 71.06 FIRE HYDRANTS AND STATIONS.

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station.

(1976 Code, § 5-506) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-6,166

§ 71.07 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, nor where the curb lines are painted red to indicate the prohibition.

(1976 Code, § 5-507) Penalty, see § 71.99

§ 71.08 OBSTRUCTING TRAFFIC.

No person shall, except in case of an accident or emergency, stop any vehicle in any location where the stopping will obstruct any street, intersection or entrance to an alley or public or private drive.

(1976 Code, § 5-508) Penalty, see § 71.99

§ 71.09 CURB.

No vehicle shall park on any street with its left side to the curb, unless the street has been designated to be a "one-way" street by the governing body. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away.

(1976 Code, § 5-509) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-6,167

§ 71.10 PAINTED CURBS.

It shall be the duty of the Utilities Superintendent to cause the curb space to be painted and keep the same painted as provided in this chapter. 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 the places where the parking of vehicles is prohibited by the provisions of this chapter. 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 governing body.

(1976 Code, § 5-510) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 71.11 DISPLAY OR REPAIR OF VEHICLES.

(A) It shall be unlawful for any person to park upon any street, alley or public place within this village any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this village, excepting in case of breakdown or other emergency requiring same.

(B) No person or employee connected with a garage or repair shop shall use sidewalks, streets or alleys in the vicinity of the garage or shop for the purpose of working on automobiles or vehicles of any description.

(1976 Code, § 5-511) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 71.12 TIME LIMIT.

The governing body may, by resolution, entirely prohibit, or fix a time limit for, the parking and stopping of vehicles on any street, streets or district designated by the resolution, and the parking, or stopping, of any vehicle in any like street, streets or district, for a period of time longer than fixed in the resolution shall constitute a violation of this chapter.

(1976 Code, § 5-512) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 71.13 MAXIMUM TIME LIMIT.

The parking of a motor vehicle on a public street for over 48 consecutive hours is unlawful, except where a different maximum time limit is posted.

(1976 Code, § 5-513) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-680

§ 71.14 EMERGENCY VEHICLES.

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

(1976 Code, § 5-514)

Statutory reference:

Related provisions, see Neb. RS 60-6,114

§ 71.15 PRIVATE PARKING 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 the 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 the vehicle is registered shall be held prima facie responsible for the infraction.

(B) 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 the motor vehicle a citation directed to the owner

or operator of the 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. RS 29-426.

(C) Signs designating a restricted parking lot shall be readily visible and shall state the purpose or purposes for parking on the restricted parking lot, state the hours for restricted parking, and state who to contact for information regarding a towed vehicle.

(1976 Code, § 5-515) (Ord. 139, passed 3-1-1982) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-2401, 60-2402

§ 71.16 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 this chapter, the individual may remove or have the vehicle removed, or require the driver or other person in charge of the vehicle to move the vehicle, to a position off the roadway of the street or alley or from the street or alley.

(B) The owner or other person lawfully entitled to the possession of the vehicle may be charged with the reasonable cost for the removal and storage, payable before the vehicle is released. Any towing or storage fee shall become a security interest in the vehicle prior to all other claims. This fee shall be in addition to any other fees or penalties owed the village for the vehicle.

(1976 Code, § 5-516) (Ord. 173, passed 7-1-1985) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 60-680, 60-6,165

DISABLED PARKING

§ 71.30 DESIGNATION OF ON-STREET PARKING SPACES; DISPLAY OF PERMITS.

(A) The governing body may designate parking spaces for the exclusive use of:

(1) Handicapped or disabled persons whose vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. RS 60-3,113;

(2) Handicapped or disabled persons whose vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state;

(3) Other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the village, whose vehicles display the identification specified in Neb. RS 18-1739; and

(4) Other motor vehicles, as certified by the village, which display the permit. All the 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 governing body so designates a parking space, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space a sign which is in conformance with the *Manual on Uniform Traffic Control Devices*. In addition to the 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. (1976 Code, § 5-517) (Ord. 291, passed 2-9-1998)

Statutory reference:

Related provisions, see Neb. RS 18-1736, 18-1737

§ 71.31 OFF-STREET PARKING STALLS OR SPACES.

(A) The governing body and any person in lawful possession of any off-street parking facility may designate stalls or spaces in the facility for the exclusive use of:

(1) Handicapped or disabled persons whose vehicles display the distinguishing license plates issued to the individuals pursuant to Neb. RS 60-3,113;

(2) Other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the village, whose vehicles display the permit specified in Neb. RS 18-1739; and

(3) Other motor vehicles, as certified by the village, which display the permit.

(B) The 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*.

(1976 Code, § 5-518) (Ord. 292, passed 2-9-1998) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 18-1737

§ 71.32 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HANDICAPPED OR DISABLED PERSON. 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 standard set by the American Heart Association, and any individual who has permanently lost all or substantially all the use of one or more limbs.

HANDICAPPED PARKING INFRACTION. The violation of any section of this chapter 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.

TEMPORARILY HANDICAPPED OR DISABLED PERSON. Any handicapped or disabled person whose personal mobility is expected to be limited in a manner for no longer than one year. (1976 Code, § 5-519) (Ord. 293, passed 2-9-1998)

Statutory reference:

Related provisions, see Neb. RS 18-1738, 18-1741.01

§ 71.33 PERMIT ISSUANCE.

(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 the holder to park in those spaces provided for by this chapter when the holder of the permit will enter or exit the motor vehicle while it is parked in the 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. RS 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 containing the statutory criteria for qualification and signed by a physician, physician assistant or advanced practice registered nurse 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 advanced practice registered nurse 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 § 71.34 below, 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. (1976 Code, § 5-520) (Ord. 294, passed 2-9-1998; Ord. 344, passed 9-10-2001)

Statutory reference:

Related provisions, see Neb. RS 18-1738(1), 18-1738(3), 18-1738.02

§ 71.34 MOTOR VEHICLE PERMIT ISSUANCE.

(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 by this chapter, if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. The 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 or temporarily handicapped or disabled person and the person will enter or exit the motor vehicle while it is parked in the designated space.

(B) The Village Clerk shall not accept the application for a permit of any person making application contrary to Neb. RS 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 the forms as are provided to the Village Clerk by the Department of Motor Vehicles, and shall demonstrate to the Village Clerk that each 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 permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under § 71.33 above, 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. (1976 Code, § 5-521) (Ord. 298, passed 3-9-1998)

Statutory reference:

Related provisions, see Neb. RS 18-1738.01, 18-1738.02

§ 71.35 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 information as specified in the rules and regulations adopted and promulgated by the United States Department of Transportation in the Uniform System for Handicapped Parking, 23 C.F.R. part 1235.

(B) In addition to the requirements of division (A) above, the permit shall show the 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 chapter.

(C) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to the person or for the motor vehicle and the permit has been suspended pursuant to § 71.37 below. At the expiration of the 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. The 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 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.

(1976 Code, § 5-522) (Ord. 237, passed 6-7-1993; Ord. 299, passed 3-9-1998) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 18-1739

§ 71.36 PERMITS; PERIOD VALID; RENEWAL AND FEE.

(A) All permits authorized under this chapter for handicapped or disabled parking prior to September 10, 1993, shall be issued for a period ending January 1 of the fourth year following the date of issuance. All permits authorized under this chapter for handicapped or disabled parking after September 9, 1993, and before September 10, 1995, shall be issued for a period of three years. Upon the expiration of a permanent permit, it may be renewed pursuant to the provisions of this section and §§ 71.33 or 71.34 above. After September 9, 1995, all permanently issued permits authorized by this chapter shall be issued for a period ending September 30 of the third year following the date of issuance and shall expire on that date, except that an application for the renewal of a permit filed with the Village Clerk within 30 days of that date after its expiration shall be deemed to have been filed prior to the date of its expiration. The possession of an expired but otherwise valid handicapped parking permit with 30 days following the date of its expiration shall serve as a full and complete defense in any action for a handicapped parking infraction resulting from the absence of a handicapped parking permit arising during that 30-day period.

(B) All permits authorized under this chapter after September 9, 1995, for temporarily handicapped or disabled parking shall be issued for a period ending not more than six months after the date of issuance but may be renewed for a one-time period not to exceed six months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee.

(C) A permit fee of \$3 shall be charged for each permit, \$2 of which shall be retained by the Village Clerk and \$1 of which shall be forwarded on a quarterly basis to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(1976 Code, § 5-523) (Ord. 300, passed 3-9-1998)

Statutory reference:

Related provisions, see Neb. RS 18-1740

§ 71.37 NONTRANSFERABLE PERMITS; VIOLATION; SUSPENSION.

(A) Permits issued under this chapter 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.

(B) No person shall alter or reproduce in any manner a permit issued pursuant to this chapter.

(C) 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 the permit for a period of six months.

(D) At the expiration of the period, a suspended permit may be renewed upon payment of the permit fee.
(1976 Code, § 5-524) (Ord. 301, passed 3-9-1998) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 18-1741

§ 71.38 REMOVAL OF UNAUTHORIZED VEHICLE.

(A) The owner or person in lawful possession of an off-street parking facility, after notifying the Police or Sheriff's Department, and the village providing on-street parking or owning, operating or providing an off-street 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 the persons, of any vehicle not displaying the proper permit or the distinguishing license plates specified in this chapter if there is posted aboveground and immediately adjacent to and visible from the stall or space a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(B) Anyone who parks in any on-street 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 the persons, or in any so exclusively designated parking space in any off-street 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 § 71.32 above and shall be subject to the procedures set forth in § 71.39 below and the penalty provided for in this chapter.

(1) 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.

(2) If the identity of the person who parked the vehicle in violation of the section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation and shall be guilty and subject to the penalty provided for in this chapter.

(C) In the case of a privately owned off-street parking facility, the owner or person in lawful possession of the facility shall not be required to inform the village of a violation of this section prior to the village issuing the violator a handicapped parking infraction citation.

(1976 Code, § 5-525) (Ord. 236, passed 6-7-1993; Ord. 303, passed 3-9-1998) Penalty, see § 71.99

Statutory reference:

Related provisions, see Neb. RS 18-1737

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

(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 the person with a handicapped parking infraction or the 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. RS 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. RS 18-1738 or 18-1738.01 and that the peace officer has personally viewed the permit.

(1976 Code, § 5-526) (Ord. 302, passed 3-9-1998)

§ 71.99 PENALTY.

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24-hours' of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the village may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(1976 Code, § 5-601) (Ord. 399, passed 10-9-2000)

CHAPTER 72: RECREATIONAL VEHICLES

Section

- 72.01 Bicycle; operation
- 72.02 Clinging to motor vehicle
- 72.03 Mopeds
- 72.04 Minibikes; unlawful operation

- 72.99 Penalty

§ 72.01 BICYCLE; OPERATION.

(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) (1) 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 the bicycle, and properly lighted, or without a yellow, or red light reflector attached to, and visible 500 feet from the rear thereof.

(2) The headlight shall give 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 ride a bicycle on the sidewalks within the Business District.
(1976 Code, § 5-401) Penalty, see § 72.99

Statutory reference:

Related provisions, see Neb. RS 60-6,315, 60-6,317, 60-6,318

§ 72.02 CLINGING TO MOTOR VEHICLE.

No person riding upon any bicycle or roller skates shall attach the same or himself or herself to any moving vehicle upon any roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person traveling upon any bicycle or roller skates to cling to or attach himself or herself or his or her bicycle, or roller skates, to the vehicle so driven and operated by him or her.

(1976 Code, § 5-402) Penalty, see § 72.99

Statutory reference:

Related provisions, see Neb. RS 60-6,316

§ 72.03 MOPEDS.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MOPED. 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 mph on level ground. **MOPEDS**, their owners and their operators, shall be subject to Neb. RS Chapter 60, Article 4, and amendments thereto, but shall be exempt from the requirements of Neb. RS Chapter 60, Articles 1, 3, 5 and 17 and amendments thereto.

(1976 Code, § 5-403)

(B) *Operator's license required.* No person shall operate a moped upon the streets, alleys or public highways of the village unless the person has a valid motor vehicle operator's license or a valid school or learner's permit.

(1976 Code, § 5-404)

(C) *Traffic regulations applicable.*

(1) Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under Chapters 71 and 72 of this code, and Neb. RS 60-601 and 60-602, and amendments thereto, except for those provisions of the sections which by their nature can have no application.

(2) The regulations applicable to mopeds shall apply whenever a moped shall be operated upon any street, alley or public highway within the village or upon any path set aside by the Department of Roads or local authority for the use of mopeds.

(3) Notwithstanding any established maximum speed limits in excess of 25 mph, no person shall operate any moped at a speed in excess of 30 mph.
(1976 Code, § 5-405)

(D) *Operation.*

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

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

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

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

(5) No person who rides upon a moped shall attach himself or herself or the moped to any other vehicle on a roadway.
(1976 Code, § 5-406)

(E) *Use of traffic lanes.*

(1) A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of 45 mph or less and no vehicle shall be operated in a manner so as to deprive any moped of the full use of the lane.

(2) This section shall not apply to mopeds or motorcycles operated two abreast in a single lane.

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

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

(5) Any person who operates a moped on a roadway with an authorized speed limit of more than 45 mph shall ride as near to the right side of the roadway as practicable, and shall not ride more than single file.
(1976 Code, § 5-407)

(F) *Equipment.*

(1) Any moped which carries a passenger shall be equipped with footrests for the passenger.

(2) No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars.

(1976 Code, § 5-408)

(Ord. 114, passed 11-5-1979) Penalty, see § 72.99

Statutory reference:

Related provisions, see Neb. RS 60-6,309, 60-6,311, 60-6,312

§ 72.04 MINIBIKES; UNLAWFUL OPERATION.

It shall be unlawful for any person to operate a minibike upon any street or highway within the corporate limits of the village. For purposes of this section, **MINIBIKE** shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than 14 inches or an engine rated capacity of less than 45 cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only.

(1976 Code, § 5-409) (Ord. 138, passed 3-1-1982) Penalty, see § 72.99

Statutory reference:

Related provisions, see Neb. RS 60-6,340, 60-6,352

§ 72.99 PENALTY.

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24-hours' of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the village may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(1976 Code, § 5-601) (Ord. 399, passed 10-9-2000)