

## **CHAPTER 5: TRAFFIC**

Article

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## **ARTICLE 1: DEFINITIONS**

### **§ 5-101 DEFINITIONS.**

The words and phrases used in this Chapter, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Chapter 60, Article 6 of the Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. *(Ref. 60-606 through 60-676 RS Neb.) (Amended by Ord. No. 628, 8/9/94)*

### **§ 5-102 through §5-120**

*(Deleted by Ord. No. 628, 8/9/94)*

## **ARTICLE 2: MUNICIPAL TRAFFIC REGULATIONS**

### **§ 5-201 AUTOMATIC LIGHTS AND SIGNALS.**

No vehicle shall turn at any intersection where an automatic signal system is in operation except when such signal system is displaying a green light. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal system is in operation. (*Ref. 60-6,119 through 60-6,121, 60-6,123 RS Neb.*)

### **§ 5-202 AUTOMATIC SIGNAL SYSTEM.**

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

### **§ 5-203 TRUCK ROUTES.**

The Governing Body may, by resolution, designate certain streets in the Municipality 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 Municipality. The Governing Body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. (*Ref. 60-681 RS Neb.*)

### **§ 5-204 ONE-WAY TRAFFIC.**

The Governing Body may, by resolution, provide for one-way travel in any street, or alley located in the Municipality and shall provide for appropriate signs and markings when said streets have been so designated by resolution. (*Ref. 60-680 RS Neb.*)

### **§ 5-205 TRAFFIC LANES; DESIGNATION.**

The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. (*Ref. 60-680 RS Neb.*)

### **§ 5-206 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. (*Ref. 60-6,160, 60-680 RS Neb.*)

### **§ 5-207 TURNING; HAND SIGNALS.**

A signal of intention to turn right or left shall be given continuously during not less than the last fifty (50') feet traveled by the vehicle before turning. The signals herein required shall be given either by means of the hand and arm, or by a signal device of a type approved by the Department of Roads. The hand and arm signals herein required shall be given from the left side of the vehicle in the following manner: STOP or decreased speed, hand and arm extended downward; LEFT TURN, hand and arm extended horizontally; RIGHT TURN, hand and arm extended upward. (Ref. 60-6,161 through 60-6,163 RS Neb.)

### **§ 5-208 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 (2) streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway, and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, the center of the intersection shall mean the meeting point of the medial lines of the highways intersecting one another. (Ref. 60-6,159 RS Neb.)

### **§ 5-209 TURNING; CAUTIOUS.**

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, he shall give some unmistakable signal to the driver of all other vehicles of his intention to make such movement. (Ref. 60-6,109, 60-6,161, 60-680 RS Neb.)

### **§ 5-210 RIGHT-OF-WAY.**

(1) When two (2) 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 Municipal Policeman stationed at the intersection.

(2) 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.

(3) The driver of a vehicle on any street shall yield the right-of-way to a pedestrian crossing such street within any clearly marked crosswalk, or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than a pedestrian crossing, crosswalk, or intersection shall yield the right-of-way to vehicles upon the street.

(4) The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk.

(5) The driver of a vehicle entering a Municipal street from a private road or drive shall yield the right-of-way to all vehicles approaching on such streets.

(6) 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. (*Ref. 60-6,146 through 60-6,154 RS Neb.*) (*Amended by Ord. No. 629, 8/9/94*)

#### **§ 5-211 RIGHT-OF-WAY; OVERTAKING VEHICLES.**

The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give right-of-way in favor of the overtaking vehicle. (*Ref. 60-6,133 RS Neb.*)

#### **§ 5-212 RIGHT-OF-WAY; EMERGENCY VEHICLES.**

Upon the approach of any authorized emergency vehicle, every vehicle within one (1) block of the route of such emergency vehicle shall immediately stop, except at the time they are on or crossing a street intersection, in which event, such vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right hand curb as possible and remain there until such authorized emergency vehicle or vehicles have passed; provided, said vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals. (*Ref. 60-6,151 RS Neb.*)

#### **§ 5-213 POSITION OF VEHICLE ON HIGHWAY; GENERALLY.**

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. In passing or meeting other vehicles, drivers shall give each other at least one half (½) of the main traveled portion of the roadway. (*Ref. 60-6,131 RS Neb.*)

#### **§ 5-214 POSITION OF VEHICLE ON HIGHWAY; STREET CENTER LINE.**

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

#### **§ 5-215 BACKING.**

Before backing, ample warning shall be given and while backing, unceasing vigilance must be exercised not to injure those behind. The driver of a parked vehicle about to back shall give moving vehicles the right-of-way. (*Ref. 60-6,169, 60-680 RS Neb.*)

#### **§ 5-216 DRIVING IN SIDEWALK SPACE.**

No vehicle shall be driven within any sidewalk space, except a permanent or temporary driveway. *(Ref. 60-6,178 RS Neb.)*

#### **§ 5-217 STOPS; MANDATORY.**

All vehicles before crossing a sidewalk, emerging from a garage, alley, filling station, or other place within the "congested 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. *(Ref. 60-6,149 RS Neb.)*

#### **§ 5-218 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 such other places as they may deem necessary. *(Ref. 60-680 RS Neb.)*

#### **§ 5-219 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 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. *(Ref. 60-6,119 through 60-6,121, 60-680 RS Neb.)*

#### **§ 5-220 STOP SIGNS.**

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the ordinances prescribed heretofore, cause such vehicle to come to a complete stop with the front wheels of said vehicle parallel with said stop sign. *(Ref. 60-6,119 through 60-6,121, 60-680 RS Neb.)*

#### **§ 5-221 CHILD PASSENGERS; USE OF RESTRAINT SYSTEM OR OCCUPANT PROTECTION SYSTEM.**

(A) For purposes of this section, occupant protection system has the meaning provided in section 60-6,265 RS Neb.

(B) (1) Any person who drives any motor vehicle which has or is required to have an occupant

protection system shall ensure that:

(a) All children up to six (6) years of age being transported by such 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 such standard existed on January 1, 2006, and which is correctly installed in such vehicle; and

(b) All children six (6) years of age and less than eighteen (18) years of age being transported by such vehicle use an occupant protection system.

(2) Division (B)(1) 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, as such standard existed on January 1, 2006, 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.

(C) 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 (B) 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 such waiver.

(D) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (B) when operating such authorized emergency vehicles pursuant to their employment.

(E) (1) A driver of a motor vehicle shall not be subject to the requirements of division (B) if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.

(2) All persons being transported by a motor vehicle operated by the holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system. (*Ref. 60-6,267 RS Neb.*)

(F) (1) A person violating any provision of division (B) is guilty of an offense. The failure to provide a child restraint system for more than one (1) child in the same vehicle at the same time, as required in division (B), shall not be treated as a separate offense.

(2) Enforcement of division (B)(1)(b) shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation of some other offense unless the violation involves a person under the age of eighteen (18) years riding in or on any portion of the vehicle not designed or intended for the use of passengers when the vehicle is in motion. (*Ref. 60-6,268 RS Neb.*) (*Ord. No. 457, 12/9/86*) (*Amended by Ord. Nos. 552, 2/12/91; 824, 4/24/01; 892, 5/13/03; 927, 1/11/05*)

## **§ 5-221.01 OCCUPANT PROTECTION SYSTEMS; REQUIREMENTS.**

(A) For purposes of this section:

(1) Motor vehicle shall mean a vehicle required by section 60-6,266 RS Neb. to be equipped with an occupant protection system; and

(2) Occupant protection system shall have the meaning provided in Ref. 60-6,265 RS Neb.

(B) (1) Except as provided in subdivision (B)(2), no driver shall operate a motor vehicle upon a highway or street unless the driver and each front-seat occupant in the vehicle are wearing occupant protection systems and all occupant protection systems worn are properly adjusted and fastened.

(2) The following persons shall not be required to wear an occupant protection system:

(a) A person who possesses written verification from a physician that the person is unable to wear an occupant protection system for medical reasons;

(b) A rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier between the first and last delivery points; and

(c) A member of an emergency medical service while involved in patient care. (*Ref. 60-6,270 RS Neb.*)

(C) All persons being transported in a motor vehicle operated by a holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system. (*Ref. 60-6,267 RS Neb.*)

(D) Enforcement of divisions (B) and (C) shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation of some other offense. (*Ref. 60-6,268, 60-6,271 RS Neb.*)

(E) Regardless of the number of persons in such vehicle not wearing an occupant protection system pursuant to division (B), only one violation shall be assessed against the driver of such motor vehicle for each time the motor vehicle is stopped and a violation of such section is found. (*Ref. 60-6,272 RS Neb.*) (*Ord. No. 893, 5/13/03*)

## **§ 5-222 SIGNS, TRAFFIC CONTROL DEVICES, TRAFFIC SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH.**

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (*Ref. 60-6,129, 60-6,130 RS Neb.*) (*Ord. No. 526, 11/14/89*)

## **§ 5-223 SCHOOL CROSSING ZONES; DESIGNATION.**

(1) Section 60-682.01 RS Neb. provides fines for operating a motor vehicle in violation of authorized speed limits and states that the fines are doubled if the violation occurs within a school crossing zone.

(2) Section 60-6,134.01 RS Neb. makes it unlawful for a person operating a motor vehicle to



overtake and pass another vehicle in a school crossing zone in which the roadway has only one lane of traffic in each direction and provides fines for violation of that prohibition.

(3) The Governing Body may, by resolution, designate to the public any area of a roadway, other than a freeway, as a school crossing zone through the use of a sign or traffic control device as specified

by the Governing Body in conformity with the Manual on Uniform Traffic Control Devices. Any school crossing zone so designated starts at the location of the first sign or traffic control device identifying the school crossing zone and continues until a sign or traffic control device indicates that the school crossing zone has ended. *(Ref. 60-658.01 RS Neb.) (Ord. No. 779, 9/22/98)*

#### **§ 5-224 SCHOOL CROSSING ZONES; OVERTAKING AND PASSING.**

A person operating a motor vehicle may not overtake and pass another vehicle in any school crossing zone designated by the Governing Body in which the roadway has only one lane of traffic in each direction. *(Ref. 60-6,134.01 RS Neb.) (Ord. No. 780, 9/22/98)*

## **ARTICLE 3: OPERATOR AND VEHICLE QUALIFICATIONS**

### **§ 5-301 REGISTRATION; OPERATOR AND VEHICLE LICENSE.**

(1) No person shall operate or park a motor vehicle upon any street, alley, or public highway within the Municipality without having first registered the same in accordance with Chapter 60, Article 3, RS Neb., and section 60-321 RS Neb., except as provided in this subsection. A person may operate a motor vehicle without registration for a period not to exceed thirty (30) days from the date of purchase. Upon registration, such vehicle shall have the required number plates displayed upon said vehicle in the manner and places provided for by section 60-323 RS Neb. If a citation is issued to an owner or operator of a vehicle for a violation of this subsection and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten (10) days after the issuance of the citation, no prosecution for the offense cited shall occur.

(2) No person shall operate a motor vehicle upon any street, alley, or public highway without having obtained a motor vehicle operator's license in accordance with Chapter 60, Article 4, RS Neb. It shall be unlawful for any person to operate a motor vehicle upon any street, alley, or public highway during the period that his or her operator's license has been revoked or canceled. (*Ref. 60-302, 60-320, 60-320.01, 60-321, 60-323, 60-4,186 RS Neb.*) (*Amended by Ord. Nos. 576, 3/24/92; 635, 9/27/94; 694, 1/23/96*)

### **§ 5-302 REGISTRATION; TRAILERS.**

No trailer, semitrailer, or cabin trailer shall be operated or parked on any street, alley, or public highway within the Municipality without having first registered the same in accordance with Chapter 60, Article 3, RS Neb., and section 60-321 RS Neb., except as provided in this section. A person may pull such trailer, semitrailer, or cabin trailer without registration for a period not to exceed thirty (30) days from the date of purchase. Upon registration, such trailer, semitrailer, or cabin trailer shall have the required number plate displayed upon said trailer as provided for by section 60-311 RS Neb. If a citation is issued to an owner or operator of a vehicle for a violation of this section and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten (10) days after the issuance of the citation, no prosecution for the offense cited shall occur. (*Ref. 60-302, 60-320, 60-321 RS Neb.*) (*Amended by Ord. Nos. 636, 9/27/94; 695, 1/23/96*)

### **§ 5-303 LICENSE PLATES.**

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

### **§ 5-304 VEHICLES; EQUIPMENT AND MAINTENANCE.**

Every motor vehicle, while in use on the streets, alleys, or highways of the Municipality shall be equipped with efficient brakes adequate to control the movement of, to stop, and to hold such vehicle, including two (2) separate means of applying the brakes, and shall be further equipped with a good and sufficient horn in good working order, or other efficient signal devices. From sunset to sunrise, and any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the street, alley, or highway at a distance of five hundred feet (500'), every motor vehicle shall be equipped with lighted headlights, and every motor vehicle and trailer shall be equipped with one or more taillights, at the rear of the motor vehicle or trailer, exhibiting a red light visible from a distance of at least five hundred feet (500') to the rear of such vehicle. No person shall operate any vehicle which is equipped with an electric light or lights that confuse travelers or pedestrians on streets or crosswalks within the Municipality. Every motor vehicle having a width of eighty inches (80") or more shall display clearance lights as required by State law. All vehicle brakes shall be maintained in good working order; provided, motorcycles need only be equipped with one (1) brake. All horns on motor vehicles shall be capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200'); provided, no vehicle except as herein provided, shall be equipped with, nor shall any person use upon a vehicle, any siren, or horn otherwise than as reasonable warning; nor shall any person use any horn or warning device upon a vehicle to make any unnecessary, loud, or harsh sound; and provided further that, every Police and Fire Department vehicle, ambulance, or other authorized emergency vehicle used for emergency calls shall be equipped with a bell, siren, or whistle of the type approved by the Governing Body. (*Ref. 60-6,219, 60-6,220, 60-6,224, 60-6,235, 60-6,244, 60-6,285 RS Neb.*) (*Amended by Ord. Nos. 637, 9/27/94; 696, 1/23/96*)

#### **§ 5-305 VEHICLES; UNOBSTRUCTED VIEW.**

No person shall drive on a street any motor vehicle constructed or loaded in such a way as to prevent the driver from obtaining a view of the street to the rear unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the street for a distance of at least two hundred feet (200') to the rear of such vehicle. It shall be unlawful for any person to drive upon a street, any vehicle with a sign, poster, or other non-transparent material upon the front windshield, side windows, or rear windows of such motor vehicle other than a certificate, or paper required to be so displayed by law. Every windshield on a motor vehicle shall be equipped with a device for removing rain, snow, or other moisture from the windshield, which device shall be so constructed as to be operated by the driver within the vehicle. (*Ref. 60-6,254, 60-6,255, 60-6,256 RS Neb.*)

#### **§ 5-306 VEHICLE; MUFFLER.**

Every motor vehicle operated within this Municipality shall be provided with a muffler in good working order to prevent excessive or unusual noise. 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. (*Ref. 60-6,286 RS Neb.*)

#### **§ 5-307 LOADS; PROJECTING.**

When any vehicle shall be loaded in such a manner that any portion of the load extends more than four feet (4') beyond the rear of the bed or the body of such vehicle, a red flag shall be carried by day, and red light after sunset, securely fastened in a conspicuous position at the extreme rear end of such load. (*Ref. 60-6,243 RS Neb.*)

**§ 5-308 LOADS; SPILLING OR SHIFTING.**

(A) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle.

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

(C) No person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be either tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle. *(Ref. 60-6,304 RS Neb.) (Amended by Ord. No. 891, 5/13/03)*

## **ARTICLE 4: PARKING**

### **§ 5-401 VEHICLES; UNATTENDED.**

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon and, when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of the street. The driver of a motor vehicle, when traveling upon a down grade upon any street, shall not coast with the gears of the vehicle in neutral. (*Ref. 60-6,168 RS Neb.*)

### **§ 5-402 HORSES; UNATTENDED.**

No person shall leave any horse, team of horses, draft animal, or other beast of burden unattended in any street or alley without securely fastening the same.

### **§ 5-403 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 twelve inches (12") of the curb or edge of the roadway, and so as to leave at least four feet (4') 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. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (*Ref. 60-680, 60-6,167 RS Neb.*) (*Amended by Ord. No. 646, 9/27/94*)

### **§ 5-404 PARKING; AREAS.**

The Governing Body may, by resolution, set aside any street, alley, public way, or portion thereof for the parking of a particular kind or class of vehicle and has been prohibited by resolution, 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 five (5) minutes, and then only while the driver or passenger therein, is actually engaged in business that makes it necessary to park in such place. (*Ref. 60-680 RS Neb.*)

### **§ 5-405 PARKING; CONGESTED AREA.**

All motor vehicles parked on the east side of Main Street between the intersection of Third Street and Main Street, and the intersection of Fourth Street and Main Street shall be parked by the operators thereof in the direction of traffic, parallel with, and adjacent to, the curb and in such manner as to have both right wheels within twelve (12") inches of the curb and so as to leave at least four (4') feet between the vehicles so parked, and any other parked vehicle. Except in the area described heretofore, all motor vehicles left standing upon any of the streets abutting the Public Square, or on Third Street, Fourth Street, Main Street and Commercial Street, within on block of

said Public Square, shall be parked by the operators thereof at the curb on each side of the street, headed in the direction of traffic. Parking places in said area shall be marked at the curb at an angle of forty-five (45) degrees, or where parallel parking is required, spaces shall be marked on the pavement, or curb, and all persons desiring to park their motor vehicles in said area shall park them between the designated marks upon the curb or pavement. Where diagonal parking is indicated, vehicles shall be parked with the right front wheels thereof at the curb.

**§ 5-406 PARKING; OBSTRUCTING ALLEY.**

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

**§ 5-407 PARKING; ALLEYS.**

No vehicle shall be parked in any alley, except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one half ( $\frac{1}{2}$ ) 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. (*Ref. 60-680 RS Neb.*)

**§ 5-408 UNLOADING; FREIGHT VEHICLES.**

Vehicles of an over-all length of less than twenty (20') feet, including load, while discharging freight may back to the curb, but shall occupy as little of the street as possible.

**§ 5-409 PARKING; CONGESTED AREA UNLOADING.**

It shall be unlawful for the operator of any truck with an overall length of more than twenty (20') feet to stop, park, or unload any such vehicle on a street which the Governing Body has designated to be a "congested district," unless loading or unloading in an alley is impossible and then said vehicles may stop, stand, or unload, for a maximum time of thirty (30) minutes, but only after the operator of said truck has obtained written permission from the Municipal Police to do so. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway, or on a sidewalk. The Governing Body may, by resolution, provide truck parking areas adjoining, or adjacent to the congested district, and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes. No truck, including oil tankers, shall park, or stop for any period of time, within the limits of any street outside the congested district except for the purpose of loading or unloading the cargo thereof in the ordinary course of business except in the area, or areas, provided for by the Governing Body by resolution.

**§ 5-410 PARKING; FIRE HYDRANTS.**

No vehicle shall be parked or any horse left hitched within fifteen (15') feet in either direction of any fire hydrant. The curb space within such area of fifteen (15') feet in either direction of such fire hydrant shall be painted red to indicate such prohibition. (*Ref. 39-672 RS Neb.*)

**§ 5-411 PARKING; SCHOOLS, THEATERS.**

The Governing Body may, by resolution, prohibit the parking or stopping of vehicles at the curb on streets directly in front of any entrance to a school house, school building, or theater, and such curbs adjacent to the entrance of said school house, school building, or theater shall be painted red to indicate such prohibition. *(Ref. 39-697 RS Neb.)*

**§ 5-412 PARKING; STREET INTERSECTIONS.**

No vehicle shall be parked or left standing for any purpose near the intersection of curb lines where said curb lines are painted red to indicate such prohibition. *(Ref. 39-672 RS Neb.)*

**§ 5-413 PARKING; OBSTRUCTING TRAFFIC.**

No vehicle shall, except in case of an accident or emergency, stop within any street, intersection, alley entrance or any such location as to obstruct any street, crosswalk, or alley entrance. *(Ref. 39-697 RS Neb.)*

**§ 5-414 PARKING; CURB.**

No vehicle shall park on any street with its left side to the curb, unless said street has been designated to be a "one-way" street by the 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. On all streets, except as otherwise provided in this Article, all vehicles shall stand parallel with and adjacent to the curb in such a manner as to have both right wheels within twelve (12") inches of the curb line and at least four (4') feet between the vehicles so parked and any other parked vehicle. *(Ref. 39-673 RS Neb.)*

**§ 5-415 PARKING; CURBS, PAINTED.**

It shall be the duty of the Chief of Police 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 Municipality through its proper officers, at the direction of the Governing Body. *(Ref. 39-697 RS Neb.)*

**§ 5-416 PARKING; DISPLAY OR REPAIR.**

It shall be unlawful for any person to park upon any street, alley, or public place within this Municipality 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 Municipality, excepting in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. It

shall be unlawful for any person to use any parking space within the following area for sales purposes at any time whatsoever: within one (1) block of said Public Square on Third Street, Fourth Street, Main Street and Commercial Street. (*Ref. 60-680 RS Neb.*)

**§ 5-417 PARKING; CURRENT LICENSE.**

It shall be unlawful to park, or place on the streets, alleys, or other public property any vehicle without first securing a current license as provided by law, and no such licensed vehicle shall be allowed to stand for a longer period than twenty-four (24) hours, except in the case of a declared snow emergency when such time limit in the snow emergency declaration shall govern. (*Ref. 60-323 RS Neb.*) (*Amended by Ord. Nos. 942, 3/22/05; 1017, 1/25/10*)

**§ 5-418 PARKING; 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 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. (*Ref. 60-680 RS Neb.*)

**§ 5-419 PARKING; MAXIMUM TIME LIMIT.**

The parking of a vehicle on a public street for over twenty-four (24) consecutive hours is unlawful, except in the case of a declared snow emergency when such time limit in the snow emergency declaration shall govern. (*Ref. 60-680 RS Neb.*) (*Amended by Ord. Nos. 942, 3/22/05; 1017, 1/25/10*)

**§ 5-420 PARKING; EMERGENCY VEHICLES.**

The provisions of this Article regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this Article, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. (*Ref. 60-6,114 RS Neb.*)

**§ 5-421 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES AND ACCESS AISLES; DISPLAY OF PERMITS.**

(A) The Governing Body may designate parking spaces, including access aisles, for the exclusive use of:

(1) Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to section 60-311.14 RS Neb.,

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

(3) Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality, whose motor vehicles display the permit specified in section 18-1739 RS Neb., and



(4) Such other motor vehicles, as certified by the Municipality, which display such permit. All such permits shall be displayed by hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

(B) If the Governing Body so designates a parking space or access aisle, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space or access aisle a sign as described in section 18-1737 RS Neb. In addition to such sign, the space or access aisle may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space or access aisle. (Ref. 18-1736 RS Neb.) (Amended by Ord. Nos. 577, 3/24/92; 697, 1/23/96; 739, 7/22/97; 794, 5/25/99; 844, 5/28/02)

#### **§ 5-421.01 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING STALLS, SPACES AND ACCESS AISLES.**

The Municipality and any person in lawful possession of any offstreet parking facility may designate stalls or spaces, including access aisles, in such facility owned or operated by the Municipality or person for the exclusive use of:

(1) Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to section 60-311.14 RS Neb.,

(2) Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality, whose motor vehicles display the permit specified in section 18-1739 RS Neb., and

(3) Such other motor vehicles, as certified by the Municipality, which display such permit.

Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space, including access aisles, a sign which is in conformance with the requirements in section 18-1737 RS Neb. (Ref. 18-1737 RS Neb.) (Ord. No. 577, 3/24/92) (Amended by Ord. Nos. 740, 7/22/97; Ord. No. 845, 5/28/02)

#### **§ 5-421.02 PARKING; HANDICAPPED OR DISABLED PERSONS; DEFINITIONS.**

For purposes of this Article:

(A) ACCESS AISLE means a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the federal Americans with Disabilities Act of 1990 and the federal rules and regulations adopted and promulgated in response to the act. (Ref. 18-1736 RS Neb.)

(B) (1) HANDICAPPED OR DISABLED PERSON means any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than 200 feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV, according to standards set by the American Heart Association, and any individual who has permanently lost all or substantially all the

use of one or more limbs.

(2) Temporarily handicapped or disabled person means any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one year. (*Ref. 18-1738 RS Neb.*)

(C) HANDICAPPED PARKING INFRACTION means the violation of any section of this Article regulating:

(1) The use of parking spaces, including access aisles, designated for use by handicapped or disabled persons,

(2) The unauthorized possession, use, or display of handicapped or disabled parking permits, or

(3) The obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990. (*Ref. 18-1741.01 RS Neb.*) (*Ord. No. 577, 3/24/92*) (*Amended by Ord. Nos. 698, 1/23/96; 741, 7/22/97; Ord. No. 843, 5/28/02*)

**§ 5-421.03 PARKING; HANDICAPPED OR DISABLED PERSONS; PERSONAL PERMIT; ISSUANCE; RENEWAL.**

(A) The Municipal Clerk may take an application, on a form provided by the Department of Motor Vehicles, from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces or access aisles provided for by this Article when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces or access aisles. 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) 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. No applicant shall be required to provide his or her social security number. 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.

(C) A person may hold only one (1) permit under this section and may hold either a permit under this section or a permit under section 5-421.04 (Motor Vehicle Permit; Issuance), but not both.

(D) A copy of the completed application form shall be given to each applicant. The Municipal 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.

(E) An application for the renewal of a permit under this section may be filed within thirty (30)

days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit. *(Ref. 18-1738 RS Neb.)*

(F) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to the provisions of section 18-1738.02 RS Neb. *(Ref. 18-1738.02 RS Neb.) (Ord. No. 577, 3/24/92) (Amended by Ord. Nos. 699, 1/23/96; 742, 7/22/97; 829, 4/24/01; 846, 5/28/02)*

#### **§ 5-421.04 PARKING; HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT; ISSUANCE; RENEWAL.**

(A) The Municipal 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 or access aisles provided for by this Article if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces or access aisles.

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

(C) No more than one (1) such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under section 5-421.03 (Personal Permit; Issuance), but not both.

(D) An application for the renewal of a permit under this section may be filed within thirty (30) days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit.

(E) The Municipal 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. *(Ref. 18-1738.01 RS Neb.)*

(F) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to section 18-1738.02 RS Neb. *(Ref. 18-1738.02 RS Neb.) (Ord. No. 577, 3/24/92) (Amended by Ord. Nos. 700, 1/23/96; 743, 7/22/97; 847, 5/28/02)*

#### **§ 5-421.05 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS; PROHIBITED ISSUANCE; DUPLICATE PERMITS.**

(A) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant

to section 5-421.07 (Permits Nontransferable; Violations; Suspension). At the expiration of such suspension, a permit may be renewed in the manner provided for renewal in this Article.

(B) A duplicate permit may be provided without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the Municipal Clerk or the Department of Motor Vehicles. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. *(Ref. 18-1739 RS Neb.) (Ord. No. 577, 3/24/92) (Amended by Ord. Nos. 607, 3/23/93; 701, 1/23/96; 744, 7/22/97; 848, 5/28/02)*

#### **§ 5-421.06 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL OF TEMPORARY PERMITS.**

(A) All permanently issued permits for handicapped or disabled parking authorized by this Article shall be issued for a period ending on September 30 of the third year after the date of issuance and shall expire on that date. Permanently issued permits issued on or after August 1, 2005 shall be valid for a period ending on the last day of the month of the applicant's birthday in the third year after issuance and shall expire on that day.

(B) All permits authorized under this Article for temporarily handicapped or disabled parking shall be issued for a period ending not more than six (6) months after the date of issuance but may be renewed one time for a period not to exceed six (6) months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability. (Ref. 18-1740 RS Neb.) (Ord. No. 577, 3/24/92) (Amended by Ord. Nos. 702, 1/23/96; 745, 7/22/97; 849, 5/28/02)

#### **§ 5-421.07 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS NONTRANSFERABLE; VIOLATIONS; SUSPENSION.**

(A) Permits issued under this Article shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to this Article. No person shall knowingly hold more than one (1) permit or knowingly provide false information on an application for a permit.

(B) No person who is not the holder of a handicapped or disabled parking permit issued to him or her as a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person.

(C) No person who is the holder of a handicapped or disabled parking permit issued for the use of such person when transporting a handicapped or disabled person shall display his or her handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

(D) No person who is not the holder of a handicapped or disabled parking permit issued for use when a vehicle is transporting a handicapped or disabled person shall display a handicapped or

disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

(E) Any violation of this section shall constitute a handicapped parking infraction and shall be cause for suspension of such permit for a period of six (6) months and imposition of the penalty provided for violation of this Chapter. In addition, the trial court shall impose a fine of not more than two hundred fifty dollars (\$250.00) which may be waived by the court if, at the time of sentencing, all handicapped parking permits issued to or in the possession of the offender are returned to the court. At the expiration of such six-month period, a suspended permit may be renewed in the manner provided for renewal in this Article. *(Ref. 18-1741 RS Neb.) (Ord. No. 577, 3/24/92) (Amended by Ord. Nos. 703, 1/23/96; 746, 7/22/97; 850, 5/28/02)*

#### **§ 5-421.08 PARKING; HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY.**

(A) The owner or person in lawful possession of an offstreet parking facility, after notifying the municipal police, and the Municipality, if it provides onstreet parking or owns, operates, or provides an offstreet parking facility, may cause the removal, from a stall or space, including access aisles, designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying the proper permit or the distinguishing license plates specified in this Article if there is posted aboveground and immediately adjacent to and visible from such stall or space, including access aisles, a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(B) A person who parks a vehicle in any onstreet parking space or access aisle which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space or access aisle in any offstreet parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom, as the case may be, the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space or access aisle shall be guilty of a handicapped parking infraction and shall be subject to the penalties and procedures set forth in section 5-421.09 (Citation, Issuance; Complaint; Trial; Dismissal). The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this section.

(C) In the case of a privately owned offstreet parking facility, the Municipality shall not require the owner or person in lawful possession of such facility to inform the Municipality of a violation of this section prior to the Municipality issuing the violator a handicapped parking infraction citation. *(Ref. 18-1737 RS Neb.) (Ord. No. 577, 3/24/92) (Amended by Ord. Nos. 608, 3/23/93; 704, 1/23/96; 748, 7/22/97; 851, 5/28/02)*

**§ 5-421.09 PARKING; HANDICAPPED OR DISABLED PERSONS; CITATION, ISSUANCE; COMPLAINT; TRIAL; DISMISSAL.**

(1) 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.

(2) 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 (3) days after the issuance of the handicapped parking citation. One (1) copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

(3) At least twenty-four (24) hours before the time set for the appearance of the cited person, either the Municipal Attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such person shall be released from the obligation to appear as specified.

(4) 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.

(5) 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 section 18-1738 or 18-1738.01 RS Neb., the complaint shall be dismissed if, within seven (7) 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 section 18-1738 or 18-1738.01 RS Neb. and that the peace officer has personally viewed the permit. (*Ref. 18-1741.01, 18-1741.04, 18-1741.06 RS Neb.*) (*Ord. No. 747, 7/22/97*)

**§ 5-422 PARKING; PRIVATE LOTS.**

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

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. (*Ref. 60-2401, 60-2402 RS Neb.*) (*Ord.*

**§ 5-423 PARKING; REMOVAL OF ILLEGALLY PARKED VEHICLES.**

(1) Whenever any Police Officer shall find a vehicle upon public or private property in violation of any of the provisions of this Article, such individual may remove or have such vehicle removed or require the driver or other person in charge of the vehicle to move such vehicle.

(2) The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicle. The City of Stromsburg shall not be responsible for any damages to the vehicle during towing and storage of said illegally parked vehicle. *(Ref. 60-6,165, 60-680 RS Neb.) (Amended by Ord. Nos. 502, 11/8/88; 659, 10/11/94; 899, 10/14/03)*

**§ 5-424 ABANDONED VEHICLES ON PROPERTY.**

(1) It shall be unlawful for any owner, tenant, lessee or other person in control of property within the City limits to allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than thirty (30) days; no person shall leave such vehicle on any Municipal property for a longer time than twenty-four (24) hours; except that this section shall not apply with respect to a vehicle in an enclosed building; a vehicle on premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise.

(2) Each day a partially dismantled, non-operating, wrecked, junked or discarded vehicle shall remain on property after the initial thirty (30)-day period shall constitute a separate offense and be punishable as such.

(3) For the purposes of this section, any police officer shall have the authority to enter upon private property to contact the owner, tenant, lessee or other person in control of the property to notify them of the status of said vehicle or to place a conspicuous notice upon said vehicle that it is in violation of the City ordinances and must be removed within thirty (30) days from the date the notice is placed upon said vehicle.

(4) After the reasonable notification of the owner, tenant, lessee or other person in control of the property or posting of said notice on said vehicle and the elapse of thirty (30) days after such notice or posting, the vehicle may be removed by any police officer and towed and stored. The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with a reasonable cost of towing and storage fees as provided in section 5-423 of this Code.

(5) For the purpose of this section, a vehicle shall be presumed to be a discarded vehicle unless personal property taxes assessed upon such vehicle are currently paid.

(6) Any vehicle upon which has been placed a conspicuous notice as provided for in this section, which is moved and returned to the property shall be subject to immediate towing and storage after the thirty (30) day lapse of time from the date of the initial notice. The owner or other person lawfully in possession of said vehicle towed or stored shall be charged with the reasonable

costs of towing and storage fees as provided in section 5-423 of this Code. (*Ord. No. 488, 4/26/88*)  
(*Amended by Ord. Nos. 658, 9/11/94; 899, 10/14/03; 945, 8/23/05*)

**§ 5-425 PARKING; PROHIBITION ON A CERTAIN PORTION OF 9TH STREET.**

No person shall park any vehicle on 9th Street in the City from the intersection of 9th Street and Main Street, also known as U.S. Highway 81, running easterly for a distance of seventy-five (75) feet from the east line of the intersection of 9th Street and Main Street in the City on the south side thereof, and no person shall park any vehicle on the north side thereof within a distance of one hundred fifty (150) feet from the east line of the intersection running easterly from the intersection of 9th Street and Main Street. (*Ord. No. 834, 5/14/02*)

**§ 5-426 SNOW EMERGENCY.**

(1) Whenever, by reason of sleet, freezing rain, or a heavy snow fall, a serious public hazard impairing transportation and the movement of fire, medical, and police protection services exists, a snow emergency may be declared, and such snow emergency shall continue until such time as snow removal, spreading of sand, or salting operations have been declared completed.

(2) The Mayor or the Mayor's designee shall have the authority to declare a snow emergency when the aforesaid conditions exist, and also to declare the completion of snow emergency operations.

(3) Whenever an emergency exists, the Mayor or the Mayor's designee shall cause an announcement thereof to be made by not less than two (2) or more radio or television stations or other methods of communication whose normal operating range covers the City in an expeditious manner within one (1) hour thereafter.

(4) When a snow emergency is in effect, no one shall park a motor vehicle on the streets within the City. (*Ord. No. 1046, 1/23/12*)

**§ 5-427 SNOW EMERGENCY; UNLAWFUL PARKING; REMOVAL OF VEHICLES.**

(1) When a snow emergency is in effect any vehicle parked on the streets or alleys in the City shall be ordered removed as hereinafter provided. All vehicles are to remain off of said streets and alleys until the snow emergency operations have been completed.

(2) Vehicles parked in violation of this section are a nuisance and a danger and interfere with snow emergency operations and the Chief of Police, Polk County Sheriff, and/or the Public Works Director have the authority to order the removal of any vehicle parked in violation of this section. The Chief of Police, the Polk County Sheriff, and/or the Public Works Director may issue such order personally or through one (1) or more deputies. The cost of towing and storage of any such vehicle removed in violation of this section shall be paid by the registered owner before the vehicle is released from storage. The towing and storage costs shall be in addition to any fine or penalty authorized by § 5-801. (*Ord. No. 1046, 1/23/12*)



**ARTICLE 5: BICYCLES, MOTORCYCLES AND MOPEDS**

**§ 5-501 BICYCLES; OPERATION.**

(1) No person shall operate a bicycle on a street or highway within the Municipality with

another person on the handlebars or in any position in front of the operator.

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

(3) Persons operating bicycles shall observe all traffic signs and stop at all stop signs.

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

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

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

(a) Overtaking and passing another bicycle or vehicle proceeding in the same direction;

(b) Preparing for a left turn onto a private road or driveway or at an intersection;

(c) Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals, or surface hazards;

(d) Riding upon a lane of substandard width which is too narrow for a bicycle and a vehicle to travel safely side by side within the lane, or

(e) Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in section 60-6,142 RS Neb.

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

(7) No person shall park a bicycle on any sidewalk unless a bicycle stand is located on said sidewalk.

(8) No person shall operate a bicycle on the sidewalks within the business district. (Ref. 60-6,315, 60-6,317, 60-6,318 RS Neb.) (Amended by Ord. No. 638, 9/27/94)

## **§ 5-501.01 SKATEBOARD, ROLLER-BLADE, AND SCOOTER OPERATION.**

No person shall operate or use a skateboard, roller-blades, roller-skates, scooter or any other device which propels a person on wheels using muscular power on any sidewalk within the central business district of the City. For purposes of this section, the central business district shall be bounded by 2nd Street on the south; High Street on the west; Exchange Street on the east; 5th Street on the north. The operation of such devices shall be prohibited upon all sidewalks within the bounded area with the exception of City Square Park. (*Ord. No. 866, 8/27/02*)

#### **§ 5-502 CLINGING TO MOTOR VEHICLES.**

No person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall attach himself or the bicycle, coaster, roller skates, sled, skis, or toy vehicle to any vehicle upon a roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle to cling or attach himself or the bicycle to such vehicle driven and operated by him. (*Ref. 60-6,316 RS Neb.*) (*Amended by Ord. No. 630, 8/9/94*)

#### **§ 5-503 MOTORCYCLES; LIGHTS.**

No person shall operate a motorcycle upon the streets, alleys, or highways within the Municipality from sunset to sunrise unless the same is equipped with at least one (1) and not more than two (2) headlights and a taillight exhibiting a red light visible from a distance of at least five hundred feet (500') to the rear of such motorcycle. The headlights shall comply with the requirements and limitations set forth in the Nebraska Rules of the Road. (*Ref. 60-6,219 RS Neb.*) (*Amended by Ord. No. 639, 9/27/94*)

#### **§ 5-504 MOTORCYCLE; RIDING TANDEM.**

No person operating a motorcycle shall carry another person in front of the operator.

#### **§ 5-505 MOPEDS; DEFINED.**

For the purposes of this Article, moped shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50cc) cubic centimeters, which produces no more than two (2) brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty (30 m.p.h.) miles per hour on level ground. mopeds, their owners, and their operators, shall be subject to the Motor Vehicle Operator's License Act, but shall be exempt from the requirements of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act and the Motor Vehicle Safety Responsibility Act. (*Ref. 60-6,309 RS Neb.*) (*Ord. No. 328, 9/13/79*)

#### **§ 5-506 MOPEDS; OPERATOR'S LICENSE REQUIRED.**

No person shall operate a moped upon the streets, alleys, or highways within the Municipality unless such person has (1) a valid Class O operator's license or (2) a valid school or learner's permit. (*Ref. 60-6,310 RS Neb.*) (*Ord. No. 328, 9/13/79*) (*Amended by Ord. No. 641, 9/27/94*)

### **§ 5-507 MOPEDS; TRAFFIC REGULATIONS APPLICABLE.**

(1) Any person who rides a moped upon a roadway shall have all the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application. Such regulations applicable to mopeds shall apply whenever a moped is operated upon any street, alley, or highway within the Municipality or upon any path set aside by the Department of Roads or the Municipality for the use of mopeds. Notwithstanding any established maximum speed limits in excess of twenty-five (25) miles per hour, no person shall operate any moped at a speed in excess of thirty (30) miles per hour. (*Ref. 60-6,311, 60-6,313 RS Neb.*) (*Ord. No. 328, 9/13/79*) (*Amended by Ord. No. 642, 9/27/94*)

### **§ 5-508 MOPEDS; OPERATION.**

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

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

(3) 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 interferes with the operation or control of the moped or the view of the operator.

(5) Any moped which carries a passenger shall be equipped with footrests for such passenger. (*Ref. 60-6,312 RS Neb.*) (*Ord. No. 328, 9/13/79*) (*Amended by Ord. No. 643, 9/27/94*)

### **§ 5-509 MOPEDS; USE OF TRAFFIC LANES.**

(1) A moped shall be entitled to full use of a traffic lane or any of any highway with an authorized speed limit of forty-five (45) miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two abreast in a single lane.

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

(3) Mopeds shall not be operated more than two (2) abreast in a single lane.

(4) Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five (45) miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.

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

(6) mopeds shall not be operated on the sidewalks.

*(Ref. 60-6,313 RS Neb.) (Ord. No. 328, 9/13/79) (Amended by Ord. No. 644, 9/27/94)*

#### **§ 5-510 MOPEDS; EQUIPMENT.**

Any moped which carries a passenger shall be equipped with footrests for such passenger. No person shall operate any moped with handlebars more than fifteen (15") inches above the mounting point of the handlebars. *(Ord. No. 328, 9/13/79)*

#### **§ 5-511 MOTORCYCLES; HELMET REQUIRED.**

A person shall not operate or be a passenger on a motorcycle or moped on any highway unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, 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. *(Ref. 60-6,278 through 60-6,282 RS Neb.) (Ord. No, 500, 11/8/88) (Amended by Ord. No. 640, 9/27/94)*

#### **§ 5-512 MINIBIKES; TRAFFIC LAWS INAPPLICABLE.**

Minibikes, their owners, and their operators shall be exempt from the requirements of the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act and the Motor Vehicle Safety Responsibility Act. *(Ref. 60-6,347 RS Neb.) (Ord. No. 928, 1/11/05)*

### **ARTICLE 6: PROHIBITIONS AND ENFORCEMENT**

#### **§ 5-601 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 whosoever shall be guilty of such littering will be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars. *(Ref. 39-683 RS Neb.)*

**§ 5-602 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. *(Ref. 39-683 RS Neb.)*

**§ 5-603 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. *(Ref. 39-619 RS Neb.)*

**§ 5-604 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. *(Ref. 39-618 RS Neb.)*

**§ 5-605 PASSING; INTERSECTIONS.**

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction, while traversing a street intersection, if such passing requires such overtaking vehicle to drive to the left of the center of the street. *(Ref. 39-625 RS Neb.)*

**§ 5-606 PASSING; HINDRANCE.**

The driver of a vehicle about to be overtaken and passed by another vehicle shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. *(Ref. 39-622 RS Neb.)*

**§ 5-607 DRIVING ABREAST.**

Two (2) 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 (2) abreast in a single lane. *(Ref. 39-628, 39-694 RS Neb.)*

**§ 5-608 FOLLOWING; DISTANCE.**

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of the vehicles, and the traffic and condition of the street. *(Ref. 39-629 RS Neb.)*

**§ 5-609 FOLLOWING; FIRE APPARATUS.**

The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500') feet, or drive into, or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. *(Ref. 39-681 RS Neb.)*

**§ 5-610 FUNERAL PROCESSIONS.**

No vehicle, except police vehicles, fire department vehicles, when responding to emergency calls or orders in their several departments, ambulances responding to emergency calls, or vehicles carrying United States mails shall be driven through a funeral procession or cortege except with the permission of a police officer. *(Ref. 39-629, 39-697 RS Neb.)*

**§ 5-611 CROWDING; FRONT SEAT.**

No person shall drive a motor vehicle when it is so loaded, or when there is in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of such vehicle. *(Ref. 39-677 RS Neb.) (Amended by Ord. No. 279, 4/26/77)*

**§ 5-612 DRAGGING; ROPE, CHAIN.**

No person shall permit any rope, strap, chain or other article to drop behind any vehicle while in use on the streets, except persons operating vehicles transporting gasoline, benzene or other flammable materials. *(Ref. 39-697 RS Neb.)*

**§ 5-613 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.

**§ 5-614 QUIET ZONES; UNNECESSARY NOISE.**

All streets, or portions thereof, lying within three hundred (300) feet of any hospital, nursing home, or school, and which have been declared to be "quiet zones" by the Governing Body shall be respected as such by all drivers, and no driver of any vehicle shall within such zones, make any unnecessary noise or sound the horn, or other warning device, of such vehicle except in an emergency. It shall be unlawful for any person in any part of said Municipality to make, or cause to be made, any unnecessary noise with any signal device, or to use the same except as a road signal.

#### **§ 5-615 SPEED; SLOW MOVING VEHICLES.**

Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage on their left.

#### **§ 5-616 SPEED; MAXIMUM.**

No person shall operate a motor vehicle on any street, alley, or other place within the corporate limits at a rate of speed greater than twenty-five (25) miles per hour; except, however, on Highway 81, through said Municipality, the maximum rate of speed shall be thirty (30) miles per hour from the south corporate limits to Seventh (7th) Street, and shall be forty (40) miles per hour from Seventh (7th) Street to the north corporate limits. At no time shall any person drive at a rate of speed greater than is reasonable and proper notwithstanding the maximum limits heretofore designated. Said speed limits in this section shall not apply to physicians, surgeons, police, fire vehicles, or ambulances when answering emergency calls demanding excessive speeds.

#### **§ 5-617 SPEED; PUBLIC PLACES.**

Vehicles approaching railway stations, churches, public buildings, or crowded spaces, must do so in a cautious manner, and always on the proper side of the street.

#### **§ 5-618 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 such vehicle at a rate of speed in excess of fifteen (15) miles per hour past such premises, and such driver shall stop at all stop signs located at, or near, such school premises, and it shall be unlawful for such driver to make a U-turn at any intersection where such stop signs are located at, or near, such school premise. (*Ref. 39-663 RS Neb.*)

#### **§ 5-619 SPEED; ELECTRONIC DETECTION.**

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

A. The measuring device was in proper working order at the time of conducting the measurement;

B. The measuring device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;



C. The person operating such device and interpreting such measurement was qualified by training and experience to properly test and operate the device; and

D. The operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, and the measuring device was found to be in proper working order.

The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his or her badge of authority; provided, that such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves, or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded, and must include a description of the vehicle and the recorded speed. *(Ref. 60-6,192 RS Neb.) (Amended by Ord. No. 408, 10/11/83)*

#### **§ 5-620 DRUNKEN DRIVING.**

*(Repealed by Ord. No. 647, 9/27/94)*

#### **§ 5-621 RECKLESS DRIVING.**

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving, and as such shall be punished by a fine of not more than one hundred (\$100.00) dollars. *(Ref. 60-6,213, 60-6,215, 60-4,182 RS Neb.)*

#### **§ 5-622 RECKLESS DRIVING; WILLFUL.**

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons, or property shall be deemed to be guilty of willful, reckless driving, and shall be punished by a fine of not more than one hundred (\$100.00) dollars, and shall be ordered by the court as part of the judgment of conviction not to drive any motor vehicle for any purpose for a period of not less than thirty (30) days nor more than one (1) year from the date of payment of such fine. *(Ref. 60-6,214 through 60-6,218 RS Neb.)*

#### **§ 5-622.01 CARELESS DRIVING.**

Any person who drives any motor vehicle in this Municipality carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. *(Ref. 60-6,212 RS Neb.) (Ord. No. 329, 9/13/79)*

#### **§ 5-623 ACCIDENT; DRIVER'S DUTY.**

(A) (1) Except as provided in subsection (2) of this division, the driver of any vehicle involved in an accident either upon a public highway, private road, or private drive, resulting in damage to property, shall:

(a) Immediately stop such vehicle at the scene of such accident; and

(b) Give his or her name, address, telephone number, and operator's license to the person struck or the driver or occupants of any vehicle collided with; and

(2) The driver of any vehicle involved in an accident either upon a public highway, private road, or private drive, resulting in damage to an unattended vehicle or property, shall immediately stop such vehicle and leave in a conspicuous place in or on the unattended vehicle or property a written notice containing the information required by subsection (1) of this division. In addition, such driver shall, without unnecessary delay, report the collision, by telephone or otherwise, to an appropriate peace officer. (*Ref. 60-696 RS Neb.*)

(B) The driver of any vehicle involved in an accident upon either a public highway, private road, or private drive, resulting in injury or death to any person, shall:

(1) Immediately stop such vehicle at the scene of such accident and ascertain the identity of all persons involved;

(2) Give his or her name and address and the license number of the vehicle and exhibit his or her operator's license to the person struck or the driver or occupants of any vehicle collided with; and

(3) Render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person. (*Ref. 60-697 RS Neb.*) (*Amended by Ord. No. 842, 5/28/02*)

#### **§ 5-624 ACCIDENT; PENALTY.**

*(Repealed by Ord. No. 842, 5/28/02)*

#### **§ 5-625 EMERGENCY REGULATIONS.**

The Chief of Police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (*Ref. 60-435 RS Neb.*)

#### **§ 5-626 POLICE; ENFORCEMENT.**

The Municipal Police are hereby authorized, empowered, and ordered to exercise all powers, and duties, with relation to the management of street traffic and to direct, control, stop, restrict, regulate, and, when necessary, temporarily divert, or exclude, in the interest of public safety, health, and convenience the movement of pedestrian, animal, and vehicular traffic of every kind in streets,

parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. *(Ref. 60-683 RS Neb.)*

**§ 5-627 POLICE; REFUSAL TO OBEY.**

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

**§ 5-628 POLICE; TRAFFIC OFFICERS.**

The Governing Body or the Municipal Police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order, or signal, of any such traffic officer notwithstanding the directive of a stop sign, or signal device, which may have been placed at any such intersection. *(Ref. 60-6,222, 60-680, 60-683 RS Neb.)*

**§ 5-629 TRAFFIC CITATIONS; DISPOSITION AND RECORDS.**

(A) When a citation is issued by a peace officer or when a citation is used by an official or inspector pursuant to section 18-1757 RS Neb., he or she shall enter thereon all required information, including the name and address of the cited person, 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 (3) days after the issuance of the citation. One (1) copy of the citation shall be delivered to the person cited and a duplicate thereof shall be signed by such person, giving his or her promise to appear at the time and place stated therein. Such person thereupon shall be released from custody. As soon as practicable, the copy signed by the person shall be delivered to the prosecuting attorney.

(B) At least twenty-four (24) hours before the time set for the appearance of the cited person, either the prosecuting attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with an offense or such person shall be released from the obligation to appear as specified. A person cited pursuant to sections 29-422 and 29-429 RS Neb. may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers.

(C) Anyone may use a credit card authorized by the court in which the person is cited as a means of payment of his or her fine and costs. *(Ref. 29-424 RS Neb.)*

**§ 5-630 TRAFFIC CITATIONS; FORM.**

The Municipal Clerk shall provide, in appropriate form, traffic citations containing notices to appear which shall be issued in books with citations in triplicate.

The Municipal Clerk shall be responsible for the issuance of such books, and shall maintain a record of every such book, and each citation number therein issued to the Municipal Police shall

require and retain a receipt for every book so issued.

**§ 5-631 TRAFFIC CITATION; ILLEGAL CANCELLATION.**

Any person who cancels, or solicits the cancellation of any traffic citation in any manner other than as provided herein, shall be guilty of a misdemeanor.

All records of traffic citations required herein shall be audited at least biennially by a member of the Governing Body.

**§ 5-632 SUMMONS; DESTRUCTION.**

It shall be unlawful for any person to tear up, or destroy, a parking tag placed upon any vehicle by the Municipal Police, or to disregard the summons contained on such tag, and fail to appear in court as directed by said tag.

**§ 5-633 TRAFFIC CASES; RECORDS.**

The Police Judge shall keep, or cause to be kept, a record of every traffic citation presented to the court and shall keep a record of every official action by the court including, but not limited to, a record of every conviction, or forfeiture, resulting from every said traffic complaint, or citation, deposited with, or presented to, the court.

Within five (5) days after the conviction, or forfeiture, of the bail of any person charged with violating any provision herein, the magistrate shall prepare and immediately forward to the Director of the Department of Motor Vehicles an abstract of the record of the court covering the case in which the person was so convicted or forfeited bail. This abstract must be certified by the person so required to prepare the same to be true and correct. A report need not be made of any conviction involving the illegal parking or standing of a vehicle.

The abstract must be made upon a form furnished by the Director of the Department of Motor Vehicles and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited, and the amount of the fine, or forfeiture, as the case may be. (*Ref. 39-794 RS Neb.*)

**§ 5-634 RADAR DEVICE; PROHIBITED.**

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 Municipality; except that this section shall not apply to any such device which has been lawfully licensed by the Federal Communications Commission or is being used by law enforcement officials in their official duties.

For purposes of this section unless the context otherwise requires:

(1) Radar transmission device shall mean 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;

(2) Possession shall mean to have a device defined above in a motor vehicle if such 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 such vehicle is in operation. If no such compartment exists in a vehicle, then such 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; and

(3) Transceiver shall mean an apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver.

*(Ref. LB 32, 2/8/82) (Ord. No. 384, 8/10/82)*

#### **§ 5-635 DRIVING ON SHOULDERS OF HIGHWAY.**

No person shall drive on the shoulders of highways, except that (1) vehicles may be driven onto the shoulders of roadways (a) by federal mail carriers while delivering the United States mail or (b) to safely remove a vehicle from traffic lanes and (2) implements of husbandry may be driven onto the shoulder of roadways. *(Ref. 60-6,142 RS Neb.) (Ord. No. 501, 11/8/88)*

#### **§ 5-636 TRUCK TRAVEL AND PARKING; PROHIBITIONS AND EXCEPTIONS.**

A. Definitions. For the purpose of this section the following definitions shall apply:

1. "Semitrailer" shall mean every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

2. "Trailer" shall include every vehicle without motor power designed for carrying persons or property and being pulled by a motor vehicle and so constructed so that no part of its weight rests upon the towing vehicle.

3. "Truck-tractor" shall mean every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load being drawn.

4. "Trucks" shall include motor vehicles equipped or used for the transportation of property with the following exceptions:

(a) Passenger cars;

(b) Pickups;

- (c) Mopeds;
- (d) Farm tractors;
- (e) School buses;
- (f) Recreational vehicles;

(g) Self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals or related products to agricultural soil and crops and other implements of husbandry designed and used primarily for tilling the soil and harvesting crops or feeding livestock;

(h) Vehicles which are on rails or tracks; and

(i) Off-road design vehicles including but not limited to golf carts, go-carts, riding lawn mowers, garden tractors and all terrain vehicles, snowmobiles and minibikes.

B. Prohibited Truck Travel. It shall be unlawful to operate any truck, truck-tractor, trailer, semitrailer, or any combination thereof, upon the streets within the City of Stromsburg except upon designated truck routes when such truck, truck-tractor, trailer and semitrailer shall be equipped with tires having a rim diameter in excess of 19.5 inches. In the case of a truck towing a trailer, the prohibition of this section shall apply if either the truck or the trailer is equipped with tires having a rim diameter in excess of 19.5 inches. In the case of a truck-tractor with a semitrailer attached, the prohibition of this section shall apply if either the truck-tractor or semitrailer is equipped with tires having a rim diameter in excess of 19.5 inches. The prohibition of this section shall not apply to the owner or operator of the tractor unit only of a truck-tractor, semitrailer unit or the owner or operator of a completely unloaded straight truck provided that said owner or operator is operating said vehicle to or from the owner or operator's residence located in the City of Stromsburg.

C. Truck Routes. Designated truck routes for trucks, truck-tractors, trailers and semitrailers equipped with tires having a rim diameter in excess of 19.5 inches are hereby established as follows, to-wit: Ninth Street east and west of U.S. Highway 81; Main Street (U.S. Highway 81); First Street from U.S. Highway 81 to Exchange Street.

D. Exceptions. The prohibition contained in subsection B shall not apply to trucks, truck-tractors, trailer and semitrailers, or any combination thereof, equipped with tires having a rim diameter in excess of 19.5 inches when it is necessary for the owner or operator thereof to pick up and/or deliver goods, wares and merchandise from locations not designated for truck travel. In such case, the owner or operator of such truck, truck-tractor, trailer and semitrailer shall leave and return to the nearest designated truck route in the course of such delivery and/or pickup of such goods, wares, or merchandise.

E. Truck Parking Prohibited. It shall be unlawful for any owner or operator of any truck, trailer, truck-tractor and semitrailer, or any combination thereof, equipped with tires having a rim diameter in excess of 19.5 inches to park, stop, stand on the streets, alleys or other public ways, or upon private property located in the City of Stromsburg, Nebraska, except that a truck-tractor equipped with tires having a rim diameter in excess of 19.5 inches that is not attached to a semitrailer may lawfully park upon the streets, alleys and public ways; provided, however, that the parking is not otherwise prohibited. The prohibition of this section shall not apply to the owner or operator of

the tractor unit only of a truck-tractor, semitrailer unit or to the owner or operator of a completely unloaded straight truck as long as the tractor unit only or the completely unloaded straight truck is parked in the owner's or operator's private drive.

*(Ord. No. 617, 12/28/93)*

#### **§ 5-637 USE OF ENGINE BRAKES UNLAWFUL WITHIN CITY LIMITS.**

It shall be unlawful for any person to use engine brakes, commonly known as "Jake Brakes" on any vehicle within the City limits of the City of Stromsburg, Polk County, Nebraska.

For the purpose of this section, use of "Jake Brakes" shall be defined as a device which when activated retards one or more pistons on the engine of said truck or motor vehicle in order to assist the truck or motor vehicle in braking and in such process creating a loud and offensive noise from the motor vehicle or truck. *(Ord. No. 663, 11/22/94)*

#### **§ 5-638 UNLAWFUL TO OPERATE MOTOR VEHICLE ON SIDEWALKS AND MUNICIPAL TRAIL.**

(1) It shall be unlawful for any person to operate a motor vehicle, as defined in Chapter 5, Article 1 of this Code, on any sidewalk within the Municipal limits or upon the Municipal hiker/biker trail extending generally from the southeast corner of Buckley Park and running northerly under the Prairie Creek bridge, crossing U.S. Highway 81 and northerly on the east side of U.S. Highway 81 to First Street, then east to Commercial Street, then north to Third Street. The Governing Body shall cause notice of this prohibition to be posted along the Municipal hiker/biker trail.

(2) This section shall not apply to any duly authorized emergency vehicle providing actual emergency services or to repair and maintenance vehicles belonging to the City, including any vehicle providing snow removal services or to self-propelled devices used by persons who are disabled. *(Ref. 60-680 RS Neb.) (Ord. No. 682, 11/14/95)*

### **ARTICLE 7: ALL-TERRAIN VEHICLES**

[Editor's Note: Article 7 was adopted in its entirety by Ordinance No. 476 passed October 13, 1987]

**§ 5-701 ALL-TERRAIN VEHICLES; DEFINED.**

ALL-TERRAIN VEHICLE shall mean any motorized off-highway vehicle which:

- (1) Is fifty (50) inches or less in width,
  - (2) Has a dry weight of nine hundred (900) pounds or less,
  - (3) Travels on three (3) 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 (1) 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.
- (Ref. 60-6,355 RS Neb.) (Amended by Ord. Nos. 908, 1/27/04; 987, 8/27/07)*

**§ 5-702 ALL-TERRAIN VEHICLES; OPERATION WITHIN CITY LIMITS; CONDITION.**

(1) An all-terrain vehicle may be operated on any street, road, or alley, within the City, except for a controlled-access highway, when such operation occurs only between one-half hour after sunrise and one-half hour before sunset. Any person operating an all-terrain vehicle shall have a valid Class O operator's license or a farm permit as provided in section 60-4,126 RS Neb., shall have liability insurance coverage for the all-terrain vehicle while operating the all-terrain vehicle on a highway, street, road, or alley, and shall not operate such vehicle at a speed in excess of the posted speed limit. The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such a request. When operating an all-terrain vehicle, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five (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 thirty (30) square inches and shall be day-glow in color.

(2) All-terrain vehicles may be operated without complying with subsection (1) of this section in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the State.

(3) Subject to subsection (1) of this section, the crossing of a controlled-access highway shall be permitted by an all-terrain vehicle only if:

(a) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

(b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway.

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard. *(Ref. 60-6,356 RS Neb.) (Amended by Ord. Nos. 528, 11/14/89; 645, 9/27/94;*



987, 8/27/07)

**§ 5-703 ALL-TERRAIN VEHICLES; HEADLIGHTS.**

Every all-terrain vehicle shall display a lighted headlight and taillight during the period of time from one half (½) hour after sunset to one half (½) hour before sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions. (Ref. 60-6,357 RS Neb.)

**§ 5-704 ALL-TERRAIN VEHICLES; EQUIPMENT, REQUIREMENT.**

Every all-terrain vehicle shall be equipped with:

1. A brake system maintained in good operating condition;
2. An adequate muffler system in good working condition; and
3. A United States Forest Service qualified spark arrester.

(Ref. 60-6,358 RS Neb.)

**§ 5-705 ALL-TERRAIN VEHICLES; PROHIBITIONS.**

No person shall:

1. Equip the exhaust system of an all-terrain vehicle with a cutout, bypass, or similar device;
2. Operate an all-terrain vehicle with an exhaust system so modified; or
3. Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

(Ref. 60-6,359 RS Neb.)

**§ 5-706 ALL-TERRAIN VEHICLES; COMPETITION.**

All-terrain vehicles participating in competitive events may be exempted from sections 5-703 to 5-707 of this Article at the discretion of the Director of Motor Vehicles. (Ref. 60-6,360 RS Neb.)

**§ 5-707 ALL-TERRAIN VEHICLES; ACCIDENT REPORT.**

If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner as provided in section 60-505. (Ref. 60-6,361 RS Neb.)

**§ 5-708 ALL-TERRAIN VEHICLES; PENALTY.**

Any violations of sections 5-702 to 5-707 of this Article which is also a violation under Chapter 39 or Chapter 60 of RS Neb. may be punished under the penalty provisions of such Chapter. (*Ref. 60-6,362 RS Neb.*)

**§ 5-709 ALL-TERRAIN VEHICLES; ENFORCEMENT.**

Any peace officer of the State or of any political subdivision, including conservation officers of the Game and Parks Commission shall be charged with the enforcement of the provisions of sections 5-702 to 5-707 of this Article.

**§ 5-710 UTILITY-TYPE VEHICLES AND MINI-TRUCKS.**

(1) For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***STREET or HIGHWAY.*** 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.

***UTILITY-TYPE VEHICLE or MINI-TRUCK.***

***UTILITY-TYPE VEHICLE.*** Any motorized off-highway vehicle which:

1. Is not less than forty-eight (48) inches nor more than seventy-four (74) inches in width;
2. Is not more than one hundred thirty-five (135) inches, including the bumper, in length;
3. Has a dry weight of not less than nine hundred (900) pounds nor more than two thousand (2,000) pounds;
4. Travels on four (4) or more low-pressure tires; and
5. Is equipped with a steering wheel and bench or bucket-type seating designed for at least two (2) people to sit side-by-side.

***MINI-TRUCK.*** A foreign-manufactured import vehicle or domestic-manufactured vehicle which:

1. Is powered by an internal combustion engine with a piston or rotor displacement of one thousand (1,000) cubic centimeters or less;
2. Is sixty-seven (67) inches or less in width;
3. Has a dry weight of four thousand two hundred (4,200) pounds or less;
4. Travels on four (4) or more tires;
5. Has a top speed of approximately fifty-five (55) miles per hour;

6. Is equipped with a bed or compartment for hauling;
7. Has an enclosed passenger cab;
8. Is equipped with headlights, taillights, turn signals, windshield wipers, a rearview mirror, and an occupant protections system; and
9. Has a four (4)-speed, five (5)-speed, or automatic transmission. (*Ref. 60-121.01, 60-337.01, 60-363.01 RS Neb.*)

**UTILITY-TYPE VEHICLE or MINI-TRUCK** does not include golf carts or low-speed vehicles. (*Ref. 60-135.01; 60-358.01 RS Neb.*)

(2) Utility-type vehicles and mini-trucks 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.

(3) A utility-type vehicle or mini-truck may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of thirty (30) miles per hour or the posted speed limit, whichever is lower. When operating a utility-type vehicle or mini-truck as authorized in subsection (2) of this section, the headlight and taillight of the vehicle or mini-truck shall be on and the vehicle or mini-truck shall be equipped with a bicycle safety flag which extends not less than five (5) feet above ground attached to the rear of such vehicle or mini-truck. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be day-glow in color. (*Ref. 60-6,356 RS Neb.*)

(4) Any person operating a utility-type vehicle or mini-truck as authorized in subsection (2) of this section shall have:

(a) A valid Class O operator's license or a farm permit as provided in section 60 4,126 RS Neb.; and

(b) Liability insurance coverage for the utility-type vehicle or mini-truck while operating the utility-type vehicle or mini-truck on a street or highway. The person operating the utility-type vehicle or mini-truck shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such a request. (*Ref. 60-6,356 RS Neb.*)

(5) Every utility-type vehicle or mini-truck shall be equipped with:

(a) A brake system maintained in good operating condition;

(b) An adequate muffler system in good working condition; and

(c) A United States Forest Service qualified spark arrester. (*Ref. 60-6,358 RS Neb.*)

(6) No person shall:

(a) Equip the exhaust system of a utility-type vehicle or mini-truck with a cutout, bypass, or similar device;

(b) Operate a utility-type vehicle or mini-truck with an exhaust system so modified; or

(c) Operate a utility-type vehicle or mini-truck with the spark arrester removed or modified except for use in closed-course competition events. *(Ref. 60-6,359 RS Neb.)*

(7) Utility-type vehicles or mini-trucks may be operated without complying with subsections (3), (4), (5) and (6) 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. *(Ref. 60-6,356 RS Neb.)*

(8) A utility-type or mini-truck vehicle shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes, and the crossing of any controlled-access highway with more than two (2) marked traffic lanes shall not be permitted. Subsections (2) through (6) and (9) of this section authorize and apply to operation of a utility-type vehicle or mini-truck only on a street or highway other than a controlled-access highway with more than two (2) marked traffic lanes.

(9) Subject to subsection (8) of this section, the crossing of a street or highway shall be permitted by a utility-type vehicle or mini-truck without complying with subsections (3) and (4) of this section only if:

(a) The crossing is made at an angle of approximately ninety degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

(e) Both the headlight and taillight of the vehicle or mini-truck are on when the crossing is made. *(Ref. 60-6,356 RS Neb.)*

(10) If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each utility-type vehicle or mini-truck involved in the accident shall give notice of the accident in the same manner as provide in section 60-699 RS Neb. *(Ord. No. 1064, 1/14/13)*

## **ARTICLE 8: PENAL PROVISIONS**

**§ 5-801 VIOLATION; PENALTY.**

(1) 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 five hundred dollars (\$500.00) A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

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

(b) 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. *(Ref. 17-505, 18-1720, 18-1722 RS Neb.) (Amended by Ord. No. 817, 6/13/00)*