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CHAPTER 3 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 3-101: DEFINITIONS

The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §§60-606 through 60-676)

SECTION 3-102: RULES OF THE ROAD; INCORPORATED BY REFERENCE

The Nebraska Rules of the Road, together with all subsequent amendments thereto, as adopted by the State of Nebraska relating to traffic regulations, are incorporated by reference into this section and made a part of this article as though spread at large herein, except those provisions in conflict with this article when the Village Board has the authority to alter such regulations. (Neb. Rev. Stat. §18-132)

SECTION 3-103: ENFORCEMENT

The Sheriff's Department or any Nebraska state trooper is hereby authorized, empowered and ordered to exercise all powers and duties with relation to the management of street traffic and, in the interest of public safety, health and convenience, to direct, control, stop, restrict, regulate, temporarily divert, or exclude the movement of pedestrian, animal and vehicular traffic of every kind in streets and parks. The driver of any vehicle shall stop upon the signal of any law enforcement officer. (Neb. Rev. Stat. §81-2005)

SECTION 3-104: OFFICER; 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 law enforcement officer. Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of an offense whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or this article or of a person whom such officer reasonably believes has violated the same. (Neb. Rev. Stat. §§60-680, 60-6,110)

SECTION 3-105: TRUCK ROUTES

The Village Board may by resolution designate certain streets in the Village that trucks shall travel upon and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise; and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through or about the Village. The Village Board shall cause notices to be posted or shall erect signs indicating the streets

so designated as truck routes. (Neb. Rev. Stat. §60-681)

SECTION 3-106: ENGINE BRAKES

It shall be unlawful for any person within the village limits to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for purposes of assisted braking on any motor vehicle; provided, however, it shall be permitted to use engine brakes in an emergency situation. Proper signage shall be posted by the Village notifying the public of such prohibition.

SECTION 3-107: SCHOOL BUS STOPS

The driver of a motor vehicle, upon approaching from the front or rear any school bus on which the yellow warning signal lights are flashing, shall reduce the speed of such vehicle to not more than 25 miles per hour and shall bring such vehicle to a complete stop when the school bus is stopped, the stop signal arm is extended, and the flashing red signal lights are turned on. Said driver shall remain stopped until the flashing red signal lights are turned off, the stop signal arm is retracted, and the school bus resumes motion. Any person violating this subsection shall be guilty of a Class IV misdemeanor, shall be fined \$500.00, and shall be assessed points on his or her motor vehicle operator's license pursuant to Neb. Rev. Stat. §60-4,182. (Neb. Rev. Stat. §60-6,175)

SECTION 3-108: SIGNS, TRAFFIC CONTROL AND SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH

A. No person shall willfully or maliciously injure, deface, alter or knock down any sign, traffic control device, or traffic surveillance device.

B. It shall be unlawful for any person, other than a duly authorized representative of the Department of Roads, the county, or the Village to remove any sign, traffic control device, or traffic surveillance device placed along a highway for traffic control, warning, or informational purposes by official action of the department, county, or village. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this subsection.

C. Any person violating subsection (A) or (B) of this section shall be guilty of an offense and shall be assessed liquidated damages in the amount of the value of the sign, traffic control device, or traffic surveillance device and the cost of replacing it. (Neb. Rev. Stat. §§60-6,129, 60-6,130)

SECTION 3-109: 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 law enforcement officer is hereby empowered to remove the same or cause it to be removed without notice. (Neb. Rev. Stat. §60-6,127)

SECTION 3-110: STOP SIGNS; YIELD SIGNS

A. The Village Board may provide for preferential right of way at an intersection and indicate such by stop signs or yield signs erected by such authority. Every person operating any vehicle shall, upon approaching any stop sign, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line or, if there is no stop line, before entering the crosswalk but if neither is indicated, then as near the right of way line of the intersecting roadway as possible.

B. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or, if there is no such line, shall stop before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection. (Neb. Rev. Stat. §§60-6,119 through 60-6,121, 60-680, 60-6,148)

SECTION 3-111: SIDEWALK SPACE

No motor vehicle shall be driven within any sidewalk space, except a permanent or temporary driveway. (Neb. Rev. Stat. §60-6,178)

SECTION 3-112: 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 posted. (Neb. Rev. Stat. §§60-6,185, 60-6,186, 60-6,190)

SECTION 3-113: NEGLIGENT DRIVING

Any person who drives any vehicle in such a manner as to indicate the absence of care, prudence, and forethought as duty requires should be exercised under the circumstances is guilty of negligent driving. (Neb. Rev. Stat. §60-4,182)

SECTION 3-114: CARELESS DRIVING

Any person who drives any motor vehicle in the Village carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. (Neb. Rev. Stat. §§60-6,212, 60-4,182)

SECTION 3-115: RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving and as such shall be punished as provided by statute. (Neb. Rev. Stat. §§60-6,213, 60-6,215, 60-4,182)

SECTION 3-116: WILLFUL RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be deemed to be guilty of willful reckless driving. (Neb. Rev. Stat. §§60-6,214, 60-6,216, 60-4,182)

SECTION 3-117: RIGHT OF WAY; GENERALLY

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

B. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

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

D. The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right of way to any pedestrian approaching on any sidewalk and all vehicles approaching on such streets.
(Neb. Rev. Stat. §§60-6,146 through 60-6,154)

SECTION 3-118: RIGHT OF WAY; EMERGENCY VEHICLES

A. Upon the immediate approach of an authorized emergency vehicle which

makes use of proper audible or visual signals:

1. The driver of any other vehicle shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes unless otherwise directed by any law enforcement officer; and
2. Any pedestrian using such roadway shall yield the right of way until such emergency vehicle passes, unless otherwise directed by any law enforcement officer.

B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Neb. Rev. Stat. §60-6,151)

SECTION 3-119: TURNING; GENERALLY; SIGNAL

Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right-hand side of the highway and must turn the corner as near the right-hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, the "center of the intersection" shall mean the meeting point of the medial lines of the highways intersecting one another. A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. (Neb. Rev. Stat. §§60-6,159, 60-6,161)

SECTION 3-120: TURNING; "U" TURNS

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

SECTION 3-121: BACKING

It shall be unlawful for any person to back a motor vehicle on the village streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety. (Neb. Rev. Stat. §60-6,169)

SECTION 3-122: DRIVING ABREAST

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

SECTION 3-123: FOLLOWING; FIRE APPARATUS

The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block when fire apparatus has stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 3-124: FOLLOWING; DISTANCE

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic and condition of the street. (Neb. Rev. Stat. §60-6,140)

SECTION 3-125: FUNERAL PROCESSIONS

No vehicle, except law enforcement vehicles, Fire Department vehicles, and ambulances when responding to emergency calls shall be driven through a funeral procession or cortege.

SECTION 3-126: OVERLOADING

No person shall drive a motor vehicle when it is so loaded as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over such vehicle or when there are more than three persons in the front seat. No passenger in a vehicle shall ride in such a position as to interfere with the driver's control over such vehicle. (Neb. Rev. Stat. §60-6,179)

SECTION 3-127: RIDING OUTSIDE VEHICLE

No person shall permit any other person to ride on the running board, hood, top, or fenders of any motor vehicle nor shall any person ride on the running board, hood, top, or fenders of any motor vehicle. (Neb. Rev. Stat. §60-180)

SECTION 3-128: CONVEYANCES; CLINGING TO MOTOR VEHICLES

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

SECTION 3-129: MUFFLER

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

SECTION 3-130: LICENSE PLATES; READABLE

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

SECTION 3-131: LOADS; PROJECTING

When any vehicle has been loaded in such a manner that any portion of the load extends more than 4 feet beyond the rear of the bed or the body of such vehicle, a red flag of not less than 12 inches both in length and width shall be carried by day and a red light after sunset at the extreme rear end of such load. (Neb. Rev. Stat. §60-6,243)

SECTION 3-132: LOADS; CONTENTS; REQUIREMENTS

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

B. No person shall transport any sand, gravel, rock less than 2 inches in diameter, or refuse in any vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering.

C. No person shall drive or move a motor vehicle, trailer, or semitrailer upon any public street, public ally or public road 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 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.
(Neb. Rev. Stat. §60-6,304)

Article 2 – Parking

SECTION 3-201: GENERALLY

A. Except as otherwise provided in this section, any vehicle stopped or parked upon a two-way roadway where parking is permitted shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of such roadway. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.

B. Where stalls are designated either on the curb or pavement, vehicles shall be parked within those stalls.

C. 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 Village Board. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away.

(Neb. Rev. Stat. §§60-6,167, 60-680)

SECTION 3-202: REGULATION BY VILLAGE BOARD

A. The Village Board may by resolution set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof longer than a period of time necessary to load and unload freight or passengers.

B. The Village Board may by resolution designate any street or portion thereof where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. (Neb. Rev. Stat. §§60-6,167, 60-680)

C. The Village Board may by ordinance designate certain streets, alleys, or public ways where vehicles, regardless of length, shall be permitted to load or unload freight. Vehicles so designated shall park upon said streets, alleys, or public ways in such manner that other vehicles may pass.

D. The Village Board may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution; and the parking or stopping of any vehicle in any such street, streets, or district, for a period of time longer than fixed in such resolution shall constitute a violation of this article.

(Neb. Rev. Stat. §60-680)

SECTION 3-203: CURBS PAINTED

In the event curbs are to be painted as deemed necessary by the Village Board, it shall be the duty of the street commissioner to cause the curb space to be painted at places designated by the board and to keep the same painted. No person, firm, or corporation shall paint the curb of any street or in any manner set aside or attempt to prevent the parking of vehicles in any street or part thereof except at such places where the parking of vehicles is prohibited by the provisions of this article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the Village through its proper officers at the direction of the Village Board. (Neb. Rev. Stat. §60-680)

SECTION 3-204: OBSTRUCTING TRAFFIC

Except in case of an accident or emergency, no person shall stop any vehicle in any location where such stopping will obstruct any street, intersection, or entrance to an alley or public or private drive. (Neb. Rev. Stat. §§60-680, 60-6,166)

SECTION 3-205: OBSTRUCTING PRIVATE DRIVEWAY

Except as otherwise provided herein, it shall be unlawful for any person to stop or park any vehicle so as to obstruct a private driveway in any manner, which includes stopping or parking any vehicle within 5 feet of the outer portion of a curb cut on a private driveway.

SECTION 3-206: OVERHANGING STREET OR ADJACENT PROPERTY

It shall be unlawful for any person to park or place, or cause to be parked or placed, any motor vehicle or other vehicle on any public or private property in such a manner that the vehicle overhangs the street, including that space between the curb line and the lot line, or in such a manner that the vehicle overhangs adjacent property.

SECTION 3-207: SIDEWALK SPACE

It shall be unlawful for any person to park, place, or cause to be parked or placed any motor vehicle or other vehicle upon any part of the sidewalk space or on a crosswalk. (Neb. Rev. Stat. §60-6,166)

SECTION 3-208: SEMI TRACTOR-TRAILERS

No person shall park a semi tractor-trailer weighing over 20 tons empty on any street or alley within the Village. The parking of any semi tractor-trailer under 20 tons in any street, alley or public place for a period of time longer than 24 hours shall constitute a violation of this article. It shall be unlawful to uncouple any semi-trailer while parked on any street, alley or public place within this village. (Ord. No. 2008-12.1, 12/02/08)

SECTION 3-209: EMERGENCY VEHICLES

The provisions of this article regulating the movement, parking, and standing of vehicles shall not apply to any authorized emergency vehicle while the driver of such vehicle is operating the same in an emergency. (Neb. Rev. Stat. §60-6,114)

SECTION 3-210: FIRE STATION AND HYDRANTS

No vehicle shall be parked (A) within 15 feet in either direction of any fire hydrant; (B) within 20 feet of the driveway entrance to any fire station; nor (C) on the side of the street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted. Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost, and expense of the owner or claimant. (Neb. Rev. Stat. §60-6,166)

SECTION 3-211: SNOW REMOVAL; STREET MAINTENANCE OR CLEANING

The Village Board shall have the power to order any street, alley, or portion thereof vacated for weather emergencies and street maintenance or street cleaning. Notice shall be given by posting appropriate signs along such streets or alleys or personally notifying the owner or operator of a vehicle parked on such street or alley. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this chapter and such vehicle may be removed and parked under the supervision of village personnel to a suitable nearby location without further notice to the owner or operator of such vehicle. (Neb. Rev. Stat. §17-557)

SECTION 3-212: HANDICAPPED OR DISABLED PERSONS

A. The Village Board adopts and promulgates the rules and regulations necessary to fulfill the duties and obligations provided in Neb. Rev. Stat. §§18-1736 to 18-1741.07, dealing with parking for handicapped and disabled persons. A printed copy of the current regulations shall be available for public review and access at the office of the village clerk during office hours.

B. Permanently issued handicapped or disabled parking permits shall be valid for a period ending on the last day of the month of the applicant's birthday in the sixth year after issuance and shall expire on that day.

C. All handicapped or disabled parking permits for temporarily handicapped or disabled persons shall be issued for a period ending either three months after the date of issuance or six months after the date of issuance, with such period to be based on the estimated date of recovery; but such permit may be renewed one time for a similar three-month or six-month period. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability.

(Neb. Rev. Stat. §60-3,113.05) (Ord. No. 01-2006.3, 1/3/06)

SECTION 3-213: REMOVAL OF ILLEGALLY PARKED VEHICLES

A. Whenever any law enforcement officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of this article, such officer may remove or have such vehicle removed or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of such street or alley or from such street or alley.

B. The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with reasonable towing and storage fees as set by resolution of the Village Board. Any such towing or storage fees shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles.

(Neb. Rev. Stat. §§60-6,165, 60-680)

Article 3 – Bicycles and Minibikes

SECTION 3-301: BICYCLES; EQUIPMENT

A. When in use at nighttime, a bicycle shall be equipped with a light visible from a distance of at least 500 feet to the front on a clear night and with a red reflector on the rear of a type which is approved by the Department of Motor Vehicles or a local authority, visible on a clear night from all distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to such red reflector.

B. Any bicycle used on a public road shall be equipped with a brake or brakes which will enable the operator to stop the bicycle within 25 feet of the point of braking when moving at a speed of 10 miles per hour on dry, level, clean pavement.

(Neb. Rev. Stat. §60-6,318)

SECTION 3-302: MINIBIKES; UNLAWFUL OPERATION

It shall be unlawful for any person to operate a minibike upon any street or highway or public road within the corporate limits of the Village. 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, an engine-rated capacity of less than 45 cubic centimeters displacement, or a seat height less than 25 inches from the ground, or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §§60-6,347, 60-6,352)

SECTION 3-303: 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. (Neb. Rev. Stat. §60-6,348)

SECTION 3-304: MINIBIKES; PUBLIC LANDS

Minibikes shall be prohibited upon the public lands owned by the Village except where allowed by resolution of the Village Board. (Neb. Rev. Stat. §60-6,353)

SECTION 3-305: MINIBIKES; TRAFFIC LAWS INAPPLICABLE

The provisions of Neb. Rev. Stat. Chapter 60, Articles 1, 3, 4, 5, and 17 shall not be applicable to the owners and operators of any minibike. (Neb. Rev. Stat. §60-6,347)

Article 4 – Mopeds and Motorcycles

SECTION 3-401: MOPEDS; DEFINED; STATUTORY REGULATION

“Moped” shall mean a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the device at a maximum design speed of no more than 30 miles per hour on level ground. Mopeds, their owners and their operators shall be subject to 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. (Neb. Rev. Stat. §§60-122, 60-6,309)

SECTION 3-402: MOPEDS; OPERATOR'S LICENSE

No person shall operate a moped upon a highway unless such person has a valid operator's license. (Neb. Rev. Stat. §60-6,310)

SECTION 3-403: MOPEDS; REGULATIONS APPLICABLE

A. Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under 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.

B. Regulations applicable to mopeds shall apply whenever a moped is operated upon any highway or upon any path set aside by the Department of Roads or a local authority for the use of mopeds.

(Neb. Rev. Stat. §60-6,311)

SECTION 3-404: MOPEDS; OPERATION; EQUIPMENT

A. 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 it is designed by the manufacturer to carry more than one person.

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

C. 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.

D. 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.

E. Any moped which carries a passenger shall be equipped with footrests for such passenger.

F. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars.
(Neb. Rev. Stat. §60-6,312)

SECTION 3-405: MOPEDS; USE OF TRAFFIC LANES

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

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

C. Mopeds shall not be operated more than two abreast in a single lane.

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

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

F. Mopeds shall not be operated on sidewalks.

G. Notwithstanding the maximum speed limits in excess of 25 miles per hour established in Neb. Rev. Stat. §60-6,186, no person shall operate any moped at a speed in excess of 30 miles per hour.
(Neb. Rev. Stat. §60-6,313)

SECTION 3-406: MOPEDS; HELMETS; OTHER REQUIREMENTS 2024

A. A person shall not operate or be a passenger on a moped or motorcycle on any highway, as defined in state statutes, unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, visor, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's *Federal Motor Vehicle Safety Standard No. 218*, 49 C.F.R. 571.218, for motorcycle helmets.

B. Beginning January 1, 2024: A person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is at least 21 years of age and has completed the basic motorcycle safety course as provided in the Motorcycle Safety Education Act and submitted proof of such completion to the Department of Motor Vehicles. A person shall not operate a motorcycle or moped on any highway in this state unless such person employs one of the following forms of eye protection: (A) glasses that cover the orbital region of the person's face, (B) a protective face shield attached to a protective helmet, (C) goggles, or (D) a windshield on the motorcycle or moped that protects the operator's and passenger's horizontal line of vision in all operating positions.

(Neb. Rev. Stat. §60-6,279, am. by LB 138, 2023)

SECTION 3-407: MOTORCYCLES; OPERATION

A. Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter.

B. Any person who operates a motorcycle shall ride only upon a permanent, regular seat attached thereto and shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent, regular seat if designed for two persons or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

C. Any person shall ride upon a motorcycle only while sitting astride the seat, facing forward.

D. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him or her from keeping both hands on the handlebars.

E. No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

F. A motorcycle shall be entitled to full use of a traffic lane of any highway and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

G. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

H. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

I. Motorcycles shall not be operated more than two abreast in a single lane.

J. Subsections (G) and (H) of this section shall not apply to law enforcement officers in the performance of their official duties.

(Neb. Rev. Stat. §§60-6,307, 60-6,308)

SECTION 3-408: MOTORCYCLES; LIGHTS

No person shall ride a motorcycle upon the streets, alleys or highways from one-half hour after sunset to one-half hour before sunrise unless the same shall be equipped with at least one and not more than two headlights, plainly visible from the front; and a light on the rear exhibiting a red light visible under normal atmospheric conditions from a distance of at least 500 feet to the rear thereof; provided, said lights shall comply with the requirements and limitations of state statutes. (Neb. Rev. Stat. §60-6,219)

SECTION 3-409: MOTORCYCLES; HELMETS; OTHER REQUIREMENTS 2024

A. A person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in state statutes, unless such person is wearing a protective helmet as provided in Section 3-406.

B. Beginning January 1, 2024, a person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person complies with the provisions of Section 3-406(B).

Article 5 – Recreational and Off-Road Vehicles

SECTION 3-501: SNOWMOBILES; EQUIPMENT

A. Every snowmobile operated within the Village shall be registered with the State of Nebraska as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one taillamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars, and with brakes as prescribed by the state director of motor vehicles. Every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise; the exhaust system shall not emit or produce a sharp popping or crackling sound.

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

(Neb. Rev. Stat. §§60-6,332, 60-6,335, 60-6,339)

SECTION 3-502: SNOWMOBILES; UNLAWFUL ACTS

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

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

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

C. While under the influence of alcoholic liquor or any drug.

D. By a person (1) under the age of 12 years unless accompanied by a parent, guardian, or other person over 18 years of age or (2) over the age of 12 years and under the age of 16 years unless such person (a) holds a valid snowmobile safety certificate, (b) is accompanied by a person 14 years of age or over who holds a valid snowmobile safety certificate, or (c) is accompanied by a person over the age of 18 years. The operator of a snowmobile shall not be required to hold an operator's license.

E. Without the proper equipment as required in Section 3-501.

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

G. Upon the public lands owned by the Village, except where allowed by resolution of the Village Board.

H. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.

I. Within the congested area of the Village, unless weather conditions are such that it provides the only practicable method of safe vehicular travel or said snowmobile is engaged in responding to an emergency.
(Neb. Rev. Stat. §§60-6,337, 60-6,338, 60-6,340)

SECTION 3-503: SNOWMOBILES; ACCIDENT; REQUIREMENTS

A. The operator of a snowmobile involved in a collision, accident, or other casualty occurring on any public land, ice, snow, park, right-of-way, trail, or course shall give his or her name and address and the number of such snowmobile in writing to any injured person and to the owner of any property damaged in such collision, accident, or other casualty.

B. When a collision, accident, or other casualty involving a snowmobile results in death or injury to a person or damage to property in excess of \$100.00, the operator of such snowmobile shall within ten days file with the state director of motor vehicles a full report of such collision, accident, or other casualty in such form and detail as the director by regulation may prescribe.
(Neb. Rev. Stat. §60-6,346)

SECTION 3-504: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINITIONS

A. "All-terrain vehicle" (ATV) means any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 1,200 pounds or less, (3) travels on three or more non-highway tires, and (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger. (Neb. Rev. Stat. §60-6,355)

B. "Utility-type vehicle" (UTV) means any motorized off-highway vehicle which (1) is 74 inches in width or less, (2) is not more than 180 inches in length, including the bumper, (3) has a dry weight of 2,000 pounds or less, and (4) travels on four or more non-highway tires. "Utility-type vehicle" does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles. (Neb. Rev. Stat. §60-6,355)

C. "Street" or "highway" means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Neb. Rev. Stat. §60-624)

D. "Controlled-access highway" shall mean every highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or egress from except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway. (Neb. Rev. Stat. §60-615)

SECTION 3-505: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION

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

B. An ATV or UTV may be operated only between the hours of sunrise and sunset, be equipped with working headlights and taillights and shall not be operated at a speed in excess of 15 miles per hour. When in operation as authorized herein, the headlight and taillight of the vehicle shall be on and it shall be equipped with a bicycle safety flag which extends not less than 5 feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be Day-Glo in color.

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

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

D. ATVs and UTVs may be operated without complying with subsections (B) and (C) of this section on streets and highways in parades which have been authorized by the Village.

(Neb. Rev. Stat. §60-6,356)

SECTION 3-506: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; ACCIDENT REPORT

If an accident results in the death of any person or in the injury of any person requiring treatment by a physician, the operator of any such ATV or UTV involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699. (Neb. Rev. Stat. §60-6,361)

SECTION 3-507: GOLF CAR VEHICLES; DEFINITIONS

A. "Golf car vehicle" means a vehicle that (1) has at least four wheels, (2) has a maximum level ground speed of less than 20 miles per hour, (3) has a maximum payload capacity of 1,200 pounds, (4) has a maximum gross vehicle weight of 2,500 pounds, (5) has a maximum passenger capacity of not more than four persons, (6) is designed and manufactured for operation on a golf course for sporting and recreational purposes, and (7) is not being operated within the boundaries of a golf course. (Neb. Rev. Stat. §60-622.01)

B. "Road" means a public way for the purposes of vehicular travel, including the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)

C. "Street" means a public way for the purposes of vehicular travel in the Village and includes the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)

SECTION 3-508: GOLF CAR VEHICLES; OPERATION

A. A golf car vehicle may be operated on streets within the corporate limits of the Village if the operation is (1) between sunrise and sunset and (2) on streets with a posted speed limit of 35 miles per hour or less. When operating a golf car vehicle as authorized under this subsection, the operator shall not operate such vehicle at a speed in excess of 20 miles per hour. A golf car vehicle shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street as directed in subsection (C) of this section.

B. Any person operating a golf car vehicle as authorized herein shall have a valid Class O operator's license and the owner of the vehicle shall have liability insurance coverage for it. The person operating the golf car vehicle shall provide proof of such insurance coverage to any law enforcement officer requesting such proof within five days after such a request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: \$25,000.00 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, \$50,000.00 because of bodily injury to or death of two or more persons in any one accident and \$25,000.00 because of injury to or destruction of property of others in any one accident.

(Neb. Rev. Stat. §60-6,381)

Article 6 – Abandoned Vehicles

SECTION 3-601: DEFINITIONS

A. A motor vehicle is an abandoned vehicle:

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

B. An all-terrain vehicle, a utility-type vehicle, or a minibike is an abandoned vehicle:

1. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
2. If left unattended for more than 48 hours after the parking of such vehicle has become illegal if left on a portion of any public property on which parking is legally permitted;
3. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
4. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or

5. If removed from private property by the Village pursuant to a municipal ordinance.

C. A mobile home is an abandoned vehicle if left in place on private property for more than 30 days after the Village, pursuant to an ordinance or resolution, has sent a certified letter to each of the last registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. Rev. Stat. §60-1903.

D. For purposes of this section:

1. "Mobile home" means a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity or of two or more units separately towable but designed to be joined into one integral unit and shall include a manufactured home as defined in Neb. Rev. Stat. §71-4603. "Mobile home" does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. Rev. Stat. §60-169.
2. "Public property" means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property.
3. "Private property" means any privately owned property which is not included within the definition of public property.

E. No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this section.
(Neb. Rev. Stat. §60-1901)

SECTION 3-602: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (A)(1), (2), (3), or (4) or (B)(1), (2), or (3) of Neb. Rev. Stat. §60-1901. (Neb. Rev. Stat. §60-1907)

SECTION 3-603: TITLE; VEST IN VILLAGE; WHEN

If an abandoned vehicle at the time of abandonment has no license plates of the current year or valid "In Transit" stickers issued pursuant to Neb. Rev. Stat. §60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest in the Village as provided in Neb. Rev. Stat. §60-1904. Any certificate of title issued under this section to the Village shall be issued at no cost. (Neb. Rev. Stat. §60-1902)

SECTION 3-604: VILLAGE; POWERS AND DUTIES

A. Except for vehicles governed by Neb. Rev. Stat. §60-1902, the Village shall make an inquiry concerning the last registered owner of such vehicle as follows:

1. Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
2. Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

B. The Village shall notify the last registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either (1) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (2) title will vest in the Village 30 days after the date such notice was mailed. If the agency described in subdivision (A)(1) or (2) of this section also notifies the Village that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

C. Title to an abandoned vehicle, if unclaimed, shall vest in the Village (1) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subdivision (B)(1) of this section, (2) 30 days after the date the notice is mailed if the Village will retain the vehicle, or (3) if the last registered owner cannot be ascertained, when notice of such fact is received.

D. After title to the abandoned vehicle vests pursuant to subsection (C) of this section, the Village may retain for use, sell, or auction the abandoned vehicle. If the Village has determined that the vehicle should be retained for use, the Village shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the Village intends to retain the abandoned vehicle for its use and that title will vest in the Village 30 days after the publication.

(Neb. Rev. Stat. §60-1903)

SECTION 3-605: CUSTODY; WHO ENTITLED

The Village shall be entitled to custody of an abandoned vehicle found within the Village. (Neb. Rev. Stat. §60-1904)

SECTION 3-606: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the Village shall be held by it without interest for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the Village. (Neb. Rev. Stat. §60-1905)

SECTION 3-607: LIABILITY FOR REMOVAL

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

SECTION 3-608: DESTROY, DEFACE, OR REMOVE PARTS

No person other than one authorized by the Village shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be guilty of a Class V misdemeanor. (Neb. Rev. Stat. §60-1908)

SECTION 3-609: COSTS OF REMOVAL AND STORAGE

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

Article 7 – Penal Provision

SECTION 3-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.