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CHAPTER III MOTOR VEHICLES AND BICYCLES

ARTICLE I - TRAFFIC REGULATIONS

SECTION 3-101: TERMS DEFINED

The words and phrases used in this ordinance pertaining to motor vehicles and traffic regulations shall be construed as defined in Chapter 60, Article 6 of the Revised Statutes of Nebraska, 1943, as now existing or as hereafter amended, unless the context otherwise requires; and, if not so defined, the common meaning of such words and phrases shall prevail.

SECTION 3-102: TRUCK ROUTES

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

SECTION 3-103: ENGINE BRAKING

It shall be unlawful for any person within the city limits of the City to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for purposes of assisting braking on any semi-tractor; provided, however, it shall be permitted to use engine brakes in an emergency situation. Proper notices shall be posted by the City notifying the public of such prohibition.

SECTION 3-104: TURNING; "U" TURNS

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection or other designated area. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where a sign is posted indicating that U-turns are prohibited.

SECTION 3-105: TURNING; SIGNALS

A signal of intention to turn right or left shall be given continuously during not less than the last 50 feet traveled by the vehicle before turning. The signals herein required shall be given either by means of the hand and arm, or by a signal device of a type approved by the Department of Roads.

SECTION 3-106: TURNING; GENERALLY

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

SECTION 3-107: TURNING; CAUTIOUS

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

SECTION 3-108: RIGHT OF WAY; GENERALLY

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

SECTION 3-109: RIGHT OF WAY; EMERGENCY VEHICLES

Upon the approach of any authorized emergency vehicles, all vehicles within one block of the route of such emergency vehicle shall immediately stop, except at the time they are on or crossing a street intersection, in which event, such vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right hand curb as possible and remain there until such authorized emergency vehicle or vehicles have passed; provided said vehicles are operated on official business and the drivers thereof sound audible signal by bell, siren or whistle.

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

Upon all highways of sufficient width, the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least one half of the main traveled portion of the roadway.

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

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

SECTION 3-112: BACKING

Before backing, ample warning shall be given and while backing, unceasing vigilance must be exercised not to injure those behind. The driver of a parked vehicle about to back shall give moving vehicles the right of way.

SECTION 3-113: DRIVING IN SIDEWALK SPACE

No motor vehicle, including motorcycles or scooters, except for snow removal purposes, shall be driven on any sidewalk or within any sidewalk space, except a permanent or temporary driveway.
(Ref. Neb. Rev. Stat. §60-6,178)

SECTION 3-114: STOPS; MANDATORY

All vehicles, before crossing a sidewalk, emerging from a garage, alley, filling station or other place, shall come to a complete stop, and after giving sufficient warning shall proceed slowly and with extreme caution while crossing such sidewalk or leaving such garage, alley, filling station or other place.

The term "slowly" shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic thereon.

SECTION 3-115: SIGNS, SIGNALS

The City Council may, by resolution, provide for the placing of stop signs, restricted parking, or other signs, signals, standards or mechanical devices in any street or alley for the purpose of regulating or prohibiting traffic and parking thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect or refuse to comply with such regulation or prohibition. The placement of such regulatory sign shall be prima facie evidence of the restricting resolution.

SECTION 3-116: STOP SIGNS

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

SECTION 3-117: 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 stop is necessary for emergency situation, to comply with traffic control devices and regulations, or to yield the right-of-way to pedestrians or to other vehicles.

SECTION 3-118: SPEED ZONES

No person shall operate a motor vehicle within the city limits at a speed greater than is reasonable and proper, having regard for the traffic, use and condition of the streets or at such speeds as to endanger the life, limb or property of any person. Such speed limits shall be indicated by appropriate posted signs.

SECTION 3-119: FUNERAL PROCESSIONS

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

SECTION 3-120: FOLLOWING DISTANCE; GENERALLY

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic and condition of the street.

SECTION 3-121: FOLLOWING DISTANCE; FIRE APPARATUS

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

(Ref. Neb. Rev. Stat. §60-6,183 (Reissue 1998))

SECTION 3-122: GLASS; POINTED OBJECTS

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

SECTION 3-123: SIGNS; DEFACING OR INTERFERING WITH

It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal.

(Ref. Neb. Rev. Stat. §60-6,129, 60-6,129.01)

SECTION 3-124: 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 3-125: SPEED; ELECTRONIC DETECTOR

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

The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his/her

badge of authority; provided that such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves or other electronic device, or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device.

In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded, and must include a description of the vehicle and the recorded speed. (Ref. Neb. Rev. Stat. §60-6,192)

SECTION 3-126: CARELESS DRIVING

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

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

SECTION 3-127: RECKLESS DRIVING

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

SECTION 3-128: RECKLESS DRIVING; WILLFUL

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be deemed to be guilty of willful, reckless driving and shall be punished as provided by statute. (Ref. Neb. Rev. Stat. §60-6,214 through 6-6,218)

SECTION 3-129: EMERGENCY; REGULATIONS

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

SECTION 3-130: POLICE; TRAFFIC POWERS

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

SECTION 3-131: POLICE; REFUSAL TO OBEY

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

SECTION 3-132: POLICE; TRAFFIC OFFICERS

The city police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents.

It shall be unlawful for any person to violate any order or signal of any such traffic officer, notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection.

SECTION 3-133: LITTERING

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

SECTION 3-134: DRIVING ABREAST

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

SECTION 3-135: 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 3-136: CROWDING FRONT SEAT OR OBSTRUCTING DRIVER'S

VIEW OR DRIVING MECHANISM; PROHIBITED

No person shall drive a motor vehicle when it is so loaded, or when there is in the front such a number of persons, exceeding three, 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. No passenger in a vehicle shall ride in such a position as to interfere with the driver's control over such vehicle.

SECTION 3-137: MUFFLER

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

SECTION 3-138: LOADS; PROJECTING

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

SECTION 3-139: LOADS; SPILLING

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

SECTION 3-140: SCHOOL CROSSING ZONES; DESIGNATION

1. Neb. Rev. Stat. §60-682.01 provides fines for operating a motor vehicle in violation of authorized speed limits and states that the fines are doubled if the violation occurs within a school crossing zone.
2. Neb. Rev. Stat. §60-6,134.01 makes it unlawful for a person operating a motor vehicle to overtake and pass another vehicle in a school crossing zone in which the roadway has only one lane of traffic in each direction and provides fines for violation of that prohibition.
3. The 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 City 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.

SECTION 3-141: SCHOOL CROSSING ZONES; OVERTAKING AND PASSING

A person operating a motor vehicle may not overtake and pass another vehicle in any school crossing zone designated by the City Council in which the roadway has only one lane of traffic in each direction.

SECTION 3-142: COWBOY TRAIL; MOTORIZED VEHICLES PROHIBITED

No motorized vehicles shall be allowed on the property described as the "Cowboy Trail" within the City of Atkinson, more particularly described as follows:

All of the property on both sides of the Cowboy Trail commonly known as the right-of-way (former C&NW Railroad right of way) between the State Street crossing of the right-of-way and Main Street in the City of Atkinson, with the following exceptions: Any properties presently under lease or which may be leased at lessor's option at any future time for public or private enterprise.

ARTICLE II - ABANDONED VEHICLES

SECTION 3-201: TERMS DEFINED

1. No person, firm, partnership, association, corporation or organization of any kind shall abandon any vehicle, as defined by Neb. Rev. Stat. §60-301(1), within the City of Atkinson. A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:

- A. 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;
- B. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
- C. 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;
- D. 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;
- E. 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
- F. If removed from private property by the City pursuant to a municipal ordinance.

(Am. 12/7/09, Ord. No. 1012)

2. No person in charge or control of any private property, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded 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.

3. 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.

4. 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. This article shall not apply to the premises for which a permit to operate a junkyard has been obtained nor shall it apply to the premises where a licensed motor vehicle dealer or a farm implement dealer conducts a business. It shall not apply

to racing vehicles which are stored on licensed trailers.

(Am. by Ord. No. 1012, 12/7/09)

SECTION 3-202: ENFORCEMENT

The city police 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 3-204 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 3-203: NOTICE

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

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

2. 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)(A) or (B) of this section also notifies the city police that a lien or mortgage exists, such notice shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of its removal and storage. In the event the owner does not appear within the time prescribed herein or in the event that the owner cannot be determined, such abandoned vehicle shall be disposed of as hereinafter provided.

SECTION 3-204: DISPOSITION

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

SECTION 3-205: TRANSFER OF TITLE

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

SECTION 3-206: PENAL PROVISIONS

Any person who violates any of the prohibitions or provisions of this article shall be deemed guilty of a misdemeanor. Penalties for such violation shall not exceed \$500.00 and/or imprisonment for a time not to exceed three months, in the discretion of the court.

(Ref. Neb. Rev. Stat. §60-1901 through 60-1911)

ARTICLE III - PARKING

SECTION 3-301: VEHICLES; UNATTENDED

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon and, when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of the street. The driver of a motor vehicle, when traveling upon a downgrade upon any street, shall not coast with the gears of the vehicle in neutral.

(Ref. Neb. Rev. Stat. §60-6,168)

SECTION 3-302: PARKING; GENERALLY

No person shall park any vehicle, or approach the curb with a vehicle, except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb, in such manner as to have both right wheels within 12 inches of the curb and so as to leave at least four feet between the vehicle so parked and any other parked vehicle. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. No person shall park a vehicle so as to obstruct a private driveway, or drive, for any period of time. No person shall park a vehicle, or permit it to stand, within 20 feet in either direction from the entrance of any fire station.

(Ref. Neb. Rev. Stat. §60-6,167, 60-680)

SECTION 3-303: PARKING; AREAS

The City Council, may, by resolution, set aside and post any street, alley, public way or portion thereof for the parking of any particular kind or class of vehicle, and where the parking of vehicles has been prohibited by resolution, no vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way or portion thereof, longer than a period of time necessary to load and unload freight or passengers. The placement of no parking or restricted parking signs shall be prima facie evidence of the restricting resolution.

(Ref. Neb. Rev. Stat. §60-680)

SECTION 3-304: OBSTRUCTING ALLEY

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

(Ref. Neb. Rev. Stat. §60-680)

SECTION 3-305: ALLEYS; LOADING AND UNLOADING

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

(Ref. Neb. Rev. Stat. §60-680)

SECTION 3-306: TRUCKS; UNLOADING; FREIGHT VEHICLES

1. It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any such vehicle on a street which the City Council has designated to be within the "residential district," except to load or unload, and then only when loading or unloading in an alley is impossible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway, or on a sidewalk. The City Council may, by resolution, provide truck parking areas within the City and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes.

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

(Ref. Neb. Rev. Stat. §60-680) (Am. 10/11/04, Ord. No. 922)

SECTION 3-307: OFF-STREET PARKING DEFINED; VIOLATIONS; PARKING IN FRONT YARDS; REMOVAL AND DUTY OF PROPERTY OWNER, PUBLIC NUISANCE; PENALTY; NOTICE; ASSESSMENT

1. "Off-street parking area" or "vehicular use" shall refer to all off-street areas and spaces designed, used, required or intended to be used for parking, including driveways or access ways in and to such areas.

2. Violations; Penalty; Persons Responsible; Purpose

- A. It shall be unlawful for any owner, lessee or bailee or person to park a motor vehicle in a nonconforming off-street parking space as defined herein.
- B. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for

such violation and shall be guilty and subject to the penalties and procedures described in this section.

- C. All violations of this section shall be enforced by the Atkinson Police Department.
- D. These provisions are intended to accommodate vehicles in a functionally satisfactory manner and minimize external effects on neighboring properties.

3. It shall be unlawful for anyone to park a motor vehicle on any unimproved area of a front yard of any property or lot of any kind in the City. For the purpose of this section, "unimproved area" shall mean any area that has not been improved with concrete, asphalt, brick, stone, gravel or crushed rock. The term "motor vehicle" shall mean every self-propelled land vehicle, not operated on rails, except mopeds or self-propelled invalid chairs. No front yard area or lot of any kind shall be improved for parking unless it meets all of the requirements of the municipal code for off-street parking, including but not limited to the zoning provisions referred to in Section 9-301 herein, and specifically Article 906 of the Atkinson Zoning Regulations.

4. It shall be the duty of every owner, landlord or person in possession, charge or control of the real estate upon which any non-designated off-street parking is allowed, to remove or cause to be removed from the premises such vehicle parking in a nonconforming area. It shall be unlawful to allow such vehicle to remain in a nonconforming off-street parking area.

5. It shall be unlawful and hereby declared a public nuisance to allow off-street parking in nonconforming areas or to allow to remain on any property within the City such vehicles in nonconforming areas.

6. Any person violating this provision herein shall upon conviction be deemed guilty of a misdemeanor. Each day shall constitute a separate offense and be punishable as provided in this code.

7. It shall be the duty of the police department in any case where a vehicle is allowed to remain in a nonconforming area and in any nonconforming off-street parking space, to deliver or send a notice to abate and remove such nuisance to the owner of the real estate or the real estate or the owner's duly authorized agent or person in possession, charge or control, and to the occupant, if any, by personal service or ordinary first class mail. Within five days after delivery or mailing of such notice, if the owner, agent or occupant of the real estate or piece of ground fails to comply with the order to abate and remove the nuisance, or if such owner, agent or occupant cannot be notified by personal service or mail, upon written request from the city police department to the city attorney, the City may proceed to abate said public nuisance pursuant to Section 2-603 and 2-606 of the municipal code.

8. If the costs and expenses of removing the vehicle from the nonconforming off-street parking area are not paid within the time provided, the City Council shall, and it is hereby empowered to, levy and assess the costs and expenses of such removal upon the property so benefited.
(10/11/04, Ord. No. 923)

SECTION 3-308: 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. The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted red or yellow to indicate such prohibition.
(Ref. Neb. Rev. Stat. §60-6,166)

SECTION 3-309: SCHOOLS, THEATERS

The City Council may, by resolution, prohibit the parking or stopping of vehicles at the curb on streets directly in front of any entrance to a school house, school building, fire station or theater. Such curbs adjacent to the entrance of said school house, school building, fire station or theater shall be painted red or yellow to indicate such prohibition.

SECTION 3-310: CURB INTERSECTIONS

Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers within 25 feet of the intersection of curb lines or, if none, then within 15 feet of the intersection of property lines nor where said curb lines are painted yellow or red to indicate such prohibition.
(Ref. Neb. Rev. Stat. §60-6,166)

SECTION 3-311: CURBS

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. §60-680)

SECTION 3-312: OBSTRUCTING TRAFFIC

No vehicle shall, except in case of an accident or emergency, stop within any street intersection, alley entrance or any such location as to obstruct any street, crosswalk or alley entrance.
(Ref. Neb. Rev. Stat. §60-680)

SECTION 3-313: CURBS, PAINTED

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

(Ref. Neb. Rev. Stat. §60-680)

SECTION 3-314: 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 3-315: 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 or district designated by such resolution, and the parking or stopping of any vehicle in any such street or district for a period of time longer than fixed in such resolution shall constitute a violation of this article.

SECTION 3-316: MAXIMUM TIME LIMIT

It shall be unlawful for any person to park or leave unattended any motor vehicle upon a public street of the City for more than 24 consecutive hours, except where a different maximum time limit is posted.

(Ref. Neb. Rev. Stat. §60-680)

SECTION 3-317: EMERGENCY VEHICLES

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

SECTION 3-318: SNOW REMOVAL AND MAINTENANCE

It shall be unlawful to park or stand any vehicle on any street or alley in the City at any time within 12 hours after a snowfall of three inches or more has occurred within a 24 hour period unless the snow has been removed within that time.

The streets from which snow will be first removed shall be primary routes as shown by red on the map on file in the office of the city clerk and incorporated herein. After snow removal has taken place on said primary routes, the next streets on which snow will be removed shall be secondary routes as shown by blue, then green on the map filed in the office of the city clerk.

The city police may order any street or alley or portion thereof vacated for weather emergencies or street maintenance. 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. Such signs shall be posted not less than four hours prior to the time that the vacation order is to be effective. 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 the city police, to a suitable nearby location without further notice to the owner or operator of such vehicle.

SECTION 3-319: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES; DISPLAY OF PERMITS

The City Council may designate parking spaces for the exclusive use of (a) handicapped or disabled persons whose vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Section 60-311.14, R.S. Neb., (b) handicapped or disabled persons whose vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state, (c) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City Council, whose vehicles display the identification specified in Section 3-324, and (d) such other motor vehicles, as certified by the City Council, which display such identification. All such permits shall be displayed in the operator's area in a conspicuous location upon the vehicle's dashboard or its equivalent so as to be clearly visible through the front windshield.

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

SECTION 3-320: HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING 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 vehicles display the distinguishing license plates issued to such individuals pursuant to Section 60-311.14, R.S. Neb., (b) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City Council, whose vehicles display the identification specified in Section 3-324, and (c) such other motor vehicles, as certified by the City Council, which display such identification. Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign which is in conformance with the 19th edition of the Manual on Uniform Traffic Control Devices for Streets and Highways issued by the Federal Highway Administration.

SECTION 3-321: HANDICAPPED OR DISABLED PERSONS, HANDICAPPED PARKING INFRACTION; DEFINED

For the purposes of Sections 3-319 through 3-324, the following terms shall be defined as follows:

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

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

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

SECTION 3-322: HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE

The city clerk shall take an application from handicapped or disabled or temporarily handicapped or disabled person or their parent, legal guardian or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by these Sections 3-319 through 3-324. Persons applying for a permit

shall complete such forms as are provided to the city clerk by the Department of Motor Vehicles and shall demonstrate to the satisfaction of the city clerk that he or she is handicapped or disabled. The city clerk may require medical certificates and proof of a handicap or disability.

The city clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons applying for a permit pursuant to this section. The Department of Motor Vehicles, upon receipt from the city clerk of a completed application form and completed medical form from an applicant for a handicapped parking permit under this section, shall verify that the applicant qualifies for such permit and, if so, shall issue the same by delivering the permit to the applicant in person or by first-class United States mail, postage prepaid, as circumstances permit. Upon issuing such permit, the department shall provide the basic issuing data to the city clerk.

SECTION 3-323: HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT ISSUANCE; EXPIRATION DATE

The city clerk shall take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled person to park in those spaces provided by this section, if the motor vehicle is used primarily for the transportation of such persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons.

Persons applying for permits pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided by the Department of Motor Vehicles, and shall demonstrate to the city clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons.

The city clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons applying for a permit pursuant to this section. The Department of Motor Vehicles, upon receipt from the city clerk of a completed application form and completed medical form from an applicant for a handicapped parking permit under this section, shall verify that the applicant qualifies for such permit and, if so, shall issue the same by delivering the permit to the applicant in person or by first-class United States mail, postage prepaid, as circumstances permit. Upon issuing such permit, the department shall provide the basic issuing data to the city clerk.

All permanently issued permits for handicapped or disabled parking issued on or after August 1, 2005, shall be valid for a period ending on the last day of the month of the applicant's birthday in the third year after issuance and shall expire on that day. All permits issued thereafter shall expire on the last day of the month of the applicant's birthday and every three years thereafter.
(Added January 9, 2006, Ord. No. 942)

SECTION 3-324: HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY

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, of any vehicles not displaying proper identification or the distinguishing license plates specified in this article if there is posted immediately adjacent to and visible from such stall or other space a sign which clearly and conspicuously states the area so designated as a tow-in zone.

Anyone parking in any 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 identification or when the handicapped or disabled person to whom or for whom the license plate or permit is issued is not being transported shall be guilty of a handicapped parking infraction as defined in Section 3-321, and shall be subject to the penalties and procedures set forth in this article. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in this chapter.

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

SECTION 3-325: REMOVAL OF ILLEGALLY PARKED VEHICLES

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

The owner or other person lawfully entitled to the possession of such vehicle may be charged with the reasonable cost for such removal and storage, payable before such vehicle is released. Any such towing or storage fee shall become a security interest in the vehicle prior to all other claims.

SECTION 3-326: LIABILITY OF VEHICLE OWNER OR OPERATOR

Nothing in this article shall be construed or pleaded as justifying, absolving, or rendering blameless, either directly or indirectly, any person in charge of or owning any vehicle, for any injury or damage to persons or property due to recklessness, incompetence or negligence in the operation of said vehicle.

ARTICLE IV – BICYCLES, MOTORCYCLES, SNOWMOBILES,
ALL-TERRAIN VEHICLES AND MINI-BIKES

SECTION 3-401: BICYCLES; OPERATION

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

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

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

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

5. 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 righthand curb or righthand edge of the roadway as practicable except when:

A. Overtaking and passing another bicycle or vehicle proceeding in the same direction;

B. Preparing for a left turn onto a private road or driveway or at an intersection;

C. Reasonably necessary to avoid conditions that make it unsafe to continue along the righthand curb or righthand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals or surface hazards;

D. Riding upon a lane of substandard width which is too narrow for a bicycle and vehicle to travel safely by side within the lane; or

E. Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in Section 60-6,142 R.S. Neb.

Any person who operates a bicycle upon a roadway with a posted speed limit of 35 miles per hour or less on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes may ride as near to the left-hand curb or lefthand 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.

6. No person shall park a bicycle on any sidewalk unless a bicycle stand is located on said sidewalk.

7. No person shall operate a bicycle on the sidewalks within the business district.

(Ref. Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318)

SECTION 3-402: CLINGING TO MOTOR VEHICLE

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

(Ref. Neb. Rev. Stat. §60-6,316)

SECTION 3-403: MOTORCYCLE OPERATION

1. 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.

2. Any person who operates a motorcycle shall ride only upon a permanent and 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 and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

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

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

5. 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.

6. 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 land. This subsection shall not apply to motorcycles operated two abreast in a single lane.

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

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

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

10. Subsections 7 and 8 of this section shall not apply to police officers in the performance of their official duties.

(Ref. Neb. Rev. Stat. §60-6,306 through 60-6,308)

SECTION 3-404: MOTORCYCLE; 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 3-405: SNOWMOBILES; EQUIPMENT

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

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

(Ref. Neb. Rev. Stat. §60-6,335)

SECTION 3-406: SNOWMOBILES; UNLAWFUL OPERATION

It shall be unlawful for any person to operate a snowmobile upon any street or highway within the corporate limits of the City; provided, snowmobiles may be operated within the City when, due to severe weather conditions, they provide the only practical method of safe vehicular travel. When such conditions do exist,

the snowmobile shall be operated only in a manner and at a speed that is reasonable or proper under the surrounding circumstances.

SECTION 3-407: SNOWMOBILES; UNLAWFUL ACTS

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

1. Within the congested area of the City unless said snowmobile is engaged in responding to an emergency.

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

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

4. Without a lighted headlight and taillight when such would be required by conditions.

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

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

(Neb. Rev. Stat. §60-6,337)

SECTION 3-408: SNOWMOBILES; ON PUBLIC LANDS

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

(Neb. Rev. Stat. §60-6,338)

SECTION 3-409: SNOWMOBILES; ENFORCEMENT; PENALTY

Any peace officer, including a conservation officer, may enforce the provisions relating to snowmobiles. Any person convicted of violating any rule or regulation dealing with snowmobiles shall be punished by a fine of not more than \$500.00.

(Neb. Rev. Stat. §60-6,343)

SECTION 3-410: ALL-TERRAIN AND UTILITY VEHICLES; DEFINED

“All-terrain vehicle” means any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 900 lbs. or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers or as specifically designed by the original manufacturer for the operator and one passenger, (5) has a seat or saddle designed to be straddled by the

operator, and (6) has handlebars or any other steering assembly for steering control.

“Utility vehicle” shall mean any side-by-side vehicle (e.g. Gator, Mule, Prowler) or golf cart.

“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. §60-6,355) (Am. by Ord. Nos. 1015, 03/01/10; 1071, 9/2/14)

SECTION 3-411: ALL-TERRAIN AND UTILITY VEHICLES; OPERATION

1. An all-terrain vehicle (ATV) or utility vehicle (UTV) may be operated on the streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this ordinance.

2. An ATV or a UTV may be operated on the streets and highways within the corporate limits of the City only if such vehicle is equipped with headlights, taillights, brake lights, an OEM muffler and a federally approved 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.

3. In order to be authorized for operation on the streets and highways of the City, an ATV or a UTV must be registered in the office of the city clerk. A registration sticker will be issued upon submitting proof of the following:

- A. A certificate from the city office indicating that the ATV or UTV has been inspected by an official or officials designated by the mayor and council and that said vehicle complies in full with the equipment requirements identified in subsection (2) above.
- B. Liability insurance coverage for the ATV or UTV while in operation on a street or highway.
- C. Payment of a \$10.00 annual fee for registration of the vehicle. All such fees paid shall be credited to the street fund of the City.

4. Upon compliance with the registration requirements identified herein, the city clerk shall issue a registration sticker for the ATV or UTV being registered. Said registration sticker must be prominently displayed upon the rear of said vehicle at all times while such vehicle is in operation on the streets and highways of the City.

5. Any person operating an ATV or a UTV as authorized by this ordinance shall:

- A. Possess a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat §60-4,126;
- B. Provide proof of such insurance coverage, as required elsewhere in this ordinance, to any peace officer requesting such proof within five days of the request being made.

6. No person shall operate an ATV or a UTV on the streets or highways of the City in violation of the rules of the road as established by the Nebraska Revised Statutes, except that the provisions of this ordinance may be waived by the City for operators and vehicles being used for and while participating in a parade authorized by the City.

(Neb. Rev. Stat. §60-6,356) (Am. by Ord. Nos. 980, 11/5/07; 1015, 03/01/10; 1071, 9/2/14)

SECTION 3-412: ALL-TERRAIN AND UTILITY VEHICLES; PENALTIES

Any person who violates any provision of this ordinance, specifically by operating an ATV or UTV on the streets and highways of the City in violation of any provision of this ordinance, shall be punishable as provided generally in the Atkinson Municipal Code and specifically:

1. A fine of \$25.00 for the first offense; a fine of \$50.00 for the second offense; a fine of \$100.00 for the third and any subsequent offenses;

2. For the second and subsequent offenses, in addition to the fines outlined in (2) and (3) of this section, the ATV or UTV which was operated in violation of this ordinance shall be impounded for a period of ten days; and

3. The owner of any impounded all terrain or utility vehicle shall pay an impoundment fee of \$10.00 for each day of impoundment. Such fee must be paid in full prior to the release of the vehicle.

(Neb. Rev. Stat. §60-6,362) (Am. by Ord. Nos. 1015, 03/01/10; 1071, 9/2/14)

SECTION 3-413: ALL-TERRAIN AND UTILITY VEHICLES; ENFORCEMENT

Any peace officer of the State or of any political subdivision, including conservation officers of the Game and Parks Commission, shall be charged with the enforcement of the provisions of Section 3-411 and 3-414 to 3-416 of this article.

SECTION 3-414: ALL-TERRAIN VEHICLES; PROHIBITIONS

No person shall: (1) equip the exhaust system of an ATV with a cut-out, bypass or similar device; (2) operate an ATV with an exhaust system so modified; or (3) operate an ATV with the spark arrester removed or modified except for use in closed-course competition events. (Neb. Rev. Stat. §60-6,359)

SECTION 3-415: ALL-TERRAIN VEHICLES; COMPETITION

ATVs participating in competitive events may be exempted from Sections 3-411(2) and 3-414 at the discretion of the director of motor vehicles. (Neb. Rev. Stat. §60-6,360)

SECTION 3-416: ALL-TERRAIN VEHICLES; ACCIDENT REPORT

If an accident involving an ATV 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 ATV involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-505. (Neb. Rev. Stat. §60-6,361)

SECTION 3-417: MINI-BIKES; UNLAWFUL OPERATION

It is unlawful for any mini-bike or similar two-, three- or four-wheeled miniature vehicle whose visibility, power and equipment are inadequate for mixing with normal vehicular traffic upon the streets and highways to be operated on any such street or highway. For purposes of this article, "mini-bike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than 14 inches or an engine-rated capacity of less than 45 cubic centimeters displacement or a seat height less than 25 inches from the ground or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §60-2101.01, 60-2107)

SECTION 3-418: MINI-BIKES; TRAFFIC LAWS INAPPLICABLE

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

SECTION 3-419: 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. §60-2102)

SECTION 3-420: 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. §60-2106)

ARTICLE V - PENAL PROVISION

SECTION 3-501: 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 per the waiver schedule on file in the office of the city clerk. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Am. Ord. No. 1060, 1/6/14)