

CHAPTER 4 – VEHICLES AND TRAFFIC

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CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 4-101: DEFINITIONS

A. 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. If not defined in the designated statute, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §60-606 thru 60-676)

B. "Business district" shall include that portion of the City embraced within and including the area of public streets enumerated as follows:

1. Each side of Fourth Street from "C" Street north to "E" Street.
2. Each side of "D" Street from the alley entrance in Block 32 west to Fifth Street.

C. "Residential district" shall include all parts of the City not included in the business district

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

The Nebraska Rules of the Road, contained in Neb. Rev. Stat. Chapter 60, Article 6, together with all subsequent amendments thereto, are incorporated by reference into this code and made a part of this article as though spread at large herein, except those provisions in conflict with this code when the City Council has the authority to alter such regulations. One copy of the Nebraska Rules of the Road shall be on file with the city clerk, available for public inspection during office hours. (Neb. Rev. Stat. §18-132)

SECTION 4-103: EMERGENCY REGULATIONS

The Red Willow County sheriff is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Neb. Rev. Stat. §60-435)

SECTION 4-104: POLICE; ENFORCEMENTS

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

SECTION 4-105: POLICE; REFUSAL TO OBEY

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

SECTION 4-106: TRAFFIC LANES; DESIGNATION

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

SECTION 4-107: UNNECESSARY STOPPING

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

**SECTION 4-108: DRIVING ON RIGHT HALF OF ROADWAY REQUIRED;
EXCEPTIONS**

A. Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding the same direction under the rules governing such movement;
2. When an obstruction exists making it necessary to drive to the left of the center of the highway; driver shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon;
4. Upon a roadway restricted to one-way traffic.

(Neb. Rev. Stat. §60-6,131)

SECTION 4-109: RIGHT-OF-WAY; GENERALLY

When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a police officer stationed at the intersection. 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. The driver of a vehicle on any street shall yield the right-of-way to a pe-

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. The driver of a vehicle entering a city street from a private road or drive shall yield the right-of-way to all vehicles approaching on such 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. (Neb. Rev. Stat. §60-6,146 thru 60-6,154)

SECTION 4-110: 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 law enforcement 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 4-111: SPEED LIMITS

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

B. No person shall operate a motor vehicle on Highways 6 & 34 ("D" Street) within the City at a speed greater than hereby specified. Appropriate signs shall be posted designating such speed limits.

1. From 2,100 feet west of Oak Street to 800 feet west of Oak Street, 50 mph;

2. From 800 feet west of Oak Street to 100 feet east of Second street, 35 mph;
3. From 100 feet east of Second Street to 875 feet east of 2nd street, 50 mph.
4. From 875 feet east of Second Street to 2,142 feet east of 2nd street, 65 mph.

C. Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of an infraction and upon conviction thereof shall be fined in accordance with the fine waiver schedule of the Nebraska Supreme Court.
(Neb. Rev. Stat. §60-6,185, 60-6,186, 60-6,190) (Ord. Nos. 483, 7/5/11; 492, 11/17/14)

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SECTION 4-112: SIGNS, SIGNALS

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

SECTION 4-113: 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. (Neb. Rev. Stat. §60-6,129 to 60-6,139)

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

Every person operating any vehicle shall, upon approaching any stop sign, 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. §60-6,118 thru 60-6,121)

SECTION 4-116: STOPS; CROSSING SIDEWALKS

All vehicles, before crossing a sidewalk, emerging from a garage, alley, filling station, or other place within the business district, shall come to a complete stop and after giving sufficient warning shall proceed slowly and with extreme caution while crossing such sidewalk or leaving such garage, alley, filling station, or other place. The term "slowly" shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic thereon. (Neb. Rev. Stat. §60-149)

SECTION 4-117: CROSSWALKS

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

SECTION 4-118: TURNING; "U" TURNS

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

SECTION 4-119: TURNING; GENERALLY

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

SECTION 4-120: TURNING; CAUTION

The operator of a vehicle shall, before stopping, turning, or changing the course of such vehicle, see that there is sufficient space to make such movement in safety. If any pedestrian might be affected by such movement, the operator shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, the operator shall give some unmistakable signal to the driver of all other vehicles of his or her intention to make such movement. (Neb. Rev. Stat. §60-6,161, 60-680)

SECTION 4-121: BACKING

A. Vehicles backing onto a highway shall back into the lane in which they are going to proceed. No vehicle shall back onto a highway and then cross over the center line in order to proceed in the proper lane.

B. It shall be unlawful for any person to back a motor vehicle on the city streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety and in no case shall the distance of the backing exceed one and

one-half lengths of the vehicle.

(Neb. Rev. Stat. §60-6,169)

SECTION 4-122: 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. §60-6,179, 60-680)

SECTION 4-123: CLINGING TO MOTOR VEHICLES

No person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall attach himself or the conveyance to any vehicle upon a roadway. It shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle to cling or attach himself or the conveyance to such vehicle driven and operated by him or her. (Neb. Rev. Stat. §60-6,316)

SECTION 4-124: CROWDING FRONT SEAT

Front seat occupancy of any automobile while the same is in the process of being started or is in motion within the corporate limits shall be limited to not more than three persons over the age of 12 years. It shall be unlawful for any person to operate a motor vehicle upon any street when such person has in his or her lap or in his or her embrace another person, package, or other encumbrance which prevents the free and unhampered operation of such vehicle. (Neb. Rev. Stat. §60-6,179)

SECTION 4-125: UNNECESSARY NOISE

It shall be unlawful for any person in any part of the City to make or cause to be made any unnecessary noise with any signal device or to use the same except as a road signal.

SECTION 4-126: MUFFLER

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

SECTION 4-127: DRIVING ABREAST

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

SECTION 4-128: GLASS; POINTED OBJECTS

No person shall throw, cast, lay, or place upon any street any thorns, nails, tacks, glass, bottles, window glass, or other articles made of or containing glass; and in case of an accident causing the breaking of any glass upon any street, the owner or person in charge of such glass or the person responsible for such breakage shall at once remove or cause the same to be removed from the street.

SECTION 4-129: VEHICLE OPERATION ON FLOOD CONTROL DIKE

No person shall drive, use, operate, park or stop, or cause to be driven, used, operated, parked or stopped any unauthorized automobile, truck, motorcycle, snowmobile, mini-bike, bicycle, tricycle, wagon or any other wheeled, tracked or runnered vehicle, whether or not motor-driven, upon or across the flood control dike located along the east bank of Coon Creek within the corporate limits of the City, except at vehicle crossovers provided for access to the city sports field. Said exception shall apply only to travel connected with activities at said sports field. (Neb. Rev. Stat. §60-680)

SECTION 4-130: TRUCK ROUTES

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

SECTION 4-131: ENGINE BRAKING

It shall be unlawful for any person within the corporate limits of the City to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air or engine braking and used for the purpose of assisting braking on any vehicle, commonly called "Jake braking." The City Council shall cause notices to be posted or erect signs indicating such prohibition. (Ord. No. 471, 2/18/08)

SECTION 4-132: RAILROADS; OBSTRUCTING TRAFFIC

It shall be unlawful for any railroad company, its employees, agents, or servants operating a railroad through the City to obstruct traffic on any public street, except in the event of an emergency, for a longer period than five continuous minutes. (Ord. No. 439, 4/16/01)

Article 2 – Parking

SECTION 4-201: PARKING GENERALLY

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

SECTION 4-202: DESIGNATION

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

SECTION 4-203: PROHIBITIONS

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

SECTION 4-204: OBSTRUCTING ALLEY

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

SECTION 4-205: ALLEYS; LOADING AND UNLOADING

No vehicle shall be parked in any alley, except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one-half hour. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. (Neb. Rev. Stat. §60-680)

SECTION 4-206: 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 inter-

section of property lines. (Neb. Rev. Stat. §60-6,166)

SECTION 4-207: BUSINESS DISTRICT UNLOADING

It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any such vehicle on a street which the City Council has designated to be within the business district, except to load or unload, and then only when loading or unloading in an alley is impossible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload and in no case shall take up more than one-half of the street when doing so. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway, or on a sidewalk. The City Council may, by resolution, provide truck parking areas adjoining or adjacent to the business district and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes. (Neb. Rev. Stat. §60-680)

SECTION 4-208: OBSTRUCTING TRAFFIC

No vehicle except in case of an accident or emergency shall stop within any street, street intersection, alley entrance, or any such location as to obstruct any street, driveway, crosswalk, or alley entrance. (Neb. Rev. Stat. §60-680)

SECTION 4-209: CURB PARKING

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

SECTION 4-210: CURBS; PAINTED

It shall be the duty of the appropriate appointed official, at the direction of the City Council, 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 City through its proper officers, at the direction of the City Council. (Neb. Rev. Stat. §60-680)

SECTION 4-211: TIME LIMIT

The City Council may, by resolution, fix a time limit or entirely prohibit 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 4-212: 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. Parking of a motor vehicle on private property, other than in an enclosed garage, in excess of seven days is unlawful and a violation of this section. (Neb. Rev. Stat. §60-680) (Am. by Ord. No. 461, 9/19/05)

SECTION 4-213: SNOW REMOVAL AND MAINTENANCE

It shall be unlawful to park or stand any vehicle on Fourth Street between "C" Street and "F" Street after a snowfall of two inches or more. Notice shall be given by posting of signs along said street. Such signs shall be posted not less than four hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this chapter and such vehicle may be removed and parked under the supervision of the city police to a suitable nearby location. The owner of a removed vehicle shall be notified of the removal within 24 hours. (Neb. Rev. Stat. §17-557)

SECTION 4-214: PRIVATE LOTS

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

B. Signs designating a restricted parking lot shall be readily visible and shall state the purpose or purposes for parking on the restricted parking lot, the hours for restricted parking, and whom to contact for information regarding a towed vehicle. (Neb. Rev. Stat. §60-2401, 60-2402) (Ord. No. 292, 9/8/81)

SECTION 4-215: FIRE STATIONS AND HYDRANTS

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

SECTION 4-216: REPAIR OF VEHICLES

No person shall adjust or repair any automobile or motorcycle or race the motor of same while the vehicle is standing on the traveled or paved portion of public streets or alleys of this City, excepting in case of breakdown or other emergency. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Neb. Rev. Stat. §60-680)

SECTION 4-217: VEHICLES LEAKING SUBSTANCES

No vehicle, while parked legally as described in this chapter, shall be permitted to leak or emit any substance such as oil, gasoline, brake fluid, anti-freeze and coolant, or other such liquid substance deemed destructive of the pavement or street. (Neb. Rev. Stat. §60-680) (Ord. No. 322, 4/1/85)

SECTION 4-218: TRUCK PARKING

Except under authority of a valid permit issued as set out herein:

A. It shall be unlawful for any truck, truck-tractor or trailer, except for trucks with a gross vehicle weight of less than eight tons, to be parked or left standing between the hours of 12:00 midnight and 6:00 A.M. on any street, alley, or public right-of-way where parking is permitted in any part of the City which is zoned as residential.

B. It shall be unlawful for any truck, truck-tractor or trailer, except for trucks with a gross vehicle weight of less than eight tons, to be parked or left standing from and after the hour of 6:00 A.M. until 12:00 midnight for more than two hours on any street, alley, or public right-of-way where parking is permitted in any part of the City which has been zoned as residential.

C. As used in this section, the following terms shall have the following meanings:

1. "Truck" shall mean any motor vehicle not designed, used or maintained primarily for the transportation of persons as a passenger vehicle. The definition of "truck" shall include all common carriers and all motor vehicles designed, used, or maintained primarily for the transportation of property or equipment and shall include all vehicles which constitute commercial vehicles under Neb. Rev. Stat. §60-301.
2. "Truck-tractor" shall mean any motor vehicle designed and primarily used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the load so drawn.

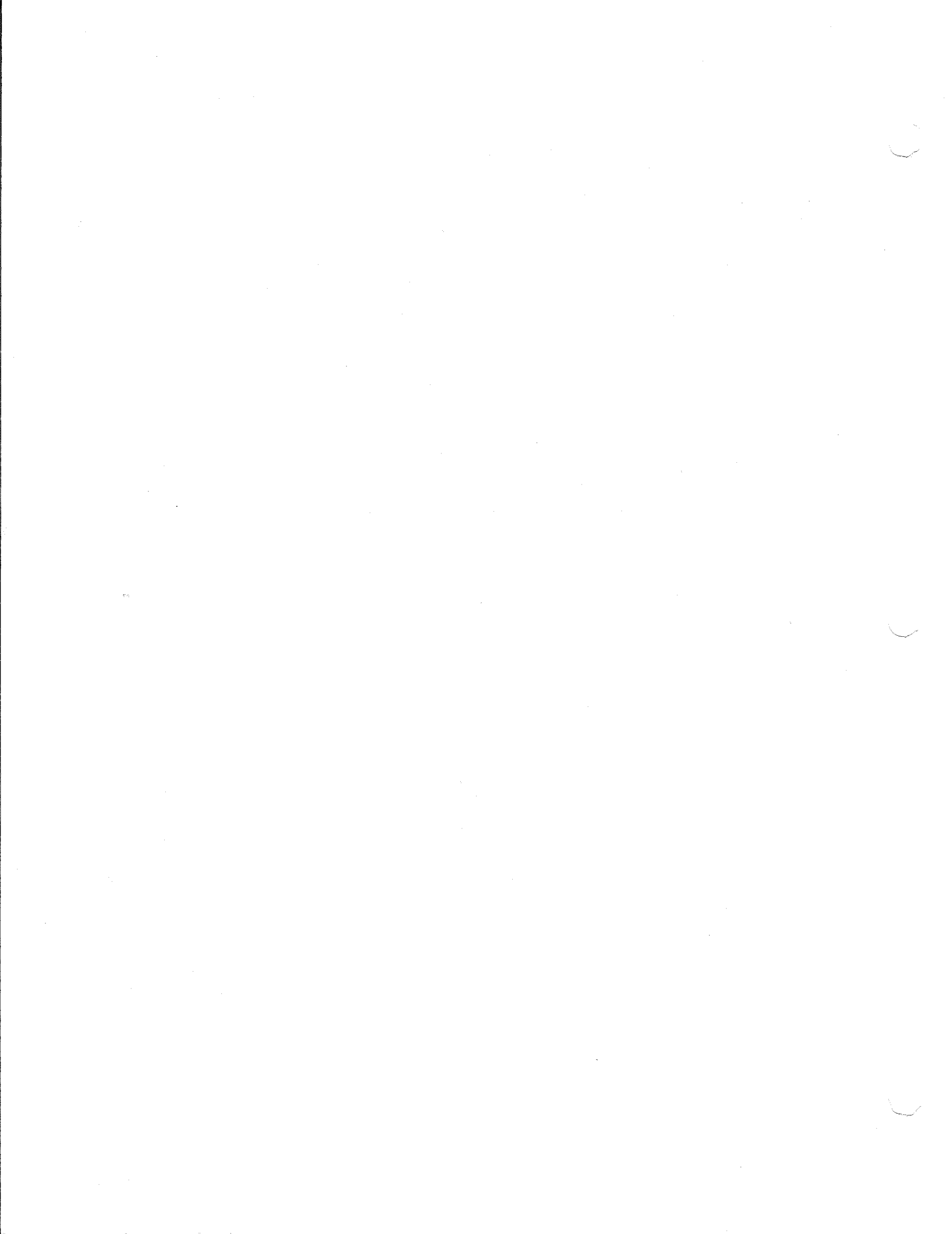
3. "Trailer" shall mean any vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

D. The fact that a legally parked truck, truck-tractor, or trailer is registered in the name of a person shall be considered prima facie proof that such a person was in control of the truck, truck-tractor, or trailer at the time of such parking.

E. The city clerk shall be empowered to issue permits for the parking of such vehicles in the residential areas of the City as required by this section.

1. The permits and applications for permits shall appear on forms approved by the city clerk.
2. The permits shall be for a period not to exceed 72 hours and the period shall be displayed prominently on the permit.
3. Any alteration of a permit issued hereunder shall constitute a violation of this section.
4. The city clerk shall charge a fee as set by resolution of the City Council for issuance of each such permit.
5. The permit shall be issued upon a showing by the applicant of a reasonable necessity, for purposes of loading or unloading only, to exceed the limits set by this section. However, no permit shall be issued for a vehicle when the parking of said vehicle would constitute a nuisance under city ordinances or state laws nor for any other purpose than loading or unloading.
6. Any misrepresentation or false statements in an application for a permit shall constitute a violation of this section.
7. The City Council is empowered to promulgate such further rules and regulations as are necessary for the implementation and operation of the permit system hereunder by resolution.

(Ord. No. 393, 12/5/94)



Article 3 – Mini-Bikes, Snowmobiles, All-Terrain and Utility-Type Vehicles

SECTION 4-301: MINI-BIKES; UNLAWFUL OPERATION

It shall be unlawful for any person to operate a mini-bike upon any street or highway within the corporate limits of the City. For purposes of this article, "mini-bike" shall mean a two-wheeled 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-wheeled motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §60-2101.01, 60-2107) (Am. by Ord. No. 296, 9/8/81)

SECTION 4-302: MINI-BIKES; PUBLIC LANDS

Mini-bikes shall be prohibited upon the public lands owned by the City except where allowed by resolution of the City Council. (Neb. Rev. Stat. §60-2106)

SECTION 4-303: SNOWMOBILES; UNLAWFUL ACTS

It shall be deemed a misdemeanor for any person to allow a snowmobile owned or operated by him to be operated:

A. Within the City unless weather conditions are such that it provides the only practicable method of safe vehicular travel or said snowmobile is engaged in responding to an emergency.

B. At a rate of speed greater than reasonable or proper under the surrounding circumstances.

C. In a careless, reckless or negligent manner so as to endanger person or property.

D. Without a lighted headlight and taillight when such would be required by conditions.

E. In any tree nursery or planting in a manner which damages or destroys growing stock.

F. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.
(Neb. Rev. Stat. §60-2013, 60-2015)

SECTION 4-304: SNOWMOBILES; PUBLIC LANDS

Snowmobiles shall be prohibited from operation on the public lands owned by the

City, except where allowed by resolution of the City Council. (Neb. Rev. Stat. §60-2016)

SECTION 4-305: 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) (Ord. No. 484, 11/1/11)

SECTION 4-306: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION

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

B. An ATV or UTV may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of 30 miles per hour. When operating an ATV or UTV as authorized herein, the headlight and taillight of the vehicle shall be on and it shall be equipped with a bicycle safety flag which extends not less than 5 feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be Day-Glo in color.

C. ATVs and UTVs may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

D. Every ATV and UTV shall be equipped with a brake system maintained in good operating condition, an adequate muffler system in good working condition, and a United States Forest Service qualified spark arrester. Every UTV shall also be equipped with turn signals, brake lights and a horn.

E. No person shall equip the exhaust system of on an ATV or a UTV with a cutout, bypass, or similar device; operate an ATV or a UTV with an exhaust system so modified; or operate an ATV or a UTV with the spark arrester removed or modified. Provisions found in this subsection may be exempted if such exemption is in accordance with Neb. Rev. Stat. §60-6,359 and 60-6,360.

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

1. A valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. 60-4,126; and
2. Liability insurance coverage for the ATV or UTV while being operated on a street or highway. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

G. 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.

H. 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.

I. 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)

J. If an accident results in the death of any person or in the injury of any person which requires treatment of the person by a physician, the operator of each ATV or UTV involved in the accident shall give notice of the accident in the same manner as provided in Neb Rev. Stat. §60-699.

K. Every ATV or UTV, as defined by the Nebraska statutes or the Indianola Municipal Code, which is operated within the jurisdiction of the City is hereby declared to be a motor vehicle and subject to all of the Rules of the Road and traffic laws for motor vehicles as defined in either the Nebraska statutes or the Indianola municipal code.

(Neb. Rev. Stat. §60-6,356) (Ord. No. 484, 11/1/11)

Article 5 – Abandoned Automobiles

SECTION 4-501: DEFINED

A. A motor vehicle is an abandoned vehicle:

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

B. For purposes of this section:

1. "Public property" shall mean any public right-of-way, street, highway, alley, or park or other state-, county-, or city-owned property; and
2. "Private property" shall mean 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 4-502: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in Section 4-501 (A)(1), (2), (3), or (4). (Neb. Rev. Stat. §60-1907)

SECTION 4-503: TITLE; VEST IN LOCAL AUTHORITY OR STATE AGENCY

If an abandoned vehicle at the time of abandonment has no license plates of the current year or valid "In Transit" signs or 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 City Council or state agency having jurisdiction thereof as provided in Section 4-506 (Custody). Any certificate of title is-

sued under this section to the City Council or state agency shall be issued at no cost to such authority or agency. (Neb. Rev. Stat. §60-1902)

SECTION 4-504: LOCAL AUTHORITIES; POWERS AND DUTIES

A. Except for vehicles governed by Section 4-503 (Title), the City Council 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 City Council 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 City Council 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 City Council 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 City Council (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 City Council 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 City Council may retain for use, sell, or auction the abandoned vehicle. If the Council 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 jurisdiction an announcement that the Council intends to retain the abandoned vehicle for its use and that title will vest in the Council 30 days after the publication.

(Neb. Rev. Stat. §60-1903)

SECTION 4-505: 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 4-506: CUSTODY; WHO ENTITLED

If a state agency caused an abandoned vehicle described in Section 4-501 (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 4-701 (A)(1), (2), (3), or (4) to be removed from public property, the state agency shall deliver the vehicle to the City Council, which shall have custody. The City Council shall be entitled to custody of an abandoned vehicle if the said vehicle was abandoned in the City. (Neb. Rev. Stat. §60-1904)

SECTION 4-507: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the City Council shall be held by the Council 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 City. (Neb. Rev. Stat. §60-1905)

SECTION 4-508: LIABILITY FOR REMOVAL

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

SECTION 4-509: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL; EXCEPTION; VIOLATION; PENALTY

No person other than one authorized by the City Council 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 4-510: COSTS OF REMOVAL AND STORAGE; LAST REGISTERED OWNER LIABLE

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

Article 6 – Penal Provision

SECTION 4-601: 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.