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## **CHAPTER 4 – VEHICLES AND TRAFFIC**

### **Article 1 – Traffic Regulations**

#### **SECTION 4-101: 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) (Am. by Ord. No. 379, 6/7/94)

#### **SECTION 4-102: 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 City Council has the authority to alter such regulations. (Neb. Rev. Stat. §18-132)

#### **SECTION 4-103: EMERGENCY REGULATIONS**

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

#### **SECTION 4-104: POLICE; ENFORCEMENT**

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

#### **SECTION 4-105: POLICE; REFUSAL TO OBEY**

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

#### **SECTION 4-106: POLICE; TRAFFIC OFFICERS**

The City Council or 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. (Neb. Rev. Stat. §60-680, 60-683)

#### **SECTION 4-107: REGULATION BY CITY**

A. The City Council may by resolution mark lanes for traffic on street pavements at such places as it may deem advisable, provide for one-way travel in any street or alley, designate any street or portion thereof as a snow route, and establish and maintain crosswalks

B. The City Council may by resolution provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the city's jurisdiction for the purpose of regulating or prohibiting traffic thereon.

C. Such resolutions 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.

(Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

#### **SECTION 4-108: TRUCK ROUTES**

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

B. Cass Street is hereby designated as a truck route. (Ord. No. 636, 12/1/11)

#### **SECTION 4-109: SNOW ROUTES**

The City Council may by resolution designate any street or portion thereof as a snow route and shall provide for appropriate signs or markings when such street has been so designated. (Neb. Rev. Stat. §60-680)

#### **SECTION 4-110: SCHOOL ZONES**

A. The City Council may, by resolution, designate to the public any area of a roadway, other than a freeway, as a school crossing zone through the use of a sign or traffic control device as specified by the council in conformity with the *Manual on Uniform Traffic Control Devices*. Any school crossing zone so designated starts at the location of the first sign or traffic control device identifying the school crossing zone and continues until a sign or traffic control device indicates that the school crossing

zone has ended. (Neb. Rev. Stat. §60-658.01) (Ord. No. 515, 7/7/98)

B. A person operating a motor vehicle may not overtake and pass another vehicle in any school crossing zone designated by the City Council in which the roadway has only one lane of traffic in each direction. (Neb. Rev. Stat. §60-6,134.01) (Ord. No. 516, 7/7/98)

C. 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 in excess of 15 miles per hour unless otherwise posted past such premises. Such driver shall stop at all stop signs located at or near such school premises and it shall be unlawful for such driver to make a "U" turn at any intersection where such signs are located at or near such school premises. (Neb. Rev. Stat. §60-6,190)

#### **SECTION 4-111: SIGNS, TRAFFIC CONTROL AND SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH**

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (Neb. Rev. Stat. §60-6,129, 60-6,130) (Ord. No. 313, 12/5/89)

#### **SECTION 4-112: SIGNS; UNAUTHORIZED DISPLAY**

It shall be unlawful for any person to maintain or display upon or in view of any street any unofficial sign, signal, or device which purports to be, is an imitation of, or resembles an official traffic sign or signal which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance and any police officer is hereby empowered to remove the same or cause it to be removed without notice. (Neb. Rev. Stat. §60-6,127)

#### **SECTION 4-113: STOP SIGNS; GENERALLY**

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed in Section 4-107, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line or, if there is no stop line, before entering the crosswalk but if neither is indicated, then as near the right of way line of the intersecting roadway as possible. (Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

#### **SECTION 4-114: BUSINESS DISTRICT; DESIGNATED**

The term "business district" shall include that portion of the city embraced within the

area of public streets enumerated as follows:

Gage Street east from East Railway Street to Pine Street.

#### **SECTION 4-115: CROSSING SIDEWALKS**

A. The driver of a vehicle emerging from an alley, driveway, private road, or building shall stop such vehicle immediately before driving onto a sidewalk and shall yield the right-of-way to any pedestrian approaching on any sidewalk. Before entering the highway, the driver shall yield the right-of-way to all vehicles approaching on such highway.

B. The driver of a vehicle entering an alley, building, private road, or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk.  
(Neb. Rev. Stat. §60-6,149)

#### **SECTION 4-116: UNNECESSARY STOPPING**

It shall be unlawful for any person to stop any vehicle on any public street or in an alley other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations or to yield the right of way to pedestrians or to other vehicles. (Neb. Rev. Stat. §60-6,164, 60-6,166)

#### **SECTION 4-117: RACING**

No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance or exhibition of speed or acceleration or for the purpose of making a speed record. No person shall in any manner participate in any such race, competition, contest, test, or exhibition. (Neb. Rev. Stat. §60-6,195)

#### **SECTION 4-118: CARELESS DRIVING**

Any person who drives any motor vehicle in the city 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 4-119: 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 4-120: 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 4-121: 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 or who drives any vehicle which is engaged in a race upon a street is guilty of negligent driving. (Neb. Rev. Stat. §60-4,182)

#### **SECTION 4-122: 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 city police 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) (Am. by Ord. No. 380, 6/7/94)

#### **SECTION 4-123: RIGHT OF WAY; EMERGENCY VEHICLES**

A. Upon the immediate approach of an authorized emergency vehicle which makes use of proper audible or visual signals:

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

2. Any pedestrian using such roadway shall yield the right of way until such emergency vehicle passes unless otherwise directed by any peace 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) (Am. by Ord. No. 380, 6/7/94)

#### **SECTION 4-124: 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 4-125: 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 4-126: BACKING**

It shall be unlawful for any person to back a motor vehicle on the city streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety and in no case shall the distance of the backing exceed one and one-half lengths of the vehicle. (Neb. Rev. Stat. §60-6,169)

#### **SECTION 4-127: DRIVING ABREAST**

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

#### **SECTION 4-128: 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 4-129: 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 4-130: SLOW VEHICLES**

Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage on the left. (Neb. Rev. Stat. §60-6,133, 60-680)

#### **SECTION 4-131: DRIVING ON SHOULDERS OF HIGHWAY**

No person shall drive on the shoulders of highways, except that (A) vehicles may be driven onto the shoulders of roadways by federal mail carriers while delivering the United States mail or to safely remove a vehicle from traffic lanes and (B) farm equipment and implements may be driven onto the shoulders of roadways. (Neb. Rev. Stat. §60-6,142) (Ord. No. 299, 9/6/88)

#### **SECTION 4-132: 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 4-133: 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 4-134: CONVEYANCES; CLINGING TO MOTOR VEHICLES**

No person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall attach himself, 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, herself or his or her conveyance to such vehicle driven and operated by said driver. (Neb. Rev. Stat. §60-6,316) (Am. by Ord. No. 381, 6/7/94)

**SECTION 4-135: MUFFLER**

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

**SECTION 4-136: DRIVING IN SIDEWALK SPACE**

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

**SECTION 4-137: REMOVAL OF DEBRIS**

Any person who removes a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance deposited on the highway from such vehicle. (Neb. Rev. Stat. §39-311)

**SECTION 4-138: UNNECESSARY NOISE**

No person shall drive, use, operate, park or stop any motor vehicle in such a manner as to cause unnecessary noise.

**SECTION 3-139: 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.

**SECTION 4-140: 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, 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 4-141: ENGINE BRAKES**

It shall be unlawful for any person within the city 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.

**SECTION 4-142: LOADS; PROJECTING**

When any vehicle shall be 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. §60-243)

**SECTION 4-143: LOADS; CONTENTS; REQUIREMENTS**

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

B. No person shall transport any sand, gravel, rock less than 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 highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be either tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle.

(Neb. Rev. Stat. §60-6,304)



## **Article 2 – Parking**

### **SECTION 4-201: GENERALLY**

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles when parked shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least 4 feet between the vehicle so parked and any other parked vehicles, except where the City Council designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. (Neb. Rev. Stat. §60-6,167, 60-680)

### **SECTION 4-202: REGULATION BY CITY COUNCIL**

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

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

C. The City Council 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 4-203: MAXIMUM TIME LIMIT**

The parking of a motor vehicle on a public street for over 72 consecutive hours is unlawful, except where a different maximum time limit is posted. (Neb. Rev. Stat. §60-680)

### **SECTION 4-204: TRUCK PARKING AREAS; REGULATIONS**

It shall be unlawful for the owner or operator of a semi-trailer-truck with trailer attached or unattached, except emergency vehicles, to park on the streets within the city, except when being used for the purpose of delivering or collecting goods, wares, merchandise or materials and then only for a period of time no longer than necessary for the expeditious delivery or collecting of goods, wares, merchandise or materials; provided, the provisions of this section shall not apply to trucks or motor vehicles being used within

the city in connection with building, repair, service or moving operations or trucks, motor vehicles parked off the travel lanes of the street in industrially zoned areas, or trucks or motor vehicles parked in areas which the City Council, by resolution, has designated to be a proper area for the parking of said vehicles, said area to be indicated by an adequate number of signs. (Ord. No. 372, 5/3/94)

#### **SECTION 4-205: CURBS PAINTED**

It shall be the duty of the city superintendent to cause the curb space to be painted and keep the same painted as provided in this article. No person, firm, or corporation shall paint the curb of any street or in any manner set aside or attempt to prevent the parking of vehicles in any street or part thereof except at such places where the parking of vehicles is prohibited by the provisions of this article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the city through its proper officers at the direction of the City Council. (Neb. Rev. Stat. §60-680)

#### **SECTION 4-206: 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)

#### **SECTION 4-207: STREET INTERSECTIONS**

Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection or curb lines or if none, then within 15 feet of the intersection of property lines. (Neb. Rev. Stat. §60-6,166)

#### **SECTION 4-208: ALLEYS; OBSTRUCTION; LOADING AND UNLOADING**

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

B. 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 five minutes. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. (Neb. Rev. Stat. §60-680)

#### **SECTION 4-209: UNATTENDED VEHICLES**

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon and, when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of the



street. The driver of a motor vehicle, when traveling upon a down grade upon any street, shall not coast with the gears of the vehicle in neutral.

#### **SECTION 4-210: LICENSE PLATES**

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 4-211: OBSTRUCTING PRIVATE DRIVEWAYS**

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 five feet of the outer portion of a curb cut on a private driveway; provided, however, that in the congested district a vehicle may be parked at the entrance to a driveway providing that ingress and egress to a business conducted on the adjacent premises, only between the period of time after the business served by such driveway has been closed for the day and opening of business on the following day, unless prohibited by signs posted by the City Council.

#### **SECTION 4-212: OVERHANGING 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 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 4-213: PARKING IN SIDEWALK SPACE**

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

B. It shall be unlawful for any person to park or place, or cause to be parked or placed, any motor vehicle or other vehicle upon any part of the sidewalk space or that space between the curb line and the lot line.

(Ord. No. 632, 2/8/11)

#### **SECTION 4-214: EMERGENCY VEHICLES; EXCEPTION**

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 4-215: FIRE HYDRANTS AND STATION**

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. The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted red to indicate such prohibition. (Neb. Rev. Stat. §60-6,166)

#### **SECTION 4-216: SNOW REMOVAL; STREET MAINTENANCE OR CLEANING**

The City Council 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 personally notifying the owner or operator of a vehicle parked on such street or alley or by posting appropriate signs along such streets or alleys. 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 city personnel to a suitable nearby location without further notice to the owner or operator of such vehicle. (Neb. Rev. Stat. §17-557)

#### **SECTION 4-217: DISPLAY OR REPAIR OF VEHICLE**

It shall be unlawful for any person to park upon any street, alley, or public place within the city any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle or race the motor of same while on the public streets or alleys of this city, except in case of breakdown or other emergency. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Neb. Rev. Stat. §60-680)

#### **SECTION 4-218: HANDICAPPED OR DISABLED PERSONS**

The city may designate parking spaces, including access aisles, for the exclusive use of (A) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. Rev. Stat. §60-3,113, (B) handicapped or disabled persons whose motor 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 whose motor vehicles display a handicapped or disabled parking permit, and (D) such other motor vehicles which display a handicapped or disabled parking permit. Regulations governing the parking of handicapped or disabled persons

shall be as provided in Neb. Rev. Stat. §18-1736 through 18-1741.07.

**SECTION 4-219: REMOVAL OF ILLEGALLY PARKED VEHICLES**

A. Whenever any police officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of the 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 the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles.

(Neb. Rev. Stat. §60-6,165, 60-680) (Am. by Ord. No. 300, 9/6/88)



## **Article 3 – Bicycles and Mini-Bikes**

### **SECTION 4-301: BICYCLES**

A. Persons operating bicycles shall observe all traffic signs and stop at all stop signs. No bicycle shall be operated faster than is reasonable and proper, but every bicycle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and highways.

B. Any person who rides a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto. The rider shall not remove his or her feet from the pedals and shall have at least one hand on the handlebars at all times. No person shall operate a bicycle on a street or highway within the city with another person on the handlebars or in any position in front of the operator.

C. Any person who operates a bicycle shall not carry any package, bundle, or article which prevents such operator from keeping at least one hand upon the handlebars.

D. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

E. 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:

1. Overtaking and passing another bicycle or vehicle proceeding in the same direction;
2. Preparing for a left turn onto a private road or driveway or at an intersection;
3. 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;
4. Riding upon a lane of substandard width which is too narrow for a bicycle and a vehicle to travel safely side by side within the lane; or
5. Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in Neb. Rev. Stat. §60-6,142.

F. 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.

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

H. Except as provided in Neb. Rev. Stat. §60-6,142, whenever a usable path for bicycles has been provided adjacent to a highway, a person operating a bicycle shall use such path and shall not use such highway.

I. 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 and which is 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.

J. Any bicycle used on a highway 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.

K. The City Council may by ordinance further regulate the operation of bicycles and may provide for the registration and inspection of bicycles.  
(Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318) (Am. by Ord. No. 385, 6/7/94)

#### **SECTION 4-302: MINI-BIKES; UNLAWFUL OPERATION**

It shall be unlawful for any person to operate a mini-bike upon any street or highway within the corporate limits of the city. For purposes of this article, "mini-bike" shall mean a two-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 4-303: MINI-BIKES; EMERGENCIES AND PARADES**

Mini-bikes 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 4-304: MINI-BIKES; PUBLIC LANDS**

Mini-bikes shall be prohibited upon the public lands owned by the city except where allowed by resolution of the City Council. (Neb. Rev. Stat. §60-60-678)

**SECTION 4-305: MINI-BIKES; 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 mini-bike. (Neb. Rev. Stat. §60-6,347)





## **Article 4 – Mopeds and Motorcycles**

### **SECTION 4-401: MOPEDS; DEFINED; STATUTORY REGULATION**

“Moped” shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than 30 miles per hour on level ground. Mopeds, their owners, and their operators shall be subject to Neb. Rev. Stat. Chapter 60, Article 4 but shall be exempt from the requirements of Neb. Rev. Stat. Chapter 60, Articles 1, 3, 5, and 17. (Neb. Rev. Stat. §60-6,309)

### **SECTION 4-402: MOPEDS; OPERATOR'S LICENSE REQUIRED**

No person shall operate a moped upon the streets, alleys, or highways within the city unless such person has a valid Class O operator's license or a valid school or learner's permit. (Neb. Rev. Stat. §60-6,310) (Ord. No. 388, 6/7/94)

### **SECTION 4-403: MOPEDS; TRAFFIC REGULATIONS APPLICABLE**

Any person who rides a moped upon a roadway shall have all the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application. Such regulations applicable to mopeds shall apply whenever a moped is operated upon any street, alley, or highway within the city or upon any path set aside by the Department of Roads or the city for the use of mopeds. Notwithstanding any established maximum speed limits in excess of 25 miles per hour, no person shall operate any moped at a speed in excess of 30 miles per hour. (Neb. Rev. Stat. §60-6,311, 60-6,313) (Ord. No. 388, 6/7/94)

### **SECTION 4-404: MOPEDS; USE OF TRAFFIC LANES**

A moped shall be entitled to full use of a traffic lane of any street or 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. This section shall not apply to mopeds operated two abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. Mopeds shall not be operated more than two abreast in a single lane. 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. (Neb. Rev. Stat. §60-6,313) (Ord. No. 388, 6/7/94)

### **SECTION 4-405: MOPEDS; EQUIPMENT**

Any moped which carries a passenger shall be equipped with footrests for such passenger. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars. (Neb. Rev. Stat. §60-6,312) (Ord. No. 388, 6/7/94)

#### **SECTION 4-406: MOPEDS; HELMET REQUIRED**

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. (Neb. Rev. Stat. §60-6,279) (Ord. No. 388, 6/7/94)

#### **SECTION 4-407: 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 police officers in the performance of their official duties.

(Neb. Rev. Stat. §60-6,307, 60-6,308)

#### **SECTION 4-408: 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 4-409: MOTORCYCLES; HELMET REQUIRED**

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 4-406. (Ord. No. 298, 9/6/88) (Am. by Ord. No. 387, 6/7/94)



## **Article 5 – Snowmobiles, All-Terrain Vehicles and Utility-Type Vehicles**

### **SECTION 4-501: SNOWMOBILES; EQUIPMENT**

A. 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 headlamp, one taillamp, 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 Director of Motor Vehicles.

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)

### **SECTION 4-502: SNOWMOBILES; PUBLIC LANDS**

Snowmobiles shall be prohibited from operation on the public lands owned by the city, except where allowed by resolution of the City Council. (Neb. Rev. Stat. §60-6,338)

### **SECTION 4-503: SNOWMOBILES; UNLAWFUL ACTS**

A. It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

1. At a rate of speed greater than reasonable or proper under the surrounding circumstances.
2. In a careless, reckless or negligent manner so as to endanger person or property.
3. While under the influence of alcoholic liquor or any drug.
4. Without a lighted headlight and tail light 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.

B. It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by that person, to be operated within the congested area of the city unless weather conditions are such that it provides the only practicable method

of safe vehicular travel or said snowmobile is engaged in responding to an emergency. (Neb. Rev. Stat. §60-6,337)

#### **SECTION 4-504: SNOWMOBILES; ENFORCEMENT**

Any law enforcement officer, including a conservation officer, may enforce the provisions relating to snowmobiles. (Neb. Rev. Stat. §60-6,343)

#### **SECTION 4-505: 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 golf carts or low-speed vehicles. (Neb. Rev. Stat. 60-6,355)

C. "Street" or "highway" means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Neb. Rev. Stat. §60-624) (Ord. No. 753, 11/12/09; 757, 9/9/10)

#### **SECTION 4-506: 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 city only if the operator and the vehicle comply with the provisions of this section.

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

C. 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 peace 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 State of Nebraska or any department, board, commission, or political subdivision of the state.

E. An ATV or a UTV shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (A) through (C) and (F) of this section authorize and apply to operation of an ATV or UTV only on a street or highway other than a controlled-access highway with more than two marked traffic lanes.

F. Subject to subsection (E) of this section, the crossing of a street or highway shall be permitted by an ATV or a UTV without complying with subsections (B) and (C) of this section only if:

1. The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;
2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;
3. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;
4. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
5. Both the headlight and taillight of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. §60-6,355) (Ord. No. 287, 9/8/87) (Am. by Ord. No. 619, 12/9/08)





## **Article 6 – Abandoned Vehicles**

(Ord. No. 343, 2/4/92) (Am. by Ord. No. 546, 5/9/00)

### **SECTION 4-601: 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 city pursuant to a municipal ordinance.

B. An all-terrain vehicle, a utility-type vehicle, or a mini-bike 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 city 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 city, 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; and
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.

#### **SECTION 4-602: 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.

#### **SECTION 4-603: TITLE; VEST IN CITY; 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 city as provided in Neb. Rev. Stat. §60-1904. Any certificate of title issued under this section to the city shall be issued at no cost.

**SECTION 4-604: CITY POWERS AND DUTIES**

A. Except for vehicles governed by Neb. Rev. Stat. §60-1902, the city 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 city shall notify the last registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either (1) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (2) title will vest in the city 30 days after the date such notice was mailed. If the agency de-scribed in subdivision (A)(1) or (2) of this section also notifies the city that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

C. Title to an abandoned vehicle, if unclaimed, shall vest in the city (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 city will retain the vehicle, or (3) if the last registered owner cannot be ascertained, when notice of such fact is received.

D. After title to the abandoned vehicle vests pursuant to subsection (C) of this section, the city may retain for use, sell, or auction the abandoned vehicle. If the city has determined that the vehicle should be retained for use, the city 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 city intends to retain the abandoned vehicle for its use and that title will vest in the city 30 days after the publication.

**SECTION 4-605: CUSTODY; WHO ENTITLED**

The city shall be entitled to custody of an abandoned vehicle found within the city.

**SECTION 4-606: PROCEEDS OF SALE; DISPOSITION**

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the city 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 city.

**SECTION 4-607: LIABILITY FOR REMOVAL**

Neither the city 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 city or its contractual agent or as a result of any subsequent disposition.

**SECTION 4-608: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL;  
EXCEPTION; VIOLATION**

No person other than one authorized by the city 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.

**SECTION 4-609: COSTS OF REMOVAL AND STORAGE**

The last registered owner of an abandoned vehicle shall be liable to the city for the costs of removal and storage of such vehicle.

## **Article 7 – Penal Provision**

### **SECTION 4-701: 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.