

CHAPTER IV MOTOR VEHICLES, BICYCLES,
 COASTERS, SKATEBOARDS, ROLLER
 SKATES, SLEDS, SKIS AND OTHER TOY
 VEHICLES

ARTICLE I - 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 Chapter 60, Article 6 of the Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. (Ref. Neb. Rev. Stat. §60-606 through 60-676)

SECTION 4-102: TRUCK ROUTES

The City Council may, by resolution, designate certain streets in the City that trucks shall travel upon, and it shall be unlawful for persons operating trucks larger than pickups or passenger size panel trucks to travel on streets other than those so designated, unless to pick up or deliver goods, wares or merchandise or to travel to off-street truck parking facilities. In the event of deliver or pick up, the operator of such truck shall return to such truck routes as soon as possible when traveling through or about the City. The City Council shall cause signs to be posted or cause notice to be posted designating such streets as truck routes. (Ref. Neb. Rev. Stat. §60-681)

SECTION 4-103: ONE-WAY TRAFFIC

The City Council may, by resolution, provide for one-way travel in any street or alley located in the City and shall provide for appropriate signs and markings when said streets have been so designated by resolution. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-104: TRAFFIC LANES; DESIGNATION

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

SECTION 4-105: ARTERIAL STREETS; DESIGNATION

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

SECTION 4-106: TURNING; HAND SIGNALS

A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled; shall be given either by means of a hand and arm, or by a signal device of a type approved by the Department of Roads. The hand and arms signals herein required shall be given from the left side of the vehicle in the following manner: Stop or decreased speed, hand and arm extended downward; Left turn, hand and arm extended horizontally; Right turn, hand and arm extended upward.

SECTION 4-107: TURNING; "U" TURNS

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation or where a sign is posted indicating that U-turns are prohibited. (Ref. Neb. Rev. Stat. §60-6,160, 60-680)

SECTION 4-108: TURNING; GENERALLY

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

SECTION 4-109: TURNING; CAUTIOUS

The operator of a vehicle shall, before stopping, turning or changing the course of such vehicle, see that there is sufficient space to make such movement in safety. If any pedestrian might be affected by such movement, the operator shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, he/she shall give some unmistakable signal to the drivers of all other vehicles of his/her intention to make such movement.

SECTION 4-110: RIGHT-OF-WAY

1. 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 policeman stationed at the

intersection.

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

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

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

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

6. The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visible or audible signals. (Ref. Neb. Rev. Stat. §60-6,146 through 60-6,154)

SECTION 4-111: RIGHT-OF-WAY; EMERGENCY VEHICLES

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

SECTION 4-112: POSITION OF VEHICLE ON HIGHWAY; GENERALLY

Upon all highways of sufficient width, one-way streets excepted, the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least one-half ($\frac{1}{2}$) of the main traveled portion of the roadway. (Ref. Neb. Rev. Stat. §60-6,131)

SECTION 4-113: POSITION OF VEHICLE ON HIGHWAY; PASSING

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

SECTION 4-114: FUNERAL PROCESSIONS

No vehicle, except police vehicles, fire department vehicles when responding to emergency calls or orders in their several departments, ambulances responding to emergency calls or vehicles carrying U.S. mail shall be driven through a funeral procession or cortege except with the permission of a police officer.

SECTION 4-115: GLASS; POINTED OBJECTS

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

SECTION 4-116: SIGNS, SIGNALS

The City Council may, by resolution, provide for the placing of stop signs or other signs, signals, standards or mechanical devices in any street or alley under the City's jurisdiction for the purpose of regulating or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect or refuse to comply with such regulation or prohibition. (Ref. Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

SECTION 4-117: STOP SIGNS

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, 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. (Ref. Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

SECTION 4-118: SIGNS, TRAFFIC CONTROL DEVICES, TRAFFIC SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (Ref. Neb. Rev. Stat. §60-6,129, 60-6,129.01)

SECTION 4-119: 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.

SECTION 4-120: LITTERING

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

SECTION 4-121: CROWDING; FRONT SEAT

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

SECTION 4-122: EMERGENCY SNOW ROUTES; DESIGNATION

The City Council may by resolution designate any street as a snow route and shall provide for appropriate signs or markings when such street has been so designated.

SECTION 4-123 SPEED LIMITS

1. Except as provided in 4-124 related to speed near schools and except as set forth in subsection 2 below, 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 limits of the City. Provided, however, 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. Ref. RRS Neb. §§ 60-6,185; -6,186; and -

6,190)

2. The following speed limits apply to the locations set opposite thereto:

- 20 mph 1ST Avenue from 7TH Street to 6TH Street
S 6TH Street from 1ST Avenue to Main Street
N 6TH Street from Avenue A to Main Street
Avenue A from N 7TH Street to N 3RD Street
N 7TH Street and S 7TH Street from Avenue A to 1ST Avenue
N 5TH Street and S 5TH Street from Avenue A to 1ST Avenue
N 4TH Street and S 4TH Street from Avenue A to 1ST Avenue
N 3RD Street and S 3RD Street from Avenue A to 1ST Avenue
Chicago Avenue from 1ST Avenue to 2ND Avenue
Main Street from Richey to 7TH Street
4TH Avenue from S 14TH to S 18TH
Hill Street
Valley Street
South 1ST Street from Livingston Road to 5TH Avenue
South 23RD from Avenue B to 1ST Avenue
- 35 mph Chicago Avenue from 2ND Avenue to City Limits
Washington Avenue from
North 9TH to City Limits

3. The following speed limits are established for United States Highways 34 and 75:

Highway US-34/US-75

55 mph - Re-enter Corporate Limits at 1600' South of N-66 (379+18) to Leave Corporate Limits at 500' South of N-66 (379+40)

Highway US-34

40 mph - Re-enter Corporate Limits at 8TH Ave. (379+55) to Leave Corporate Limits at 1500' West of Chicago Ave. (379+63)

35 mph - Re-enter Corporate Limits at Chicago Ave. (379+70) to 150' Southwest of 1ST Ave (380+32)

20 mph - 150' Southwest of 1ST Ave (380+32) to 300' Southeast of 1ST St. (381+04)

35 mph - 300' Southeast of 1ST St. (381+04) to East Corporate Limits at 600' Southeast of Silver St. (381+33)

Highway US-75

55 mph - South Corporate Limits at 1100' North of N-66 (72+35) to Leave Corporate Limits (50' North of 151 Ave. (72+65)

55 mph - Re-enter Corporate Limits 1300' North of Ave. B (73+ 14) to North Corporate Limits (350' North of Fulton Ave. (73+39)

SECTION 4-124: SPEED NEAR SCHOOLS

It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes during school recess or while children are going to or leaving school during the opening or closing hours, to drive such vehicle at a rate of speed in excess of 20 miles per hour past such premises and such driver shall stop at all stop signs located at or near such school premises.

SECTION 4-125: SPEED; ELECTRONIC DETECTION

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

- A. The measuring device was in proper working order at the time of conducting the measurement;
- B. The measuring device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;
- C. The person operating such device and interpreting such measurement was qualified by training and experience to properly test and operate the device; and
- D. The operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, and the measuring device was found to be in proper working order.

The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his or her badge of authority; provided that such officer shall have observed the

recording of the speed of such motor vehicle by the radio microwaves or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded, and must include a description of the vehicle and the recorded speed. (Ref. Neb. Rev. Stat. §60-6,192)

SECTION 4-126: NEGLIGENT DRIVING

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

SECTION 4-127: CARELESS DRIVING

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

SECTION 4-128: 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. Before backing, ample warning shall be given and while backing, unceasing vigilance must be exercised not to injure those behind. The driver of a parked vehicle about to back shall give moving vehicles the right-of-way. (Ref. Neb. Rev. Stat. §60-6,169, 60-680)

SECTION 4-129: UNNECESSARY STOPPING

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

SECTION 4-130: DRAGGING; ROPE, CHAIN

No person shall permit any rope, strap, chain or other article to drop behind any vehicle while in use on the streets, except persons operating vehicles

transporting gasoline, benzene or other flammable materials.

SECTION 4-131: PASSING; HINDRANCE

The driver of a vehicle about to be overtaken and passed by another vehicle shall not increase the speed of his/her vehicle until completely passed by the overtaking vehicle. (Ref. Neb. Rev. Stat. §60-6,133)

SECTION 4-132: DRIVING ABREAST

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

SECTION 4-133: 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, the traffic and condition of the street. (Ref. Neb. Rev. Stat. §60-6,140)

SECTION 4-134: DRIVING IN SIDEWALK SPACE

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

SECTION 4-135: DRIVING OFF ROADS IN PARK GROUNDS; PROHIBITED

It shall be unlawful for any person to operate any motor vehicle in the city parks except on roads and parking lots provided for that purpose.

SECTION 4-136: **REPEALED BY ORDINANCE NO. 1719 – 09/06/2005 – See 3-901 through 3-912**

SECTION 4-137: EMERGENCY REGULATIONS

The chief of police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Ref. Neb. Rev. Stat. §80-2005)

SECTION 4-138: POLICE; ENFORCEMENT

The city police are hereby authorized, empowered and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict, regulate, and, when necessary, temporarily divert or

exclude, in the interest of public safety health and convenience, the movement of pedestrian, animal and vehicular traffic of every kind in streets, parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. (Ref. Neb. Rev. Stat. §60-683)

SECTION 4-139: 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. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-140: 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. (Ref. Neb. Rev. Stat. §60-680, 60-683)

SECTION 4-141: LOADS; PROJECTING

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

SECTION 4-142: LOADS; SPILLING

All vehicles used for carrying coal, earth, cinders, sand, gravel, rock, asphalt, tar, or any similar substance shall be so constructed as to prevent the sifting or spilling of any of the contents. (Ref. Neb. Rev. Stat. §60-6,304)

SECTION 4-143: SPILLING OF LIVESTOCK WASTE

It is deemed unlawful for any person to permit the spilling of animal wastes and manure from any livestock trailer or truck on any street or highway within the corporate limits of the City.

SECTION 4-144: SEMITRACTORS; PROHIBITED NOISES

It is unlawful for any person in any part of the City to make or cause to be made loud or disturbing noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semitractor, straight truck or dump truck, commonly referred to as

jakebraking. Notices shall be posted at various locations within the City indicating this prohibition.

SECTION 4-144.01: TRUCK ROUTES

1. The following definitions shall apply to this ordinance:
 - (a) Road means any street, highway or route within the corporate limits of the City of Plattsmouth, Nebraska.
 - (b) Semi-trailer means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon what is carried by some other vehicle.
 - (c) Trailer means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
 - (d) Truck means every motor vehicle which is designed, used or maintained primarily for the transportation of property, except a pickup truck or a van designed so as to carry loads of no more than two tons.
 - (e) Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
 - (f) Person includes an agency, company, organization, firm, association, partnership, joint venture, corporation, limited liability company, trust or equivalent entity or a combination of any of them as well as a natural person.
2. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.
3. United States Highway 34 and Nebraska Highway 66 in the City of Plattsmouth, Nebraska, to the exclusion of all other roads, are hereby designated as Truck Routes and classified for truck traffic.
4. Except as expressly permitted under this Ordinance, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer

combination in Plattsmouth, Nebraska, on any road other than a designated Truck Route.

5. The Truck Route limitations described in this Ordinance shall not apply to emergency vehicles of the Police Department, Fire Department, Emergency Medical Services Department, or Street Department, any public utility vehicle where actually engaged in the performance of emergency duties to be performed by said public utilities, any vehicle owned by or performing work for the United States of America, State of Nebraska, Cass County or City of Plattsmouth.

6. A vehicle which would otherwise be restricted to Truck Routes and which is being used to make pick-ups, deliveries or service calls in the City of Plattsmouth on roads other than designated Truck Routes may travel upon any street where such delivery or pick-up is to be made, but shall reach or leave such location on said street by traveling over the shortest route from the nearest designated Truck Route; however, a direct travel shall be allowed between points of pick up or delivery, without necessity of returning to Truck Routes.

7. Nothing herein contained shall prevent a truck or truck-trailer and semi-trailer, or truck tractor and trailer combination, or truck and trailer combination from leaving or returning to its customary storage location at the owner or operator's personal residence or a commercial or industrial location in the City of Plattsmouth, provided the most direct route to and from a designated Truck Route is utilized.

8. The City Administrator, Public Works Director or the Assistant Public Works Director shall have authority to grant a written permit in special cases which would otherwise be in violation of the provisions of this Ordinance. The permit shall be issued, at the discretion of the City Administrator, Public Works Director or the Assistant Public Works Director, after application therefore and shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. The City Council may, by Ordinance or Resolution, set a fee for special permits.

9. The City Administrator, or his or her agent, shall procure and have posted appropriate signs along the designated Truck Routes and all other entrances to town as required by the laws of the State of Nebraska to so advise of the Truck Routes.

10. This Ordinance and the various parts, sections, subsections,

sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

11. Any person who violates this provision shall be deemed guilty of a misdemeanor and, upon conviction thereof, subject to fine of not less than \$250 nor more than \$500.00 dollars for each offense. It is hereby authorized that a person may plead guilty by waiver and pay a fine of \$100.00 plus court costs.

SECTION 4-145: 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.

SECTION 4-146: SCREECHING OF TIRES; PROHIBITED

The operation of any motor vehicle in such a manner as to cause the tires thereof to screech, except where necessarily caused by an emergency or an attempt by the vehicle operator to avoid an accident or infliction of damage or injury, is prohibited. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-147: BUS STOPS

All buses shall stop at the curb for the purpose of receiving and discharging passengers, at such locations as the City Council may, by resolution, designate. Appropriate signs or standards shall be erected at each location so designated. Alternately, the location may be designated by markings on the curb or pavement.

SECTION 4-148: TAXI STANDS

The City Council may, by resolution, designate parking locations throughout the City for licensed taxicabs. Appropriate signs or street or curb painting shall indicate the locations designated. When a location is designated as a taxi stand, no other vehicle may legally park in that location.

SECTION 4-149: RAILROAD CROSSING WATCHMAN; AUTHORITY

All watchmen, gatemen, trainmen or other agents of any railroad company, when stationed at a railway crossing, shall be vested with the authority to regulate and control traffic of all kinds at that intersection. It shall be his/her duty to direct the movement of traffic at the crossing in such a manner as will facilitate the

movement of traffic and prevent congestion and accidents. He/she shall take appropriate measures to prevent any vehicle from entering the crossing when any engine, care or conveyance of the railway is approaching the crossing. It shall be unlawful for any person to violate the order or signal of any such watchman. (Neb. Rev. Stat. §60-6,125, 60-6,170)

SECTION 4-150: DISPLAY OF MERCHANDISE IN PARKING ZONE

It shall be unlawful for any person to use any parking stall, lane or space for the display of merchandise, goods or ware, or for any purpose whatsoever except the parking of motor vehicles; and no parking stall, lane or space shall be blocked or barricaded by any person; provided, however, parking areas may be temporarily blocked, used or barricaded for construction and other necessary purposes by obtaining special permission therefor from the city police. (Ref. Neb. Rev. Stat. §16-802)

SECTION 4-151: NEW PAVEMENT, DRIVING OVER

No person shall drive any vehicle over or across any newly laid pavement in any public street, across or around which pavement there is a barrier over or near which there is a person or a sign warning persons not to driver over or across such pavement. No person shall drive a vehicle over, against or upon any traffic barrier or sign stating that the street or alley is closed.

SECTION 4-152: VEHICLES; UNOBSTRUCTED VIEW

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

ARTICLE II - ABANDONED VEHICLES

SECTION 4-201: TERMS DEFINED

No person, firm, partnership, association, corporation or organization of any kind shall abandon any vehicle, as defined by Section 60-301(1), R.R.S. 1943, within the City of Plattsmouth. A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:

1. With no number plates affixed thereto, for more than six hours on any public property;
2. For more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
3. For more than 48 hours, after the parking of such vehicle shall have become illegal if left on a portion of public property on which parking is legally permitted;
4. For more than seven days on private property if left initially without the permission of the owner, or after permission of the owner shall be terminated.

No person in charge or control of any private property, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, discarded or unlicensed vehicle to remain on such property longer than seven continuous days. Any vehicle described in this paragraph shall be deemed to be an abandoned vehicle for purposes of this article.

For purposes of this article, "public property" shall mean (A) any public right of way, street, highway, alley, park or other city-owned property, and (B) any privately owned property which is not included within the definition of public property. Vehicles in an enclosed building, appropriate storage pound, or depository licensed by the City, or owned and being restored or repaired, with satisfactory progress being shown by the controller of the real property where said vehicle is located, is specifically hereby excluded from this section.

SECTION 4-202: ENFORCEMENT

The city police chief or his/her designated officer shall remove or cause to be removed any abandoned vehicle. Such vehicle shall be impounded until lawfully claimed or disposed of, as provided in Section 4-204 hereafter; provided, any such abandoned vehicle which is located on private property shall not be removed or impounded until the city police have given written notice of intent to remove said abandoned vehicle ten days prior thereto to the property owner upon whose property said abandoned vehicle is located. The city police may enter upon private property at all reasonable hours for the purpose of inspecting

such abandoned vehicle, posting notice thereon and/or removing or impounding such abandoned vehicle. It shall be unlawful for any person to prevent the city police from entering on private property for the purpose of carrying out their duties. Neither the owner, lessee, occupant of the premises from which any abandoned vehicle shall be removed, nor the city shall be liable for any loss or damage to such abandoned vehicle which occurs during its removal, while in the possession of the City, or as a result of any subsequent disposition.

SECTION 4-203: NOTICE

Except for vehicles automatically becoming the property of the City as set forth in Section 4-205 hereunder, the chief of police or his/her designated officer shall make an inquiry concerning the last registered owner of such abandoned vehicle as follows:

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

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

SECTION 4-204: DISPOSITION

The city police shall sell said abandoned vehicle at public auction to the highest bidder within 60 days from the date that title to an abandoned vehicle is vested in the City as provided for in Section 4-205 hereafter. Such sale and the time and place thereof shall be advertised for one week in a newspaper of general circulation in the City. Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the City, shall be held by the City without interest for the benefit of the owner of such abandoned vehicle for a period of two years. If not claimed within such two year period, such proceeds shall be paid into the general fund of the City.

SECTION 4-205: TRANSFER OF TITLE

If an abandoned vehicle at the time of abandonment has no numbered plates of the current year affixed and is of a wholesale value of \$250.00 or less, taking into consideration the vehicle's condition as determined by the city police, title shall immediately vest in the City and the city police are not required to follow Section 4-203 herein. With respect to those abandoned vehicles governed by Section 4-203 herein, title to such vehicles, if unclaimed, shall vest in the City five days from the date the notice referred to therein is mailed or, if the last registered owner cannot be determined, when notice of that fact is received by the city police. Upon the sale of an abandoned vehicle at auction, the City shall furnish the purchaser with the requisite affidavit to provide to the county clerk where the vehicle was last registered that said vehicle was abandoned and became the property of the City prior to the sale. (Ref. Neb. Rev. Stat. §60-1902)

SECTION 4-206: PENAL PROVISIONS

Any person who violates any of the prohibitions or provisions of this article shall be deemed guilty of a misdemeanor and fined in a sum of not more than \$500.00.

ARTICLE III - PARKING

SECTION 4-301: PARKING GENERALLY

No person shall park any vehicle, or approach the curb with a vehicle, except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb or edge of the roadway, in such manner as to have both right wheels within 12" of the curb or edge of the roadway and so as to leave at least four feet between the vehicle so parked and any other parked vehicle, 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. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (Ref. Neb. Rev. Stat. §60-680, 60-6,167)

SECTION 4-302: DESIGNATION

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

SECTION 4-303: AREAS

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. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-304: OBSTRUCTING ALLEY

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

SECTION 4-305: ALLEYS

No vehicle shall be parked in any alley, except for the sole purpose of loading or unloading. Said vehicles' motors shall remain in operation while said vehicles are parked in the above described alleys and in any event, parking shall be limited to not more than one-half hour by any motor vehicle in such alley. Every vehicle while loading or unloading shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. (Ref. Neb. Rev. Stat. §60-

680)

SECTION 4-306: EMERGENCY VEHICLES

The provisions of this article regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties.

SECTION 4-307: FIRE HYDRANTS AND STATIONS

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

SECTION 4-308: CHURCHES, SCHOOLS, THEATERS

The City Council may, by resolution, prohibit the parking or stopping except for unloading of passengers or freight, of vehicles at the curb on streets directly in front of any entrance to a church, church building, schoolhouse, school building, or theater. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-309: CURB

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

SECTION 4-310 CURBS, PAINTED

It shall be the duty of the public works director or his/her designee 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. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-311: DISPLAY OR REPAIR OF VEHICLES

It shall be unlawful for any person to park upon any street, alley or public place within this city any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the

public streets or alleys of this city, excepting in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-312: TIME LIMIT

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. The street which have any such time limitations shall have appropriate signs placed thereon to designate the same. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-313: MAXIMUM TIME LIMIT

The parking of a motor vehicle on a public street for over 24 consecutive hours is unlawful, except where a different maximum time limit is posted. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-314: FLOOD AND SNOW ZONES

The following streets and parking lot areas are hereby designated as flood and snow zones in the City:

- (a) Sixth Street, from Avenue A to First Avenue.
- (b) Main Street, from the Burlington Northern Railroad right-of-way to the west curb line of Sixth Street inclusive.
- (c) The city parking lot located west of Fourth Street between First Avenue and the alley north of First Avenue.

In the designated areas above, no motorized vehicle (except those authorized by Section 4-315 below) shall be parked or permitted to remain thereon for more than ten minutes between the hours of 2:00 A.M. and 6:00 A.M., throughout the year; provided, the owner of any vehicle parked within the above-designated areas during the prohibited time shall not be in violation hereof if the parking can be justified under a lawful business purpose and the vehicle remains subject to immediate removal as directed. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-315 FLOOD AND SNOW ZONES; EXEMPTIONS, CONDITIONS

In the areas designated in Section 4-314 as prohibited parking areas, the following residents shall be entitled to park a single motor vehicle in such designated areas:

Adult residents who reside in an apartment on Main Street between Third and Sixth Streets, or on Sixth Street from Avenue A to First Avenue.

Such parking exceptions shall be permitted under the following conditions:

1. That such parking shall be limited to one vehicle per apartment.
2. Parking under such permit shall be limited to one vehicle per apartment and only during the hours of 6:00 P.M. to 6:00 A.M. each day.
3. Such permitted parking shall be subject to immediate removal by the owner or proper city personnel as required for snow removal or flood damage prevention. Parking in these areas is prohibited during the hours of 2:00 A.M. to 6:00 A.M. following a snowfall of two inches or more. Vehicle not removed may be towed by a wrecker service at the owner's expense.
4. That the owner of the vehicle qualified for such parking exemption shall, prior to exercising the parking privilege:
 - a. Secure and complete an application and registration form with the city clerk's office, describing the vehicle, the address of residence and phone number.
 - b. Secure approval of such application, and obtain from the city clerk's office, a sticker or decal identifying the registered vehicle and owner.
 - c. That the sticker or decal shall be affixed to either the rearview mirror of the vehicle or its rear windshield.
 - d. Issuance of a permit is subject to the payment of the required fee and is valid for six months from the date of issuance.

In absence of compliance with these conditions, all parking regulations as set forth in this article shall apply to any such vehicle.

SECTION 4-316: TRUCKS; PROHIBITED PARKING AREA; PARKING LOTS

It shall be unlawful for any truck, truck-tractor, semi-trailer, or any vehicle with a trailer attached having an overall length of more than 18 feet, including load, to stop or park such vehicle for any period of time on any street in the City where the City Council shall prohibit such parking by resolution. In the case of such prohibition, signs, markers or traffic standards shall be to that effect.

The City Council may provide truck parking lots adjoining or adjacent to the no-truck parking area. When such lots are provided, it shall be the duty of the truck operators to use such lots for parking purposes.

SECTION 4-317: TRUCKS; LOADING OR UNLOADING

The operator of any truck covered by the truck parking area prohibition may stop or park in any alley adjoining or adjacent to premises abutting a street included in the "no-truck parking area" for the purpose of loading or unloading goods, wares, merchandise or other commodities intended for delivery at such premises. In no case shall such truck remain stopped longer than one-half hour. If stopping or parking such vehicle for loading or unloading its cargo in such alley requires a longer time, then oral application shall be made to the chief of police indicating that such loading or unloading cannot be accomplished in one-half hour. The chief of police may grant and allow such additional time for such loading or unloading, in each instance, as is reasonably necessary to do so.

If such consignor or consignee has no alley entrance to his/her premises or if loading or unloading the cargo of such vehicle while standing in such alley is inconvenient, then such consignor may be permitted or allowed to load or unload such cargo from certain designated street space abutting his/her premises in the "no-truck parking area" for such periods of time, not longer than one-half hour, upon oral application to and permission from the chief of police, who may extend the one-half hour period in necessary cases.

Vehicles, regardless of length, if and when permitted to load or unload freight at the curb of any street, shall back to the curb and shall occupy as little of the street as possible. The cab, truck-tractor or first section of the combination of vehicles, as the case may be, shall during the time when the loading or unloading is in progress, be jack-knifed parallel with the curb and headed in the direction of the traffic. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-318: TRUCKS; MOTOR CARRIERS AND LIVESTOCK TRUCKS

No motor carrier, common carrier or contract carrier of property, as defined by statute, now existing or as hereafter amended, shall stop or park in any street or alley within the residential district between the hours of 5:00 P.M. of any one day and 9:00 A.M. of the succeeding day; and no such carrier shall use or employ any portion of the parking space in the residential district for any commercial purpose.

No livestock truck, whether or not loaded with livestock, shall stand or park for any period of time except in a "truck parking area." (Ref. Neb. Rev. Stat. §75-302)

SECTION 4-319: TRUCKS; TANKERS AND TRANSPORT TRUCKS

No oil tanker, gasoline transport or tank truck for transporting inflammable liquids,

loaded or empty, shall park or stop for any period of time within any truck parking lot provided in this article or within the limits of any other street or alley of the City, except to load or unload its cargo in a safe and expeditious manner; provided that drivers of such oil tankers, gasoline transports or tank trucks may stop or park such vehicles one time while en route through the City within the limits of any truck parking lot designated in this article for a period of time not more than 30 minutes for rest and meals; provided further that in case of breakdown or stalling on account of exhaustion of fuel on any of such streets, the stopping of the disabled vehicle for the reasonable time necessary to remove the same to the next point where repairs can be made or to meet the emergency shall not be a violation of this section. No oil tanker, gasoline transport or tank truck, whether containing any inflammable materials or not, shall park or stop for any period of time on any private premises within the City except for the purpose of loading or unloading or breakdowns, unless such private premise is used and employed exclusively for the wholesale or retail petroleum business with ample facilities for parking oil tankers and gasoline transports or tank trucks if such use is not in violation with any other section of this code.

SECTION 4-320: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES; DISPLAY OF PERMITS

(1) The City Council may designate parking spaces 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 Section 60-311.14 RS Neb., (b) handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person of another state, (c) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose motor vehicles display the permit specified in Section 18-1739, and (d) such other motor vehicles, as certified by the City, which display such permit. All such permits shall be displayed by hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

(2) If the City Council so designates a parking space, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space a sign which is in conformance with the Manual on Uniform Traffic Control Devices. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the street adjacent to the space. (Ref. Neb. Rev. Stat. §18-1736, 18-1737)

SECTION 4-321: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING STALLS OR SPACES

The City Council and any person in lawful possession of any offstreet parking facility may designate stalls or spaces in such facility 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 Section 60-311.14 RS Neb., (b) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose motor vehicles display the permit specified in Section 18-1739, and (c) such other motor vehicles, as certified by the City, which display such permit. Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space a sign which is in conformance with the Manual on Uniform Traffic Control Devices. (Ref. Neb. Rev. Stat. §18-1737)

SECTION 4-322 HANDICAPPED OR DISABLED PERSONS; DEFINITIONS

“Handicapped or disabled person” shall mean any individual to whom the State of Nebraska has issued a handicap permit.

“Handicapped parking infraction” shall mean the violation of any section of this article regulating (a) the use of parking spaces designated for use by handicapped or disabled persons or (b) the obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990. (Ref. Neb. Rev. Stat. §18-1738, 18-1741.01)

SECTION 4-323 HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE

1. The city clerk shall take an application for a handicapped or disabled person parking permit upon presentation of the completed application and photo identification. Thereafter the city clerk shall forward the same to the Nebraska Department of Motor Vehicles. (Ref. Neb. Rev. Stat. §18-1738, 18-1738.02)

SECTION 4-324 HANDICAPPED OR DISABLED PERSONS; ISSUANCE OF CITATION; TRIAL; DISMISSAL

1. For any offense classified as a handicapped parking infraction, a handicapped parking citation may be issued by any peace officer or by any person designated by ordinance by the City Council to exercise the authority to issue a citation for any handicapped parking infraction.

2. When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the handicapped parking citation shall enter thereon all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicles, the offense charged, and the time and place the person is cited to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the handicapped parking citation. One copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

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

4. For any handicapped parking citation issued for a handicapped parking infraction by reason of the failure to display a handicapped parking permit issued pursuant to Section 18-1738 or 18-1738.01 RS Neb., the complaint shall be dismissed if, within seven business days after the date of the issuance of the citation the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit issued under Section 18-1738 or 18-1738.01 RS Neb. and that the peace officer has personally viewed the permit. (Ref. Neb. Rev. Stat. §18-1741.01, 18-1741.04, 18-1741.06)

SECTION 4-325 HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY

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

2. Anyone who parks a vehicle in any onstreet parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons or in any so exclusively designated parking space in any offstreet parking facility without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom the license plate or permit is issued will not enter or exit the vehicle where it is parked in the designated space shall be guilty of a handicapped parking infraction. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in this chapter.

3. In the case of a privately owned offstreet parking facility, the owner or person in lawful possession of such facility shall not be required to inform the City of a violation of this section prior to the City issuing the violator a handicapped parking infraction citation.

SECTION 4-326 OWNER-OPERATOR

For any violation of this article the citation or complaint may be issued to or against either the owner or operator of the vehicle. It shall be unlawful for either to violate or allow a vehicle owned by him/her to violate any provision of this article.

SECTION 4-327 CITY-OWNED PARKING LOTS; REGULATIONS

The following regulations in regard to the city-owned parking lot shall apply:

1. Except in those lots otherwise signed, the time limit permitted for parking in city-owned parking lots is 24 hours Monday through Friday and 48 hours on Saturday and Sunday.
2. Trailers and large trucks in excess of 10,000 lbs gross motor vehicle weight may be allowed only for the purpose of expeditious loading and/or unloading. Authorization for such use may be granted by the Director of Public Works or Chief of Police. Closing of any parking lots for special events shall require City Council authorization.

SECTION 4-328 REMOVAL OF ILLEGALLY PARKED VEHICLES

1. In addition to all other penalties pursuant to this article, whenever any police officer shall find a vehicle standing upon a street, alley, or city-owned parking lot in violation of any of the provisions of this article, such individual may remove or have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of such street, alley or out of such parking lot.
2. If a vehicle is removed by the City, 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. 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. (Ref. Neb. Rev. Stat. §60-6,165, 60-680)

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

SECTION 4-401 BICYCLE; DEFINED

For the purposes of this article, "bicycle" shall mean every device propelled solely by human power, upon which any person may ride and having two tandem wheels, either of which is more than 14 inches in diameter.

SECTION 4-402 OPERATION OF BICYCLES, COASTERS,
SKATEBOARDS, ROLLER SKATES, SLEDS, SKIS OR
OTHER TOY VEHICLES

1. Bicycles:

- a. It shall be unlawful for any person to operate a bicycle on a street, highway or alley within the City with another person on the handlebars or in any position in front of the operator.
- b. It shall be unlawful for any person to operate a bicycle faster than is reasonable and proper, or without reasonable regard to the safety of the operator and any other persons upon the streets, highways and alleys.
- c. It shall be unlawful for any person to operate a bicycle to fail to observe all traffic signs and to fail to stop at all stop signs.
- d. It shall be unlawful for any person to operate a bicycle on any street or highway from sunset to sunrise without a headlight visible from the front thereof for not less than 500 feet on a clear night and a red reflector on the rear of a type which shall be visible on a clear night from all distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to such red reflector.
- e. It shall be unlawful for any person to operate a bicycle upon a street or highway more than single file except on parts of streets or highways set aside for the exclusive use of bicycles.
- f. It shall be unlawful for any person to operate a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing, or to fail to 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 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 Section 60-6,142 R.S. Neb.

g. 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/her intention and yield the right-of-way to all other vehicles.

h. It shall be unlawful for any person to park a bicycle on any sidewalk unless a bicycle stand is located on said sidewalk.

i. It shall be unlawful for any person to operate a bicycle on the sidewalks within the boundaries of the following streets: From and including the east side of Richey Street to and including the west side of 7TH Street and from and including the south side of 1ST Avenue to and including the north side of Avenue A. (Ref. Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318)

2. Coasters, Skateboards, Roller Skates, Sleds, Skis or Other Toy Vehicles

a. It shall be unlawful for any person to operate coasters, skateboards, roller skates, sleds, skis or other toy vehicles which are unpowered on any street, highway or alleyway in the City of Plattsmouth.

b. It shall be unlawful for any person to operate coasters, skateboards, roller skates, sleds, skis or other toy vehicles which are unpowered on the sidewalks of the City of Plattsmouth within the boundaries of the following streets: From and

including the east side of Richey Street to and including the west side of 7TH Street and from and including the south side of 1ST Avenue to and including the north side of Avenue A.

3. In addition to all other penalties for violations of this section, the judgment of conviction may include the impoundment of the bicycle, coaster, skateboard, roller skates, sled, skis or other toy vehicle by the City Police Department for a period of not to exceed one hundred and eighty (180) days and the operator thereof may be ordered not to operate any such vehicle within the City for a period not to exceed thirty (30) days.

SECTION 4-403: CLINGING TO MOTOR VEHICLE

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

SECTION 4-404: BICYCLES; IMPOUNDING

Upon the conviction of a violation of Sections 4-401 through 4-403, the judgment may include the impounding of any bicycle involved in such a violation and the operator may be ordered not to operate a bicycle within the City for a period of not to exceed 30 days.

SECTION 4-405: MINIBIKES; DEFINED

For purposes of this article, "minibike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than 14 inches or an engine rated capacity of less than 45 cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Ref. Neb. Rev. Stat. §60-6,353)

SECTION 4-406: 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, education or community service organization.

SECTION 4-407: MINIBIKES; PUBLIC LANDS

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

SECTION 4-408: SNOWMOBILES; DEFINED

For the purposes of this article, "snowmobile" shall mean a self-propelled motor vehicle designed to travel on snow or ice or a natural terrain steered by wheels, skis or runners and propelled by a belt-driven track with or without snow cleats.

SECTION 4-409: SNOWMOBILES; EQUIPMENT

Every snowmobile operated within the City shall be registered with the State of Nebraska as required by law and shall be equipped as required by state statutes.

SECTION 4-410: SNOWMOBILES; UNLAWFUL ACTS

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

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

(Ref. Neb. Rev. Stat. §60-6,337)

SECTION 4-411: SNOWMOBILES; STREETS

The operation of snowmobiles on any city street or other public property owned by the City, except in times of a snow emergency as defined below, is prohibited.

A "snow emergency" is defined to be that time during and immediately subsequent to snowfall within the City when two-wheel-drive vehicular travel is not possible and the City's snow removal crew has not commenced work on removal of snow from city streets and alleys.

SECTION 4-412: SNOWMOBILES; REGISTRATION

All snowmobiles used for transportation purposes during times of snow emergency shall be registered with the State of Nebraska as required by law, and shall be equipped with at least one headlight, one taillight, reflective material of a minimum area of 16 square inches mounted on each side forward of the handlebars, and with brakes as prescribed by the director of motor vehicles. In addition, all laws applicable 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.

SECTION 4-413: 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 with 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 lamps shall comply with the requirements and limitations of the statutes of the State of Nebraska.

SECTION 4-414: MOTORCYCLES; RIDING TANDEM

No person operating a motorcycle shall carry another person in front of the operator. Motorcycles shall not be operated more than two abreast in a single lane.

SECTION 4-415: ALL-TERRAIN VEHICLES; DEFINED

As used in this article, unless the context otherwise requires, "all-terrain vehicle" shall mean any motorized off-highway vehicle which (1) is 50 inches or less in width; (2) has a dry weight of 600 pounds or less, (3) travels on three or more low pressure tires, (4) is designed for operator use only with no passengers, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control.

All-terrain vehicles which have been modified to include additional equipment not required by Section 4-417 and 4-418 of this article shall not be registered under Chapter 60, Article 3. (Ref. Neb. Rev. Stat. §60-6,355)

SECTION 4-416: ALL-TERRAIN VEHICLES; OPERATION

1. Except as provided in subsections 2 through 5 of this section, an all-terrain vehicle shall not be operated on any street, road or highway within the City. The crossing of any controlled-access highway shall not be permitted.

2. The crossing of a street, road or highway shall be permitted only if:
 - a. The crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street, road or highway;
 - c. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
 - d. In crossing a divided street, road or highway, the crossing is made only at an intersection of such street, road or highway with another street, road or highway; and
 - e. Both the headlight and taillight of the vehicle are on when the crossing is made.
3. An all-terrain vehicle may be operated on a street, road or highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicle's use for agricultural purposes. Any person operating an all-terrain vehicle on a street, road or highway shall have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126, and shall not operate such vehicle at a speed in excess of 30 miles per hour. When operated on a street, road or highway, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above the ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.
4. All-terrain vehicles may be operated on streets, roads or highways in parades which have been authorized by the State of Nebraska or the City.
5. All-terrain vehicles may be operated on highways outside the corporate limits of the City by electric utility personnel within the course of their employment in accordance with the operation requirements of subsection 3 of this section, except that the operation of the vehicle pursuant to this subsection need not be incidental to the use of the vehicle for agricultural purposes. (Ref. Neb. Rev. Stat. §60-6,356)

SECTION 4-417: ALL-TERRAIN VEHICLES; HEADLIGHTS

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

SECTION 4-418: ALL-TERRAIN VEHICLES; EQUIPMENT, REQUIREMENT

Every all-terrain vehicle shall be equipped with:

1. A brake system maintained in good operating condition;
2. An adequate muffler system in good working condition; and
3. A United States Forest Service qualified spark arrester. (Ref. Neb. Rev. Stat. §60-6,358)

SECTION 4-419: ALL-TERRAIN VEHICLES; MODIFICATIONS PROHIBITED

No person shall:

1. Equip the exhaust system of an all-terrain vehicle with a cutout, bypass or similar device.
2. Operate an all-terrain vehicle with an exhaust system so modified; or
3. Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.
(Ref. Neb. Rev. Stat. §60-6,359)

SECTION 4-420: ALL-TERRAIN VEHICLES; COMPETITION

All-terrain vehicles participating in competitive events may be exempted from Sections 3-415 to 3-417 of this article at the discretion of the Director of Motor Vehicles. (Ref. Neb. Rev. Stat. §60-6,360)

SECTION 4-421: ALL-TERRAIN VEHICLES; ACCIDENT REPORT

If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner provided in Neb. Rev. Stat. §60-699. (Ref. Neb. Rev. Stat. §60-6,361)

SECTION 4-422: ALL-TERRAIN VEHICLES; PENALTY

Any violation of Section 4-416 to 4-421 of this article which is also a violation under Chapter 60 of R.S. Neb. may be punished under the penalty provisions of such chapter. (Ref. Neb. Rev. Stat. §60-6,362)

SECTION 4-423: MOPEDS; DEFINED

For the purposes of this article, "moped" shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 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 Chapter 60, article 4, but shall be exempt from the requirements of Chapter 60, articles 1, 3 and 5. (Ref. Neb. Rev. Stat. §60-637, 60-6,309)

SECTION 4-424: MOPEDS; OPERATOR'S LICENSE REQUIRED

No person shall operate a moped upon the streets, alleys or public highways of the City unless such person has a valid motor vehicle operator's license or a valid school or learner's permit. (Ref. Neb. Rev. Stat. §60-6,310)

SECTION 4-425: MOPEDS; TRAFFIC REGULATIONS APPLICABLE

1. Any person who rides a moped upon a roadway shall have all the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application.
2. 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. (Ref. Neb. Rev. Stat. §60-6,311)

SECTION 4-426: MOPEDS; OPERATION

1. Any person who operates a moped shall ride only upon a permanent and regular seat attached to the moped. A person operating a moped shall not carry any other person nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one person.
2. A person shall ride upon a moped only while sitting astride the seat, facing forward.
3. No person shall operate a moped while carrying any package, bundle or other article which prevents him/her from keeping both hands on the handlebars.
4. No operator shall carry any person, nor shall any person ride, in a position that interferes with the operation or control of the moped or the view of the operator.
5. Any moped which carries a passenger shall be equipped with footrests for such passenger. (Ref. Neb. Rev. Stat. §60-6,312)

SECTION 4-427: MOPEDS; USE OF TRAFFIC LANES

1. 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.
2. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.
3. Mopeds shall not be operated more than two abreast in a single lane.
4. 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.
5. No person who rides upon a moped shall attach himself/herself to the moped to any other vehicle on a roadway.
6. Mopeds shall not be operated on the sidewalks. (Ref. Neb. Rev. Stat. §60-6,313)

SECTION 4-428: 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. (Ref. Neb. Rev. Stat. §60-680)

SECTION 4-429: **REPLACED BY SECTION 4-402 Number 2**

SECTION 4-430: MINIATURE MOTORIZED VEHICLES; DEFINITIONS

For purposes of this article, the following definitions apply:

"Miniature motor vehicle" means a motor powered vehicle which is not defined in Neb. Rev. Stat. §60-638 that (a) has an engine rated capacity of less than 45 cubic centimeters displacement; or (b) is not more than 76 inches in overall length or not more than 26 inches in height or not more than 50 inches in width; (c) or which has a total individual wheel and/or tire diameter of less than 14 inches; (d) has a dry weight of 600 pounds or less; or (e) is designed by the manufacturer for off-road use and travels on low-pressure tires; or (f) is otherwise a miniature motor vehicle that has been modified to include additional equipment to otherwise satisfy state law or this ordinance. "Miniature motor vehicle" also means a miniature motor vehicle as herein defined which has been modified so that it may be registered as a motor vehicle and display proper registration plates issued under the laws of the State of Nebraska.

"Minibike, motor scooter, motorcycle, bicycle, snowmobile and moped" - all such vehicles are as otherwise defined in other provisions of this article.

"Motor vehicle" shall mean all motor vehicles defined in Neb. Rev. Stat. §60-638, unless it is a miniature motor vehicle which has been modified to satisfy the requirement of state law as a motor vehicle defined by Neb. Rev. Stat. §60-638.

"Public property" means all public streets, alleys, roads, highways and sidewalks, including any state, city, county or any other governmental subdivision right-of-way.

Vehicles excluded from cover of this ordinance are (a) motor powered vehicles governed by other provisions of this code; (b) farm equipment other than miniature motor vehicles as defined by this article; (c) self-propelled equipment designed and used exclusively on, and for the care of yards and lawns, which are not operated on public property for any purpose other than loading on to and unloading from vehicles on which the equipment was transported to the yard or lawn or as used in the actual performance of lawn or yard care; (d) road and general-purpose construction and maintenance machinery not designed or used primarily to transport people and which is operated on public property for the actual purpose of construction or while in transit to or from a construction site, including but not limited to, ditch digging apparatus, asphalt spreaders, bucket loaders, leveling graders, earth moving carryalls, power shovels, earth moving equipment and crawler tractors, and (e) self-propelled invalid chairs.

SECTION 4-431: MINIATURE MOTORIZED VEHICLES; OPERATION ON PUBLIC PROPERTY PROHIBITED; EXCEPTION

Miniature motor vehicles shall not be operated on public property, with the following exceptions:

1. Crossing public property is permitted only if (a) crossing is made at an angle of approximately 90° to the direction of the public property at a place where no obstruction prevents a quick and safe crossing; (b) the vehicle is brought to a complete stop before crossing the public property; (c) the operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; (d) in crossing public property, the crossing is made only at an intersection of public property; and (e) the miniature motor vehicle has both a headlight and taillight in operation when the crossing is made.
2. Miniature motor vehicles may be operated on public streets, roads or highways as an integral part of a parade authorized or approved by the State, County or City.

It shall not be unlawful for any person to operate a miniature motor vehicle on private property owned by that person or owned by another person if the operation is with that person's permission.

SECTION 4-432: MINIATURE MOTORIZED VEHICLES; ENFORCEMENT

Any peace officer of the State, County or City, including conservation officers of the Game and Parks Commission, shall have the authority to enforce this article.

ARTICLE V - PENAL PROVISION

SECTION 4-501 VIOLATION; PENALTY

1.Any violations of this Chapter which are also a violation under Chapter 39 or Chapter 60 of the Revised Statutes of Nebraska may be punished under the penalty provisions of such Chapter of the Revised Statutes of Nebraska.

2.Violations of this chapter which are the equivalent of state statutes listed in the Nebraska Supreme Court's fine/waiver schedule, as the same may be amended by the Court, may be disposed of pursuant to a waiver of appearance, a plea of "guilty", and the payment of court costs and the corresponding fine for such violation listed on the Nebraska Supreme Court's fine/waiver schedule; provided, if the amount of the fine for any parking violation listed on the Nebraska Supreme Court's fine/waiver schedule exceeds the amount of the fine for such parking violation listed in the City's fee ordinance, the amount of the fine shall be that listed on the City's fee ordinance.

3.Violations of this chapter which are listed on the City's fine/waiver schedule may be disposed of pursuant to a waiver of appearance, a plea of "guilty", and the payment of courts costs and the corresponding fine for such violation listed in the City's fine/waiver schedule.

UPDATED:
12/21/2017 ORDINANCE NO. 1930