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CHAPTER 3 –VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 3-101: DEFINITIONS

The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60, Article 6, 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: LAW OFFICERS; ENFORCEMENT

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

SECTION 3-103: LAW OFFICERS; EMERGENCY REGULATIONS

All village law enforcement officers are hereby empowered to make and enforce temporary regulations to cover emergencies. (Neb. Rev. Stat. §81-2005)

SECTION 3-104: LAW OFFICERS; REFUSAL TO OBEY

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

SECTION 3-105: TRAFFIC OFFICERS

The Village Board or the village law enforcement officers may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer, notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection. (Neb. Rev. Stat. §60-680, 60-683)

SECTION 3-106: SIGNS, SIGNALS

The Village Board may, by resolution, provide for the placing of stop signs or other signs, signals, standards or mechanical devices in any street or alley for the purpose of regulating or prohibiting traffic and parking. Such resolution shall describe the por-

tion of the street or alley wherein traffic is to be regulated or prohibited; details of 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. (Neb. Rev. Stat. §60-6,119)

SECTION 3-107: STOP SIGNS

Every person operating any vehicle, upon approaching any stop sign erected in accordance with ordinances prescribed herein, shall cause such vehicle to come to a complete stop with the front wheels of said vehicle even with said stop sign. (Neb. Rev. Stat. §60-6,123)

SECTION 3-108: 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. (Neb. Rev. Stat. §60-6,129 to 60-6,139)

SECTION 3-109: SPEED LIMITS; GENERALLY

No person shall drive a vehicle on any street at a speed greater than is reasonable and prudent under the conditions then existing, nor at a rate of speed such as to endanger life and limb of any person, nor in any case in any residential district within said village at a speed greater than 25 miles per hour. No person shall drive a vehicle at a rate of speed greater than 20 miles per hour in the business district. No person shall operate a motor vehicle within the village 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. (Neb. Rev. Stat. §60-6,186)

SECTION 3-110: SPEED LIMITS; NEAR SCHOOL

It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes, during school recess or while children are going to or leaving school during the opening or closing hours, to drive such vehicle at a rate of speed in excess of 15 miles per hour past such premises, and such driver shall stop at all stop signs located at or near such school premises. (Ref. Neb. Rev. Stat. §60-6,658.01)

SECTION 3-111: CROSSINGS

The Village Board may by resolution establish and maintain crosswalks, by appropriate devices, markers or lines upon the street, at intersections where there is particular danger to pedestrians crossing the street. (Neb. Rev. Stat. §60-680)

SECTION 3-112: 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 street 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 street, 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 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 streets intersecting one another. (Neb. Rev. Stat. §60-6,159)

SECTION 3-113: TURNING; CAUTION

Before stopping, turning or changing the course of a vehicle, the operator of such vehicle shall 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 other unmistakable signal to the drivers of all other vehicles of his/her intention to make such movement. (Neb. Rev. Stat. §60-163)

SECTION 3-114: 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. (Neb. Rev. Stat. §60-6,160)

SECTION 3-115: RIGHT OF WAY; GENERALLY

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 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 entering a village street from a private road or drive shall yield the right of way to all vehicles approaching on such streets.

2. 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.
(Neb. Rev. Stat. §60-6,146 through 60-6,154)

SECTION 3-116: RIGHT OF WAY; EMERGENCY VEHICLES

Upon the approach of any authorized emergency vehicle which is operated on official business and the driver thereof sounds the siren or activates the vehicle's flashing emergency lights, every vehicle within one block of the route of such emergency vehicle shall immediately stop except at the time it is on or crossing a street intersection, in which event such vehicle shall clear 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 emergency vehicle has passed. (Neb. Rev. Stat. §60-151)

SECTION 3-117: POSITION OF VEHICLE ON ROADWAY; GENERALLY

Upon all streets and highways of sufficient width, the driver of a vehicle shall drive 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. (Neb. Rev. Stat. §60-6,131)

SECTION 3-118: BACKING

The driver of a parked vehicle about to back up shall give moving vehicles the right of way. While backing, the driver shall exercise unceasing vigilance so as not to injure those behind. (Neb. Rev. Stat. §60-6,169)

SECTION 3-119: DRIVING IN SIDEWALK SPACE

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

SECTION 3-120: CARELESS DRIVING

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

SECTION 3-121: MUFFLER

Every motor vehicle operated within this village 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 street; provided, the provisions of this section shall not apply to authorized emergency vehicles. (Neb. Rev. Stat. §60-6,286)

SECTION 3-122: FUNERAL PROCESSIONS

No vehicle, except law enforcement or Fire Department vehicles when responding to emergency calls or orders, ambulances responding to emergency calls or vehicles carrying United States mail, shall be driven through a funeral procession or cortege except with the permission of a police officer. (Neb. Rev. Stat. §60-119)

SECTION 3-123: GLASS, POINTED OBJECTS

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

SECTION 3-124: OVERLOADING FRONT SEAT OR OBSTRUCTING DRIVER'S VIEW OR DRIVING MECHANISM

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. (Neb. Rev. Stat. §60-6,179)

SECTION 3-125: RIDING OUTSIDE VEHICLE

No person shall permit any other person to ride on the running board, hood, top, fenders, bumpers or outside step of any motor vehicle; nor shall any person ride on the running board, hood, top, fenders, bumpers or outside of any motor vehicle. (Neb. Rev. Stat. §60-6,179, 60-680)

SECTION 3-126: DRIVING ABREAST

Two or more vehicles shall not be driven abreast except when passing. (Neb. Rev. Stat. §60-6,139, 60-6,308)

SECTION 3-127: 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 such vehicles, traffic conditions and the condition of the street. (Neb. Rev. Stat. §60-6,140)

SECTION 3-128: 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 by day and a red light after sunset shall be affixed at the furthest projection of such load. (Neb. Rev. Stat. §60-243)

SECTION 3-129: 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. (Neb. Rev. Stat. §60-6,301)

SECTION 3-130: ENGINE BRAKING

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

Article 2 – Parking

SECTION 3-201: DESIGNATION BY VILLAGE BOARD

1. The Village Board may by resolution (A) 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; and (B) set aside and post any street, alley, public way or portion thereof for the parking of any particular kind or class of vehicle.

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

SECTION 3-202: OBSTRUCTING TRAFFIC

Except in case of an accident or emergency, no vehicle shall stop within any street intersection or alley entrance, or any location where it obstructs any street, crosswalk or alley entrance. (Neb. Rev. Stat. §60-680)

SECTION 3-203: OBSTRUCTING PUBLIC SIDEWALK

It shall be unlawful for any person to park a motor vehicle, cause a motor vehicle to be parked or allow a motor vehicle to remain parked in such a position as to block or obstruct all or any portion of a public sidewalk. (Neb. Rev. Stat. §60-680)

SECTION 3-204: EMERGENCY VEHICLES

The provisions of this article regulating the 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. (Neb. Rev. Stat. §60-6,114)

SECTION 3-205: FIRE STATION AND HYDRANTS

No vehicle shall be parked within 15 feet in either direction of any fire hydrant or 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 to indicate such prohibition. (Neb. Rev. Stat. §60-6,166)

SECTION 3-206: SNOW REMOVAL AND STREET MAINTENANCE

The Village Board shall have the power to 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. Any person parking a

vehicle in violation of this section shall be subject to the penalties provided in this chapter, and such vehicle may be removed and parked under the supervision of village personnel to a suitable nearby location without further notice to the owner or operator of such vehicle. (Neb. Rev. Stat. §60-680)

SECTION 3-207: 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. This fee shall be in addition to any other fees or penalties owed the Village for such vehicle. (Neb. Rev. Stat. §60-6,165, §60-680)

Article 3 – Bicycles, Motorcycles, Mini-Bikes, Mopeds and Other Conveyances

SECTION 3-301: BICYCLES

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

2. No bicycle shall be ridden 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. Bicycle riders shall observe all traffic signs and stop at all stop signs.

4. No bicycle shall be permitted on any street or other public highway from one-half hour after sunset to one-half hour before sunrise without a firmly attached headlight which is visible under normal atmospheric conditions from the front thereof for not less than 500 feet. The said headlight shall emit a clear, white light and shall be turned on when such bicycle is ridden during the hours stated above. Such bicycle shall also be equipped with a yellow or red light reflector attached to and visible 500 feet from the rear thereof.

5. No person shall ride or propel a bicycle upon any street or other public highway abreast of more than one other person riding or propelling a bicycle.

6. Every person riding or propelling a bicycle upon any street or other public highway shall observe all traffic rules and regulations applicable thereto, turning only at intersections, signaling for all turns, riding at the right-hand side of the street or highway and passing to the left when overtaking vehicles and individuals that are slower moving.

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

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

SECTION 3-402: CONVEYANCES; CLINGING TO MOTOR VEHICLE

No person riding upon any bicycle, roller skates, mini-bike, motorcycle, coaster, 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 traveling upon any bicycle, roller skates, mini-bike, motorcycle, coaster, sled, skis or toy vehicle to cling to or attach himself/herself or his/her bicycle, roller skates, mini-bike, motorcycle, coaster, sled, skis or toy vehicle to such vehicle so driven and operated by him/her. (Neb. Rev. Stat. §60-6,316)

SECTION 3-303: MOTORCYCLES; 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 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 lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

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

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

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

10. Subsections 8 and 9 of this section shall not apply to law enforcement officers in the performance of their official duties.

(Neb. Rev. Stat. §60-6,307, 60-6,308)

SECTION 3-304: MOTORCYCLES; LIGHTS

No person shall ride a motorcycle upon the streets, alleys or highways from one half hour after sunset to one half hour before sunrise unless the same shall be equipped with at least one and not more than two headlights, plainly visible from the front and a light on the rear exhibiting a red light visible under normal atmospheric conditions

from a distance of at least 500 feet to the rear thereof, provided, said lamps shall comply with the requirements and limitations of state statutes. (Neb. Rev. Stat. §60-6,219)

SECTION 3-305: MINI-BIKES; UNLAWFUL OPERATION

It shall be unlawful for any person to operate a mini-bike upon any street or highway within the corporate limits of the Village. For purposes of this article, "mini-bike" shall mean a two-wheeled 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-wheeled motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §60-6,353)

SECTION 3-306: MINI-BIKES; EMERGENCIES AND PARADES

Mini-bikes shall be exempt from the provisions of this article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization. (Neb. Rev. Stat. §60-6,348)

SECTION 3-307: MINI-BIKES; PUBLIC LANDS

Mini-bikes shall be prohibited upon the public lands owned by the Village, except where allowed by resolution of the Village Board. (Neb. Rev. Stat. §60-6,352)

SECTION 3-308: MINI-BIKES; TRAFFIC LAWS INAPPLICABLE

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

SECTION 3-309: 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 Neb. Rev. Stat. Chapter 60, Article 4, but shall be exempt from the requirements of Neb. Rev. Stat. Chapter 60, Articles 1, 3, and 5. (Neb. Rev. Stat. §60-6,309)

SECTION 3-310: MOPEDS; OPERATOR'S LICENSE REQUIRED

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

SECTION 3-311: MOPEDS; TRAFFIC REGULATIONS APPLICABLE

Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under this chapter and Neb. Rev. Stat. §39-601 to 39-6,122, except for those provisions of such sections which by their nature can have no application. Such regulations applicable to mopeds shall apply whenever a moped shall be operated upon any street, alley or public highway within the Village or upon any path set aside by the Department of Roads or local authority for the use of mopeds. Notwithstanding any established maximum speed limits in excess of 25 miles per hour, no person shall operate any moped at a speed in excess of 30 miles per hour. (Neb. Rev. Stat. §60-6,311)

SECTION 3-312: MOPEDS; OPERATION

1. Any person who operates a moped 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 moped unless such moped is designed by the manufacturer to carry more than one person.

2. Any person shall ride a moped only while sitting astride the seat, facing forward. Further, 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. No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the moped or the view of the operator. No person who rides upon a moped shall attach himself/herself or the moped to any other vehicle on a roadway.
(Neb. Rev. Stat. §60-6,312)

SECTION 3-313: MOPEDS; USE OF TRAFFIC LANES

A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of 45 miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane. This section shall not apply to mopeds or motorcycles operated two abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. Mopeds shall not be operated more than two abreast in a single lane. Any person who operates a moped on a roadway with an authorized speed limit of more than 45 miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file. (Neb. Rev. Stat. §60-6,313)

SECTION 3-314: MOPEDS; EQUIPMENT

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

Article 4 – Snowmobiles

SECTION 3-401: SNOWMOBILES; EQUIPMENT

Every snowmobile operated within the Village shall be registered with the State of Nebraska as required by law and shall be equipped as required by state statutes. (Neb. Rev. Stat. §60-6,321, 60-6,335)

SECTION 3-402: 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 Village unless weather conditions are such that it provides the only practicable method of safe vehicular travel, or said snowmobile is engaged in responding to an emergency.

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 3-403: SNOWMOBILES; STREETS

The operation of snowmobiles on any village street or other public property owned by the Village, except in times of a snow emergency as defined herein, is prohibited. A “snow emergency” is defined to be that time during and immediately following snow-fall within the Village when two-wheel-drive vehicular travel is not possible and the village snow removal crew has not commenced removal of snow from village streets and alleys. (Neb. Rev. Stat. §60-335)

SECTION 3-404: 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 Department 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. (Neb. Rev. Stat. §60-335)

Article 5 – Abandoned Vehicles

SECTION 3-501: DEFINED

1. A motor vehicle is an abandoned vehicle:
 - 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; or
 - 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.

2. For purposes of this section:
 - A. “Public property” means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and
 - B. “Private property” means any privately owned property which is not included within the definition of public property.

3. No motor vehicle subject to forfeiture under state statutes shall be an abandoned vehicle under this section.
(Neb. Rev. Stat. §60-1901)

SECTION 3-502: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in Section 3-501 (A)(1), (2), (3), or (4). (Neb. Rev. Stat. §60-1907)

SECTION 3-503: TITLE; VEST IN LOCAL AUTHORITY OR STATE AGENCY; WHEN

If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid “In Transit” signs issued pursuant to state statute affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest in the Village Board or state agency having jurisdiction thereof as provided in Section 3-506 (Custody). Any certificate of title

issued under this section to the Village Board or state agency shall be issued at no cost to such authority or agency. (Neb. Rev. Stat. §60-1902)

SECTION 3-504: LOCAL AUTHORITIES; POWERS AND DUTIES

1. Except for vehicles governed by Section 3-503, the Village Board, having custody of an abandoned vehicle, shall make an inquiry concerning the last-registered owner of such vehicle as follows:

- A. With license plates affixed, to the jurisdiction which issued such license plates; or
- B. With no license plates affixed, to the Department of Motor Vehicles.

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

3. Title to an abandoned vehicle, if unclaimed, shall vest in the Village Board five days after the date the notice is mailed if the vehicle will be sold or offered at public auction, 30 days after the date the notice is mailed if the Village Board will retain the vehicle, or if the last-registered owner cannot be ascertained, when notice of such fact is received.

4. After title to the abandoned vehicle vests pursuant to subsection (3) of this section, the Village Board may retain for use, sell, or auction the abandoned vehicle. If the Village Board has determined that the vehicle should be retained for use, the Board shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the Village Board intends to retain the abandoned vehicle for its use and that title will vest in the Village Board 30 days after the publication.

(Neb. Rev. Stat. §60-1903)

SECTION 3-505: LAW ENFORCEMENT AGENCY; POWERS AND DUTIES

A local law enforcement agency which has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the said law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle. This section shall not apply to motor vehicles subject to forfeiture under state statutes. No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this section unless the registered owner

or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. (Neb. Rev. Stat. §60-1903.01)

SECTION 3-506: CUSTODY; WHO ENTITLED

If a state agency caused an abandoned vehicle described in Section 3-501 (1)(E) to be removed from public property, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in Section 3-501 (1)(A), (B), (C), or (D) to be removed from public property, the state agency shall deliver the vehicle to the Village Board, which shall have custody. The Village Board shall be entitled to custody of an abandoned vehicle if the said vehicle was abandoned in the Village. (Neb. Rev. Stat. §60-1904)

SECTION 3-507: PROCEEDS OF SALE; DISPOSITION

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

SECTION 3-508: LIABILITY FOR REMOVAL

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

SECTION 3-509: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL; EXCEPTION; VIOLATION; PENALTY

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

SECTION 3-510: COSTS OF REMOVAL AND STORAGE; LAST-REGISTERED OWNER LIABLE

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

Article 6 – Penal Provision

SECTION 3-601: VIOLATION; PENALTY

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