

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

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ARTICLE I -TRAFFIC REGULATIONS

SECTION 3-101: TERMS DEFINED

The words and phrases used in this ordinance 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 as hereafter amended, unless the context otherwise requires; and, if not so defined, the common meaning of such words and phrases shall prevail.

(Ref. 39-602 R.R.S. 1943)

SECTION 3-102: TRUCK ROUTES

The City Council may, by resolution, designate certain streets in the City restricting traffic for vehicles weighing in excess of ten tons and it shall be unlawful for persons operating vehicles to travel on streets other than those designated for such vehicles, except to travel to and from their personal residence and/or to pick up or deliver goods, wares, or merchandise; and in these events, the operator of such vehicle shall return to such truck routes as soon as possible in traveling through or about the City. The City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as restricted routes.

(Ref. 16-209 R. R. S. 1943)

SECTION 3-103: AIR ASSISTED BRAKING

It shall be unlawful for any person in any part of the City to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for purposes of assisting braking on any semi-tractor. Proper notices shall be posted by the City notifying the public of such prohibition.

SECTION 3-104: TURNING; "U" TURNS

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection.

(Ref. 39-697 R.R.S. 1943)

SECTION 3-105: TURNING; SIGNALS

A signal of intention to turn right or left shall be given continuously during not less than the last 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.

(Ref. 39-653 R.R.S. 1943)

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SECTION 3-106: TURNING; GENERALLY

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

(Ref. 39-650 R.R.S. 1943)

SECTION 3-107: 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 other unmistakable signal to the driver of all other vehicles of his intention to make such movement.

(Ref. 39-653 R.R.S. 1943)

SECTION 3-108: RIGHT OF WAY; GENERALLY

When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a law enforcement officer stationed at the intersection. The driver of a vehicle intending' to turn to the left within an intersection, or into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver of a vehicle on any street shall yield the right of way to a 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. 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. Every pedestrian crossing a street at any point other than a pedestrian crossing, crosswalk or intersection shall yield the right of way to vehicles upon the street. The driver of a vehicle entering a city street from a private road or drive shall yield the right of way to all vehicles approaching on such streets.

(Ref. 39-653 R.R.S. 1943)

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SECTION 3-109: RIGHT OF WAY; EMERGENCY VEHICLES

Upon the approach of any authorized emergency vehicles, all vehicles within one 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 sound audible signal by bell, siren or whistle.

(Ref. 39-608 R.R.S. 1943)

SECTION 3-110: POSITION OF VEHICLE ON HIGHWAY; GENERALLY

Upon all highways of sufficient width, 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 of the main traveled portion of the roadway.

(Ref. 39-620 R.R.S. 1943)

SECTION 3-111: POSITION OF VEHICLE ON HIGHWAY; PASSING

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. 39-625 RS Neb.)

SECTION 3-112: 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.

SECTION 3-113: DRIVING IN SIDEWALK SPACE

No motor vehicle, including motorcycles or scooters, shall be driven on any sidewalk or within any sidewalk space, except a permanent or temporary driveway.

(Ref. 39-676 RS Neb.)

SECTION 3-114: STOPS; MANDATORY

All vehicles, before crossing a sidewalk, emerging from a garage, alley, filling station or other place, 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. 39-609 through 39-611 R.R.S. 1943)

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SECTION 3-115: SIGNS, SIGNALS

The City Council may, by resolution, provide for the placing of stop signs, restricted parking, or other signs, signals, standards or mechanical devices in any street or alley for the purpose of regulating or prohibiting traffic and parking 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. The placement of such regulatory sign shall be prima facie evidence of the restricting resolution.

(Ref. 39-609 through 39-611, 39-697 RS Neb.)

SECTION 3-116: STOP SIGNS

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with ordinances prescribed heretofore, cause such vehicle to come to a complete stop with the front wheels of said vehicle parallel with said stop sign.

SECTION 3-117: SPEED ZONES

The following speed zones and the signs placed thereon are approved by the City.

1. The following streets are designated as 20 miles per hour speed zones:

- Sixth Street between Prairie and Walnut Streets;
- Fifth Street between Prairie and Walnut Streets;
- Prairie Street from Fifth to Sixth Streets;
- Walnut Street from Fifth to Six Streets;
- Market Street, starting at the east edge of Sixth Street, to Fourth Street;
- Fifth Street, starting at the north edge of State Street north to the north line of Market Street;
- Fourth Street, starting at the north edge of State Street north to the north line of Market Street;
- Third Street, starting at the north edge of State Street north to the north line of Main Street;
- Second Street and Depot Street, starting at the north line of State Street north to Main Street, then northeasterly to Market Street;
- Church Street, starting at the east edge of Sixth Street, eastward to Highway N-91;
- Main Street, starting at the east edge of Sixth Street, to Second Street;
- Clark Street, starting at the east edge of Sixth Street, eastward to Fifth Street;
- South Street, starting at the west City Limits, eastward to Sixth Street;
- Eighth Street, starting at the north edge of Fairview, southward to South Street.

2. The following streets are designated as 30 miles per hour speed zones:

- Sixth Street (Highway N -14) starting at the south edge of State Street to the south edge of Market Street;
- State Street (Highway N-14), starting at the west edge of Sixth Street, east to the north side of Marengo Street.

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3. The following streets are designated as 35 miles per hour speed zones:

State Street (Highway N-91) from Sixth Street west to 11th Street;
Sixth Street (Highway N-14) from south side of Market Street to a point 530 feet northwesterly of the Union Pacific Railroad Crossing;
Highway N-91 from 160 feet westerly of the Union Pacific Railroad Crossing to 800 feet easterly of the Union Pacific Crossing;
Old Mill Road, from Sixth Street to the west city limits.

4. The following streets are designated as 45 miles per hour speed zones:

State Street (Highway N-91) starting at 11th Street to city limits;
State Street (Highway N-14) starting at the north edge of Marengo, southeasterly to south line of Walnut;
Sixth Street (Highway N-14) from a point 530 feet northwesterly of the Union Pacific Railroad Crossing to the city limits.

5. The designated speed zones through all alleys shall be 10 miles per hour.

No person shall operate a motor vehicle on any street or alley in excess of the speed zones set out above. {Ordinance 247(16) – June 14, 2016}

SECTION 3-118: 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 15 miles per hour past such premises. Such driver shall stop at all stop signs located at or near such school premises. 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.

SECTION 3-119: SPEED LIMITS

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

(Ref. 60-6,186, 60-6,190 RS Neb.)

SECTION 3-120: FUNERAL PROCESSIONS

No vehicle, except police vehicles or 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 possession or cortege except with the permission of a police officer.

(Ref. 60-6,140, 60-680 RS Neb.)

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SECTION 3-121: FOLLOWING DISTANCE: GENERALLY

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. 60-6,140 RS Neb.)

SECTION 3-122: FOLLOWING DISTANCE; FIRE APPARATUS

The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet, or drive into or park such vehicle within the block where said fire apparatus has stopped in answer to a fire alarm.

(Ref. 60-6,183 RS Neb.)

SECTION 3-123: 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 R.R.S. 1943)

SECTION 3-124: 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. 39-714.04 R.R.S. 1943)

SECTION 3-125: QUIET ZONES; UNNECESSARY NOISE

All streets or portions thereof lying within 300 feet of any hospital, nursing home or school, and which have been declared to be "quiet zones" by the City Council 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 city to make, or cause to be made, any unnecessary noise with any signal device, or to use the same except as a road signal.

(Ref. 39-6,137, 60-2209 R.R.S. 1943)

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SECTION 3-126: SPEED; ELECTRONIC DETECTOR

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

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/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. 39-669 R.R.S. 1943)

SECTION 3-127: CARELESS DRIVING

No person shall operate a vehicle on any highway, street or alley within the City in such a manner as to endanger the safety of others, disregard the property of others, and/or cause immoderate wear and damage to any street or alley in the City.

Any person so operating a motor vehicle within the city limits of the City shall be deemed guilty of careless driving. It shall be prima fade evidence that a person has operated a motor vehicle in such a careless manner if he/she has operated such vehicle in a manner contrary to the duly published rules and regulations of the Department of Roads of the State of Nebraska governing the use of state highways.

SECTION 3-128: RECKLESS DRIVING

Any person who drives a motor vehicle in such 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.

(Ref. 39-669.01, 39-669.02, 39-669.26 R.R.S. 1943)

SECTION 3-129: 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 as provided by statute.

(Ref. 60-6,214 through 60-6,218 RS Neb.)

SECTION 3-130: NEGLIGENT DRIVING

Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving. (Ref. 60-4,182 RS Neb.)

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SECTION 3-131: RECKLESS, WILLFUL RECKLESS, NEGLIGENT DRIVING; PENALTIES

Any person convicted of willful, reckless driving shall be fined no less than \$50.00 nor more than \$100.00 for each offense; any person convicted of reckless driving shall be fined no less than \$25.00 nor more than \$100.00 for each offense; any person convicted of negligent driving shall be fined no less than \$20.00 nor more than \$100.00 for each offense. In addition, as a part of the judgment of any person convicted of willful reckless driving, the Court may order such person not to drive a motor vehicle for any purpose for any period of not more than six months.

SECTION 3-132: DRIVING UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR DRUGS

It shall be unlawful for any person to operate or be in actual physical control of any motor vehicle while under the influence of alcoholic liquor or of any drugs or when said person has 10/100ths of 1 % or more by weight of alcohol in his/her body fluid as shown by chemical analysis of his/her blood, breath or urine.

Any person who operates or has in his/her actual physical control a motor vehicle upon the public streets, alleys, avenues or highways of the City shall be deemed to have given his/her consent to submit to a chemical test of his/her blood, urine or breath for the purpose of determining the amount of alcohol content in his/her body fluid. Any law enforcement officer who has been duly authorized to make arrests for violation of traffic laws of the City or the State of Nebraska may require any person arrested for any offense arising out of acts to have been committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic liquor to submit to a chemical test of his/her blood, breath or urine for the purpose of determining the alcoholic content of his/her body fluid when the officer has reasonable grounds to believe that such person was driving or was in actual physical control of a motor vehicle upon the public streets, avenues, alleys or highways of the City while under the influence of alcoholic liquor. Any person who refuses to submit to a chemical test of his/her blood, breath or urine for the purpose of determining the alcoholic content of his/her body fluid after being fully advised of the consequences of such refusal, shall be guilty of a misdemeanor and on conviction thereof be fined not more than that amount allowed by Nebraska law for violation of a misdemeanor.

Any person found guilty of violating this section shall be punished by the maximum fine allowed by this Code and, in addition, shall have his/her driver's license suspended in accordance with Section 39-727 of the Revised Statutes of the State of Nebraska, 1943 as from time to time amended.

SECTION 3-133: EXHIBITION DRIVING

Any person who operates a motor vehicle, meaning any self-propelled vehicle, upon streets or alleys within the city limits or upon property owned by the City in such a manner as to cause or create unnecessary engine noise, squealing of tires, rear skidding, sliding or swaying of such motor vehicle or possible acceleration of speed of said motor vehicle shall be guilty of exhibition driving.

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SECTION 3-134: EMERGENCY; REGULATIONS

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

SECTION 3-135: POLICE; TRAFFIC POWERS

The city 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 and regulate, 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. 39-6,192 R.R.S. 1943)

SECTION 3-136: 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 the city police.
(Ref. 6.680 RS Neb.)

SECTION 3-137: POLICE; TRAFFIC OFFICERS

The city 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.

SECTION 3-138: ONE-WAY TRAFFIC; DESIGNATION

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

SECTION 3-139: LITTERING

It shall be unlawful for any person to drop, cause to be left upon any city highway, street or alley, except at places designated by the City Council, any rubbish, debris or waste, and any person so doing shall be guilty of littering.
(Ref. 39-311 RS Neb.)

SECTION 3-140: DRIVING ABREAST

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

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

SECTION 3-141: 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.

(Ref. 39-677, 60-680 RS Neb.)

SECTION 3-142: CROWDING; FRONT SEAT

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

SECTION 3-143: MUFFLER

Every motor vehicle operated within this city 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. 39-6,137 R.R.S. 1943)

SECTION 3-144: LOADS; PROJECTING

When any vehicle shall be loaded in such a manner that any portion of the load extends more than four feet beyond the rear of the bed or the body of such vehicles, a red flag shall be carried by day and red light after sunset on such load.

(Ref. 39-6,130 R.R.S. 1943)

SECTION 3-145: LOADS; SPILLING

All vehicles used for carrying coal, earth, sand, gravel, rock, asphalt, tar or any similar substance shall be so constructed as to prevent the sifting or spilling of any of the contents.

(Ref. 39-6,129 R.R.S. 1943)

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

ARTICLE II – ABANDONED VEHICLES

SECTION 3-201: TERMS DEFINED

No person, firm, partnership, association, corporation or organization of any kind shall abandon any vehicle or equipment within the City of Albion:

1. "Vehicle" shall be defined as a motor vehicle, all-terrain vehicle, utility type vehicle, or minibike, as defined in Neb. Rev. Stat. §§ 60-339, 60-305, and 60-358.01.
2. "Equipment" shall be defined as vehicles not requiring licensing, and construction and farm equipment, including but not limited to: mopeds, farm tractors, self-propelled equipment designed primarily for agricultural or farm use, hay grinders, vehicles which run on tracks, off-road designed vehicles not authorized by law for use on a highway, such as golf car vehicles, go-carts, riding lawnmowers, garden tractors, snowmobiles, road and general-purpose construction and maintenance machinery, selfpropelled chairs used by persons who are disabled, electric personal assistive mobility devices, and bicycles.
3. "Public Property" shall mean any public right of way, street, highway, alley, park or other city, county, state, or federally owned property. Vehicles which are in an enclosed building or are owned and being restored or repaired, with satisfactory progress being shown by the controller of the real property where said vehicle is located, are excluded from this section.
4. "Abandoned Vehicle" shall mean any vehicle left unattended:
 - a. With no number plates affixed thereto, for more than six hours on any public property;
 - b. For more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
 - c. For more than 48 hours, after the parking of such vehicle shall have become illegal if left on a portion of public property on which parking is legally permitted; or
 - d. For more than seven days on private property after permission of the owner has ended.
5. "Abandoned Equipment" shall mean any equipment left unattended:
 - a. For more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
 - b. For more than 48 hours, after the parking of such vehicle shall have become illegal if left on a portion of public property on which parking is legally permitted; or
 - c. For more than seven days on private property after permission of the owner has ended.

{Ordinance 265(17) – November 14, 2017}

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

SECTION 3-202: ENFORCEMENT

The City shall give written notice to the owner of such vehicle or equipment. In the case of a vehicle, notice shall be given in accordance with Section 3-203. Five days after notice is given or if the owner cannot be found, such vehicle or equipment shall be impounded until lawfully claimed or disposed of. Vehicles shall be disposed of as provided in Section 3-204. The city police may enter upon private property at all reasonable hours for the purpose of inspecting such abandoned vehicle or equipment, posting notice thereon and/or removing or impounding such abandoned vehicle or equipment. It shall be unlawful for any person to prevent the city police from entering on private property for the purpose of carrying out their duties. Neither the owner, lessee, or occupant of the premises from which any abandoned vehicle or equipment is removed, nor the City shall be liable for any loss or damage to such abandoned vehicle which occurs during its removal, while in possession of the City, or as a result of any subsequent disposition.

{Ordinance 265(17) – November 14, 2017}

SECTION 3-203: NOTICE

Except for vehicles automatically becoming the property of the City as set forth in Section 3-205 hereunder, the Board shall make an inquiry concerning the last registered owner of such abandoned vehicle as follows:

- 1 Abandoned vehicles with numbered plates affixed---to the jurisdiction which issued said plates; or
- 2 Abandoned vehicles with no numbered plates affixed---to the Department of Motor Vehicles.

The city police shall notify the last registered owner, if any, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction after five days from the date that such notice was mailed. If the agency described in Subsections 1 or 2 of this section also notifies the city police that a lien or mortgage exists, such notice shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of its removal and storage. In the event the owner does not appear within the time prescribed herein, or in the event that the owner cannot be determined, such abandoned vehicle shall be disposed of as hereinafter provided.

SECTION 3-204: DISPOSITION

The city police shall sell said abandoned vehicle at public auction to the highest bidder within 60 days from the date that title to an abandoned vehicle is vested in the city as provided for in Section 3-205 hereafter. Such sale and the time and place thereof shall be advertised for one week in a newspaper of general circulation in the City. Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the City, shall be held by the City without interest for the benefit of the owner of such abandoned vehicle for a period of two years. If not claimed within such two year period, such proceeds shall be paid into the general fund of the City.

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

SECTION 3-205: TRANSFER OF TITLE

If an abandoned vehicle at the time of abandonment has no numbered plates of the current year affixed and is of a wholesale value of \$100.00 or less, taking into consideration the vehicle's condition as determined by the city police, title shall immediately vest in the City and the city police is not required to follow Section 3-203 herein. With respect to those abandoned vehicles governed by Section 3-203 herein, title to such vehicles, if unclaimed, shall vest in the City five days from the date the notice referred to therein is mailed or, if the last registered owner cannot be determined, when notice of that fact is received by the city police. Upon the sale of an abandoned vehicle at auction, the City shall furnish the purchaser with the requisite affidavit to provide to the county clerk where the vehicle was last registered that said vehicle was abandoned and became the property of the City prior to the sale.

SECTION 3-206: PENAL PROVISIONS

Any person who violates any of the prohibitions or provisions of this article shall be deemed guilty of a misdemeanor. The penalty for such violation shall be a fine of up to \$500.00, in the discretion of the court.

{Ordinance 265(17) – November 14, 2017}

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

ARTICLE III -PARKING

SECTION 3-301: 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 downgrade upon any street, shall not coast with the gears of the vehicle in neutral.

(Ref. 60-6,168 RS Neb.)

SECTION 3-302: 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, in such manner as to have both right wheels within 12 inches of the curb and so as to leave at least four feet between the vehicle so parked and any other parked vehicle. 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. No person shall park a vehicle so as to obstruct a private driveway, or drive, for any period of time. No person shall park a vehicle, or permit it to stand, within 15 feet in either direction from the entrance of any fire station.

(Ref. 60-6,167, 60-680 RS Neb.)

SECTION 3-303: PARKING; AREAS

The City Council, may, by resolution, set aside and post any street, alley, public way or portion thereof for the parking of any particular kind or class of vehicle, and where the parking of vehicles 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 time necessary to load and unload freight or' passengers. The placement of no parking or restricted parking signs shall be prima facie evidence of the restricting resolution.

(Ref. 60-680 RS Neb.)

SECTION 3-304: OBSTRUCTING ALLEY

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

(Ref. 60-680 RS Neb.)

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

SECTION 3-305: HAZARDOUS MATERIALS

It shall be unlawful to park or leave unattended any vehicle, tank truck, tank trailer, or tank semitrailer which is carrying any material which is required to carry a hazardous materials placard by the state or federal government in any residential district of the City of Albion as shown on the Official Zoning Map of the City of Albion. This restriction shall be operative during the hours of 7:00 P.M. to 7:00 A.M., and shall apply to parking on both public and private property. This section shall not apply to any vehicle, tank truck, or tank trailer with a capacity of less than 110 gallons.

SECTION 3-306: LOADING ZONES; DESIGNATION

The City Council may, by resolution, designate loading zones and parking times therein.

SECTION 3-307: ALLEYS; LOADING AND UNLOADING

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

(Ref. 60-680 RS Neb.)

SECTION 3-308: UNLOADING; FREIGHT VEHICLES

Vehicles of an overall length of less than 20 feet, including load, while discharging freight may back to the curb, but shall occupy as little of the street as possible.

(Ref. 60-680 RS Neb.)

SECTION 3-309: FIRE HYDRANTS

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted red or yellow to indicate such prohibition.

(Ref. 60-6,166 RS Neb.)

SECTION 3-310: SCHOOLS, THEATERS

The City Council 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, fire station or theater, and such curbs adjacent to the entrance of said school house, school building, fire station or theater shall be painted red or yellow to indicate such prohibition.

SECTION 3-311: CURB INTERSECTIONS

Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection of curb lines, or if none, then within 15 feet of the intersection of property lines nor where said curb lines are painted yellow or red to indicate such prohibition.

(Ref. 60-6,166 RS Neb.)

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

SECTION 3-312: CURBS

No vehicle shall park on any street with its left side 10 the curb, unless said street has been designated to be a "one-way" street by the City Council. Vehicles must not be parked a1 any curb in such a position as to prevent another vehicle already parked at the curb from moving away.

(Ref. 39-673 RS Neb.)

SECTION 3-313: 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.)

SECTION 3-314: CURBS, PAINTED

It shall be the duty of the City Council to cause the curb space to be painted and keep the same painted as in this article provided. No person, firm or corporation shall paint the curb of any street, or in any manner set aside or attempt to prevent the parking of vehicles in any street or part thereof, except at such places where the parking of vehicles is prohibited by the provisions of this article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the City through its proper officers, at the direction of the City Council.

(Ref. 39-697 RS Neb.)

SECTION 3-315: DISPLAY OR REPAIR OF VEHICLES

It shall be unlawful for any person to park upon any street, alley or public place within this city 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 city, 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.

(Ref. 39-697 RS Neb.)

SECTION 3-316: MAXIMUM TIME LIMIT

It shall be unlawful for any person to park or leave unattended any motor vehicle upon a public street of the City for more than 48 consecutive hours, except where a different maximum time limit is posted.

(Ref. 60-680 RS Neb.)

SECTION 3-317: 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. 39-608 RS Neb.)

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

SECTION 3-318: PARKED VEHICLES; LICENSE PLATES REQUIRED

Every vehicle parked or left standing upon any street, alley, public way or public property shall have license plates attached thereto which are issued for the vehicle to which said license plates are attached and are registered in the name of the owner of the vehicle in accordance with the laws of the State of Nebraska, or of the state wherein the license is issued. If any vehicle is found upon any street or alley in violation of any of the provisions of this article regulating the stopping, standing or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

SECTION 3-319: SNOW EMERGENCY; ROUTES

The following described streets are the Snow Emergency Routes in the City:

- 1 Eleventh Street south from State Street to Fairview Street;
- 2 Sixth Street; and
- 3 Fairview Street from Highway 14 -39 to Eleventh Street.

The mayor or his/her designated representative shall place appropriate signs, marks, lines, signals or other traffic control devices indicating the existence of said snow emergency routes. The designation of any street, highway or portion thereof as a snow emergency route shall in no way affect any previous designation of that street or highway as an arterial or other road designation.

SECTION 3-320; SNOW EMERGENCY: PARKING PROHIBITED ON SNOW EMERGENCY ROUTES AND ALL OTHER STREETS DURING DECLARED EMERGENCY

Whenever the mayor, or in his/her absence, two members of the Council, shall find, on the basis of falling snow, accumulated snow, sleet or freezing rain, or on the basis of an official forecast by the U.S. Weather Bureau of snow, snow accumulation, sleet or freezing rain, that weather conditions will make it necessary that motor traffic be expedited and that parking on city snow emergency routes or other streets be prohibited or restricted for snow plowing and other purposes, the mayor may put into effect a parking prohibition on any or all snow emergency routes by declaring that emergency conditions exist and that all parking on said streets so designated shall be prohibited. In such declaration of emergency conditions, the mayor shall state the time that said emergency shall be in effect and from the time so designated, all parking of motor vehicles on snow emergency routes so designated shall be prohibited. While the prohibition is in effect, no person shall allow to remain parked any motor vehicle on any portion of a snow emergency route. Once in effect, the parking prohibition imposed under this article shall remain in effect until termination by declaration of the mayor. Whenever an emergency has been declared by the Mayor pursuant to this section, all parking will be allowed on the odd numbered sides of the streets during odd numbered days of the weeks, and all parking will be allowed on the even numbered sides of the streets during the even numbered days of the weeks. Parking on the wrong side of the street shall be prohibited. While this prohibition is in effect, no person shall allow to remain parked any motor vehicle on the incorrect side of all streets and avenues in the City of Albion. Once in effect, the parking prohibition imposed under this Article shall remain in effect until termination by declaration of the Mayor. Further, nothing in this article shall be construed to permit parking at any time or place where it is prohibited by any other provision of law. {Ordinance 154(05) – February 8, 2005}

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

SECTION 3-321: SNOW EMERGENCY; DECLARATION BY MAYOR

The mayor shall cause each declaration of a snow emergency made by him/her pursuant to this article to be publicly announced by means of broadcast or telecast from broadcasting stations within a normal operating range covering the City. Each announcement shall describe the action taken by the mayor, including the time it became or will become effective. The mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public by issuing an executive order as soon after the declaration of an emergency as is feasible.

SECTION 3-322: SNOW EMERGENCY; OPERATION OF MOTOR VEHICLES ON SNOW EMERGENCY ROUTES

Whenever an emergency has been declared pursuant to this article, no person operating a motor vehicle on a designated snow emergency route shall allow such motor vehicle to become stalled or stuck, including those motor vehicles which become stalled or stuck due to the fact that the motor fuel supply is exhausted or the battery has become inoperative. Whenever a motor vehicle becomes stalled or stuck for any reason on any designed snow emergency route when there is a parking prohibition in effect, the person operating such motor vehicle shall take immediate action to have the motor vehicle towed or pushed off the roadway of such designated snow emergency route, either to the nearest cross street which is not subject to a parking prohibition or to another appropriate location. No person shall abandon or leave a motor vehicle in the roadway of a designated snow emergency route except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone, garage, service station, or other place of assistance and return without delay.

SECTION 3-323: SNOW EMERGENCY; PROVISIONS TEMPORARILY EFFECTIVE TO TAKE PRECEDENCE

Any provision of these snow emergency regulations which becomes effective by declaration of the mayor upon the occurrence of emergency conditions, while temporarily in effect, shall take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel or authorized emergency vehicles, or emergency traffic directions by a police officer.

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

SECTION 3-324: SNOW EMERGENCY: REMOVAL OF PARKED, STALLED OR STUCK VEHICLES

Members of the police department are hereby authorized to remove or have removed a motor vehicle from a street to another place or location on a street which is not a snow emergency route when there is a snow emergency route parking prohibition in effect and:

- 1 The motor vehicle is parked on a snow emergency route, or
- 2 The motor vehicle is stalled or stuck on a snow emergency route and the person who is operating said motor vehicle does not appear to be removing it in accordance with the provisions of these regulations and the motor vehicle is interfering or about to interfere with snow removal operations.

SECTION 3-325: SNOW EMERGENCY; PAYMENT OF FINES AND COSTS

Whenever a city police officer shall observe any motor vehicle parked, stopped, stalled or stuck in violation of any of the provisions of this article, he/she shall personally serve the operator or person having the control of said motor vehicle or the registered owner thereof with an official police notice or summons, or he/she shall place said official police notice or summons on the windshield of said motor vehicle, which notice or summons shall be directed to the operator or registered owner of such motor vehicle. Such official police notice or summons shall set forth the nature of the violation. A copy of such notice or summons may be filed as a complaint in the appropriate state court charging a violation of such provision of this article as is set forth on said notice or summons. Any person accused of a violation of this article may appear before the appropriate state court and waive arraignment and right to a hearing and enter a plea of guilty. Any person who enters a plea of guilty to a violation of any of the provisions of this article or any person who shall be found guilty by the appropriate state court of violating any provision of this chapter shall be deemed guilty of a traffic offense, and upon conviction thereof shall be fined the sum of not less than \$5.00 and not more than \$100.00 plus towing cost and all court costs.

SECTION 3-326: REMOVAL OF ILLEGALLY PARKED VEHICLES

Whenever any police officer shall find a vehicle standing upon a street or alley 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, to a position off the roadway of such street or alley or from such street or alley.

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 the vehicle.
(Ref. 60-6,165, 60-680 RS Neb.)

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

SECTION 3-327: ILLEGALLY PARKED VEHICLES; REGISTERED OWNER LIABLE

If a motor vehicle is illegally parked and the officer observes the person that parked the vehicle, the officer shall issue a ticket and personally deliver the ticket to the driver that parked the vehicle. If, however, the officer observes the vehicle that is parked illegally and there is no one present in the vehicle and the officer did not observe who parked the vehicle illegally, the officer shall find out and determine the name and address of the registered owner of the illegally parked vehicle. A copy of the traffic violation ticket shall be placed on the windshield of the illegally parked vehicle.

Unless the police officer personally observes who parked the vehicle in violation of this article, the registered owner of the vehicle parked in violation of this article shall be vicariously liable for the parking violation.

The registered owner of the vehicle can defend by evidence that the vehicle was not parked in violation of this article; that the vehicle was parked by someone without the permission of the registered owner at the time of the parking violation; that the defendant was not the registered owner of the vehicle at the time of the parking violation.

SECTION 3-328: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES; DISPLAY OF PERMITS

The City Council may designate parking spaces for the exclusive use of (a) handicapped or disabled persons whose vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Section 60-311.14, R.S. Neb., (b) handicapped or disabled persons whose vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state, (c) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City Council, whose vehicles display the identification specified in Section 3-333, and (d) such other motor vehicles, as certified by the City Council, which display such identification. All such permits shall be displayed in the operator's area in a conspicuous location upon the vehicle's dashboard or its equivalent so as to be clearly visible through the front windshield.

Whenever the City Council so designates a parking space, it shall be indicated by a sign which is in conformance with the 19th edition of the Manual on Uniform Traffic Control Devices for Streets and Highways issued by the Federal Highway Administration. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space.

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

SECTION 3-329: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING SPACES

The City Council and any person in lawful possession of any off-street parking facility may designate stalls or spaces in such facility for the exclusive use of (a) handicapped or disabled persons whose vehicles display the distinguishing license plates issued to such individuals pursuant to Section 60-311.14, R.S. Neb., (b) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City Council, whose vehicles display the identification specified in Section 3-333, and (c) such other motor vehicles, as certified by the City Council, which display such identification. Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign which is in conformance with the 19th edition of the Manual on Uniform Traffic Control Devices for Streets and Highways issued by the Federal Highway Administration.

SECTION 3-330: HANDICAPPED OR DISABLED PERSONS, HANDICAPPED PARKING INFRACTION; DEFINED

For the purposes of Sections 3-328 through 3-336, the following terms shall be defined as follows:

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

The term "temporarily handicapped or disabled person" shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such a manner for no longer than one year.

The term "handicapped parking infraction" shall mean the violation of any section of this article regulating the use of parking spaces designated for use by handicapped or disabled persons.

SECTION 3-331: HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE

The city clerk shall take an application from handicapped or disabled or temporarily handicapped or disabled person or their parent, legal guardian or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by these Sections 3-328 through 3-336. Persons applying for a permit shall complete such forms as are provided to the city clerk by the Department of Motor Vehicles and shall demonstrate to the satisfaction of the city clerk that he or she is handicapped or disabled. The city clerk may require medical certificates and proof of a handicap or disability.

The city clerk shall issue a permit to approved applicants, and before issuing such permit, shall enter all information required pursuant to Section 3-333. The city clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons receiving a permit pursuant to this section.

ALBION CITY CODE, CHAPTER III – MOTOR VEHICLES AND BICYCLES

SECTION 3-332: HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT ISSUANCE

The city 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 person to park in those spaces provided by this section, if the motor vehicle is used primarily for the transportation of such persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons.

Persons applying for permits 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 by the Department of Motor Vehicles, and shall demonstrate to the city clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons.

The city clerk shall issue a permit to approved applicants, and before issuing such permit, shall enter all information required pursuant to Section 3-333. The city clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons receiving a permit pursuant to this section.

SECTION 3-333: HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS, DUPLICATE PERMITS

The permit to be issued by the city clerk shall be a card four inches by four inches in size constructed so that it may be easily and conspicuously displayed from a vehicle's rearview mirror and on which is prominently displayed the date of expiration, the internationally accepted wheelchair symbol, which symbol is a representation of a person seated in a wheelchair surrounded by a border six units wide by seven units high, and an identifying number on the front of the card.

The color of the permit issued to handicapped or disabled persons or for the transportation of such persons shall be white on blue. The permit issued to temporarily handicapped or disabled persons or for the transportation of such persons shall be a special distinguishing color as determined by the Department of Motor Vehicles. The name, address, phone number, date of birth, and age of the handicapped or disabled or temporarily handicapped or disabled person to whom issued shall appear on the reverse side. The name, address and phone number of the party to whom issued and the license plate number of the motor vehicle for which the permit is issued shall appear on the reverse side of the permit if such permit is issued for a motor vehicle used primarily for the transportation of handicapped or disabled or temporarily handicapped or disabled persons.

No permit shall be issued to any person or for any motor vehicle if any valid parking permit has been issued to such permit or for such motor vehicle if such permit has been suspended pursuant to Section 3-335.

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A duplicate permit may be provided by the city clerk without cost if the original permit is destroyed, lost or stolen. Such duplicate permit shall be valid for the remainder of the period for which the original permit was issued.

SECTION 3-334: HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL; FEE

All permits authorized under this section for handicapped or disabled parking shall be issued for a period ending January 1 of the third year following the date of issuance. All temporarily handicapped or disabled parking permits authorized under this section shall be issued for a period ending 90 days from the date of issuance, but may be renewed for up to three additional 90 day periods. For each additional 90 day renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee.

A permit fee of \$3.00 shall be charged for each permit, \$2.00 of which shall be retained by the city clerk and \$1.00 shall be forwarded on a quarterly basis to the Department of Motor Vehicles.

SECTION 3-335: HANDICAPPED OR DISABLED PERSONS; PERMITS NONTRANSFERABLE; VIOLATION; SUSPENSION

Permits issued under this section shall not be transferable and shall be used only by the part to whom issued or for the motor vehicle for which issued, and only for the purpose for which it is issued. Use by any other person, for any other motor vehicle, or for any other purpose shall be cause for suspension of such permit for a period of six months. At the expiration of such period, a suspended permit may be renewed upon the payment of the permit fee.

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SECTION 3-336: HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY

The owner or person in lawful possession of an off-street parking facility, after notifying the police or sheriff's department, and the City providing on-street parking or owning, operating or providing an off-street parking facility, may cause the removal, from a stall or space designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicles not displaying proper identification or the distinguishing license plates specified in this article if there is posted immediately adjacent to and visible from such stall or other space a sign which clearly and conspicuously states the area so designated as a tow-in zone.

Anyone parking in any on-street parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons, or in any so exclusively designated parking space in any off-street parking facility, without properly displaying the proper identification or when the handicapped or disabled person to whom or for whom the license plate or permit is issued is not being transported shall be guilty of a handicapped parking infraction as defined in Section 3-330, and shall be subject to the penalties and procedures set forth in this article. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in this chapter.

In the case of a privately owned off-street parking facility, the owner or person in lawful possession of such facility shall inform the City of a violation of this section prior to taking any action pursuant to this section.

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ARTICLE IV -BICYCLES

SECTION 3-401: BICYCLES; OPERATION

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

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 public highways.

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

4 No bicycle shall be operated on any street or other public highway from sunset to sunrise without a headlight visible from the front thereof for not less than 500 feet 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 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to such red reflector.

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 vehicle to travel safely 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 R.S. Neb.

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

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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.)

SECTION 3-402: CLINGING TO MOTOR VEHICLE

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

(Ref. 60-6,316, 60-6354 RS Neb.)

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ARTICLE V – MOTORCYCLES, MINIBIKES, SNOWMOBILES, ALL-TERRAIN VEHICLES AND MOPEDS

SECTION 3-501: MOTORCYCLES; LIGHTS

No person shall operate a motorcycle upon the streets, alleys or highways within the City from sunset to sunrise unless the same is equipped with at least one and not more than two headlights and a taillight exhibiting a red light visible from a distance of at least 500 feet 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.)

SECTION 3-502: 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 designed manufactured for use by operators of such vehicles and unless such helmet is secured properly on his/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 U.S. 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.)

SECTION 3-503: MINIBIKES; UNLAWFUL OPERATION

It is unlawful for any minibike or similar two, three or four-wheeled miniature vehicles whose visibility, power and equipment are inadequate for mixing with normal vehicular traffic upon the streets and highways to be operated on any such street or highway. For purposes of this article, "minibike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than 14 inches or an engine rated capacity of less than 45 cubic centimeters displacement or a seat height less than 25 inches from the ground or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only.

(Ref. 60-2101.01.60-2107 RS Neb.)

SECTION 3-504: MINIBIKES; TRAFFIC LAWS INAPPLICABLE

The provisions of Chapter 60, Articles 1, 3, 4, 5 and 17 of the Nebraska Statutes shall not be applicable to the owners and operators of any minibike.

SECTION 3-505: MINIBIKES; EMERGENCIES AND PARADES

Minibikes shall be exempt from the provisions of this article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization.

(Ref. 60-2102 RS Neb.)

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SECTION 3-506: MINIBIKES; PUBLIC LANDS

Minibikes shall be prohibited upon the public lands owned by the City except where allowed by resolution of the City Council.

(Ref. 60-2106 RS Neb.)

SECTION 3-507: SNOWMOBILES; EQUIPMENT

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

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

(Ref. 60-2002, 60-2013 RS Neb.)

SECTION 3-508: SNOWMOBILES; UNLAWFUL ACTS

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

1. Within the congested area of the City unless said snowmobile is engaged in responding to an emergency.
2. At a rate of speed greater than reasonable or proper under the surrounding circumstances.
3. In a careless, reckless or negligent manner so as to endanger person or property.
4. Without a lighted headlight and taillight when such would be required by conditions.
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.

(Ref. 60-2013, 60-2015 RS Neb.)

SECTION 3-509: SNOWMOBILES; ON PUBLIC LANDS

Snowmobiles shall be prohibited upon the public lands owned by the City except where allowed by resolution of the City Council.

(Ref. 60-2106 RS Neb.)

SECTION 3-510: SNOWMOBILES; ENFORCEMENT; PENALTY

Any peace officer, including a conservation officer, may enforce the provisions relating to snowmobiles. Any person convicted of violating any rule or regulation dealing with snowmobiles shall be punished by a fine of not more than \$100.00.

(Ref. 60-2021 RS Neb.)

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SECTION 3-511: ALL-TERRAIN VEHICLES; DEFINED

As used in this article, unless the context otherwise requires, all-terrain vehicle shall mean any motorized off-highway vehicle which (1) is 50 inches or less in width; (2) has a dry weight of 900 pounds or less; (3) travels on three or more low pressures tires; (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger; (5) has a seat or saddle designed to be straddled by the operator; and (6) has handlebars or any other steering assembly for steering control.

(Ref. 60-6,355 RS Neb.) {Ordinance 142(04) – February 10, 2014}

SECTION 3-512: ALL-TERRAIN VEHICLES; OPERATION

1. Except as provided in subsections 2 through 4 of this section, an all-terrain vehicle shall not be operated on any street, road or highway within the City. The crossing of any controlled-access highway shall not be permitted.
2. The crossing of a street, road or highway shall be permitted only if:
 - a. The crossing is made at an angle of approximately 90 degrees to the direction of the street, road 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, road 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 street, road or highway, the crossing is made only at an intersection of such street, road or highway with another street, road or highway; and
 - e. Both the headlight and taillight of the vehicle are on when the crossing is made.
3. An all-terrain vehicle may be operated on a street, road or highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicle's use for agricultural purposes. Any person operating an all-terrain vehicle on a street, road or highway shall have a valid Class 0 operator's license or a farm permit as provided in Section 60-4-126 RS Neb., and shall not operate such vehicle at a speed in excess of 30 miles per hour. When operated on a street, road or highway, 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 feet above the ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.
4. All-terrain vehicles may be operated on street, roads or highways in parades which have been authorized by the State of Nebraska or the City.

(Ref. 60-6,356 RS Neb.)

SECTION 3-513: ALL-TERRAIN VEHICLES; HEADLIGHTS

Every all-terrain vehicle shall display a lighted headlight and taillight during the period of time from one half hour after sunset to one half hour before sunrise and at any time when visibility is

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reduced due to insufficient light or unfavorable atmospheric conditions.
(Ref. 60-2803 RS Neb.)

SECTION 3-514: ALL-TERRAIN VEHICLES; EQUIPMENT, REQUIREMENT

Every all-terrain vehicle shall be equipped with (1) a brake system maintained in good operation condition; (2) an adequate muffler system in good working condition; and (3) a U.S. Forest Service qualified spark arrester.
(Ref. 60-2804 RS Neb.)

SECTION 3-515: 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.

SECTION 3-516: ALL-TERRAIN VEHICLES; COMPETITION

All-terrain vehicle participating in competitive event may be exempted from Section 3-513 to 3-515 at the discretion of the Director of Motor Vehicles.
(Ref. 60-2806 RS Neb.)

SECTION 3-517: 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. 60-2807 RS Neb.)

SECTION 3-518: ALL-TERRAIN VEHICLES; PENALTY

Any violation of Section 3-512 through 3-517 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. 60-2808 RS Neb.)

SECTION 3-519: 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 Section 3-512 to 3-517 of this article.

SECTION 3-520: MOPEDS; OPERATOR'S LICENSE REQUIRED

No person shall operate a moped upon the streets, alleys or public highways of the City unless such person has a valid motor vehicle operator's license or a valid school or learner's permit.

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(Ref. 39-6,197 RS Neb.)

SECTION 3-521: MOPEDS; OPERATING UPON SIDEWALKS PROHIBITED

No person shall operate a moped upon any sidewalk within the City.

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ARTICLE VI -PENAL PROVISION

SECTION 3-601: VIOLATION: PENALTY

Any person, firm, association or corporation violating any of the provisions of Chapter III hereof for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor, and be fined in any sum not more than \$500.00 for each offense, and each day's maintenance of the same shall constitute a separate offense.