

Chapter 5

TRAFFIC REGULATIONS

Article 1. Definitions

§5-101 **DEFINITIONS.** The words and phrases used in this Chapter, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Chapter 60, Article 6 of the Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. (*Ref. 60-606 through 60-676 RS Neb.*)

BUSINESS DISTRICT. The term "business district" shall mean the territory included within a boundary line running East from the point of intersection of the medial lines of Third Street and C Street to the point of intersection of the medial lines of Sixth Street and C Street, then North to the Union Pacific boundary limits, then West to the medial line of Third Street, then South to the point of beginning.
(*Amended by Ord. No. 851, 4/8/98*)

Article 2. Municipal Traffic Regulations

- §5-201** **TRUCK ROUTES.** The Governing Body may, by resolution, designate certain streets in the Municipality that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through, or about the Municipality. The Governing Body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. *(Ref. 39-6, 189 RS Neb.)*
- §5-202** **ONE-WAY TRAFFIC.** The Governing Body may, by resolution, provide for one-way travel in any street, or alley located in the Municipality and shall provide for appropriate signs and markings when said streets have been so designated by resolution. *(Ref. 39-697 RS Neb.)*
- §5-203** **TRAFFIC LANE; DESIGNATION.** The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. *(Ref. 39-697 RS Neb.)*
- §5-204** **TURNING; "U" TURNS.** No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. U-turns shall be prohibited on Fourth Street from the north city limits to the south city limits and on "D" Street from Third Street to Fifth Street. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation, or where a sign is posted indicating that U-turns are prohibited. *(Ref. 39-651, 39-697 RS Neb.) Amended by Ord. No. 741, 3/13/91)*
- §5-205** **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 (2) streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway, and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this Section, the center of the intersection shall mean the meeting point of the medial lines of the highways intersecting one another. *(Ref. 39-650 RS Neb.)*
- §5-206** **RIGHT-OF-WAY; GENERALLY.** When two (2) 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 Municipal Policeman 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. 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 Municipal street from a private road, or drive shall yield the right-of-way to all vehicles approaching on such streets. The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals. (Ref. 39-635 thru 39-643 RS Neb.)

- §5-207** **RIGHT-OF-WAY; OVERTAKING VEHICLES**. The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle. (Ref. 39-622 RS Neb.)
- §5-208** **RIGHT-OF-WAY; SLOW MOVING VEHICLES**. Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage to their left. Vehicles in motion shall be kept between the curb at the right and the center of the street. (Ref. 39-622, 39-697 RS Neb.)
- §5-209** **RIGHT-OF-WAY; EMERGENCY VEHICLES**. Upon the approach of any authorized emergency vehicle, every vehicle within one (1) block of the route of such emergency vehicle shall immediately stop, except at the time they are on or crossing a street intersection, in which event, such vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right hand curb as possible and remain there until such authorized emergency vehicle or vehicles have passed; Provided, said vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals. (Ref. 39-640 RS Neb.)
- §5-210** **POSITION OF VEHICLE ON HIGHWAY; GENERALLY**. Upon all highways of sufficient width, one-way streets excepted, the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least one half (1/2) of the main traveled portion of the roadway. (Ref. 39-620 RS Neb.)
- §5-211** **POSITION OF VEHICLE ON HIGHWAY; PASSING**. A vehicle shall not be driven to the left of the center line of the highway in overtaking or passing another vehicle proceeding in the same direction, unless such left side is clearly visible and free from oncoming traffic for a sufficient distance to permit such overtaking and passing to be made in safety. (Ref. 39-625 RS Neb.)
- §5-212** **POSITION OF VEHICLE ON HIGHWAY; SLOW VEHICLES**. Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage on the left. (Ref. 39-622, 39-697 RS Neb.)
- §5-213** **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.
- §5-214** **STOPS; CROSSING SIDEWALKS**. All vehicles before crossing a sidewalk, emerging from a garage, alley, filling station, or other place within the "business district," 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.

- §5-215** **CROSSWALKS.** The Governing Body may, by resolution, establish and maintain, by appropriate devices, markers, or lines upon the street, crosswalks, at intersections where there is particular danger to pedestrians crossing the street, and at such other places as they may deem necessary. (*Ref. 39-697 RS Neb.*)
- §5-216** **SIGNS; SIGNALS.** The Governing Body may, by resolution, provide for the placing of stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the Municipality's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulations, or prohibition. (*Ref. 39-609 thru 39-611, 39-967 RS Neb.*)
- §5-217** **STOP SIGNS.** Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line, or, if there is no stop line, before entering the crosswalk; but if neither is indicated, then as near the right-of-way line of the intersecting roadway as possible. (*Ref. 39-609 thru 39-611, 39-697 RS Neb.*)

Article 3. Prohibitions and Enforcement

- §5-301 **LITTERING**. *(Repealed by Ord. No. 735, 10/10/90)*
- §5-302 **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. *(Ref. 39-638 RS Neb.)*
- §5-303 **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. 39-619 RS Neb.)*
- §5-304 **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. *(Ref. 39-618 RS Neb.)*
- §5-305 **UNNECESSARY NOISE FROM A MOTOR VEHICLE**. It shall be unlawful for any person to operate any vehicle, as defined by ordinance, upon any highway, street, alley, public way, or within the corporate limits of the Municipality, in such a manner as to cause unnecessary noise, spinning or squealing of tires, loss of traction, skidding, sliding, swaying or abrupt turns, and, it shall be unlawful for any person at any time to use a horn on such a vehicle otherwise than as a necessary warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn on such a vehicle. *(Amended by Ord. No. 643, 9/11/85)*
- §5-306 **SPEED LIMITS**. No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than twenty-five (25) miles per hour within the residential district, and twenty (20) miles per hour within the business district, unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. *(Ref. 39-662, 39-663 RS Neb.)*
- §5-307 **SPEED; ELECTRONIC DETECTOR**. The speed of any motor vehicle within the Municipality 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 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. 39-664 RS Neb.)

§5-308 **DRUNKEN DRIVING.** It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:

- a. While under the influence of alcoholic liquor or of any drug;
- b. When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; or
- c. When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.

Any person who operates or has in his or her actual physical control a motor vehicle in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine. Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village may require any person arrested for any offense arising out of acts alleged to have been committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in this state while under the influence of alcoholic liquor or drugs.

Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of a Class V misdemeanor.

Upon the conviction of any person for the violation of this section, there shall be assessed as part of the court costs, the fee charged by any physician or any agency administering the test or tests and the analysis thereof. (Ref. 60-6,196 to 60-6,197.08 RS Neb.)

§5-309 **RECKLESS DRIVING.** Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving, and as such shall be punished as provided by statute. (Ref. 39-669.01, 39-669.02, 39-669.26 RS Neb.)

§5-310 **NEGLIGENT DRIVING.** Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving. (Ref. 9-669.26 RS Neb.)

- §5-311** **BACKING.** It shall be unlawful for any person to back a motor vehicle on the municipal streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; Provided, a vehicle shall be backed only when such movement can be made in safety and in no case shall the distance of the backing exceed one and one-half (1½) lengths of the vehicle. (Ref. 39-675, 39-697 RS Neb.)
- §5-312** **UNNECESSARY STOPPING.** It shall be unlawful for any person to stop any vehicle on any public street or alley, other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right-of-way to pedestrians or to other vehicles. (Ref. 39-672, 39-697 RS Neb.)
- §5-313** **VEHICLE; MUFFLER.** Every motor vehicle operated within this Municipality shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. It shall be unlawful to use a “muffler cut-out” on any motor vehicle upon any streets; Provided, the provisions of this section shall not apply to authorized emergency vehicles. (Ref. 39-6, 137 RS Neb.)
- §5-314** **POLICE; REFUSAL TO OBEY.** It shall be unlawful for any person to refuse, or fail to comply with, any lawful order, signal, or direction of a police officer. (Ref. 39-697 RS Neb.)
- §5-315** **DRIVING IN SIDEWALK SPACE.** It is hereby declared unlawful for any person or persons in the corporate limits of this City to drive an automobile or other motor vehicle on any sidewalk, crosswalk, or sidewalk area except upon a permanent or duly authorized temporary driveway in the corporate limits of said City. (Ord. No. 501, 6/25/75)
- §5-316** **ENGINE BRAKING.** (1) A person commits the offense of engine braking if the person is operating a motor vehicle on a street or highway and uses an unmuffled engine brake. (2) The offense described in this section, engine braking, is a traffic infraction with a minimum fine of \$25.00 and a maximum fine of \$100.00. (3) A person is not in violation of this section if the person uses an unmuffled engine brake in an emergency situation to avoid imminent danger to a person or to property. (Ord. #874 12/8/99)

Article 4. Traffic Citations and Disposition

- §5-401** **TRAFFIC CITATIONS; FORM AND RECORDS.** The Municipal Police shall obtain from the County Judge, traffic citations containing notices to appear. The County Judge may require and retain a receipt for every book so issued. The Municipal Police shall return all copies of every traffic citation which has been spoiled, or upon which any entry has been made, and not issued to an alleged violator.
- §5-402** **TRAFFIC CITATIONS; DISPOSITION AND RECORDS.** The Municipal Police upon issuing a traffic citation to an alleged violator of any provision of this Chapter shall deposit a copy of the traffic citation with the Municipal Attorney, unless the citation is just a warning.
It shall be unlawful for the Municipal Police to dispose of a traffic citation, or copies thereof, or of the record of the issuance of the same in a manner other than as required herein.
- §5-403** **TRAFFIC CITATION; ILLEGAL CANCELLATION.** Any person who cancels, or solicits the cancellation of any traffic citation in any manner other than as provided herein, shall be guilty of a misdemeanor.

Article 5. Bicycles

- §5-501** **BICYCLE; REGISTRATION.** Anyone wishing to operate a bicycle within the corporate limits shall make an application to the Municipal Police before operating within the Municipality. A registration number shall then be issued by the Municipal Police. Said registration number shall then be attached to the bicycle in a substantial manner. The removal of such number, except by the proper authorities, shall be unlawful.
- §5-502** **BICYCLE; PARKING.** All bicycles shall be parked in bicycle stands when left unattended in the Business District. Where stands are unavailable parking shall be allowed on the sidewalks as close to the curb as possible. Under no circumstances shall parking be allowed where said parking will obstruct a doorway or entrance into a business establishment.

Article 6. Minibikes, Snowmobiles, and All-Terrain Vehicles

- §5-601** **MINIBIKES; UNLAWFUL OPERATION.** It shall be unlawful for any minibike 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, "minibike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen (14") inches or an engine rated capacity of less than forty-five (45) cubic centimeters displacement or a seat height of less than twenty-five (25") inches from the ground or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Ref. 60-2101.01, 60-2107 RS Neb.)
- §5-602** **SNOWMOBILES; UNLAWFUL ACTS.** It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by him, to be operated:
1. Within the Municipality 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 tail light when such would be required by conditions.
 5. In any tree nursery or planting in a manner which damages or destroys growing stock.
 6. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.
- (Ref. 60-2013, 60-2015 RS Neb.)
- §5-603** **MINIBIKES; ON PUBLIC LANDS.** Minibikes may be operated upon public lands owned by the Municipality; Provided, oral permission is first received from the Park Superintendent. Failure to gain said permission shall be a violation of this Article and shall be enforced by the Municipal Police.
- §5-604** **SNOWMOBILES; PUBLIC LANDS.** Snowmobiles shall be prohibited from operation on the public lands owned by the Municipality, except where said snowmobile is responding to an emergency. (Ref. 60-2016 RS Neb.)
- §5-605** **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 one hundred (\$100.00) dollars or imprisonment not to exceed ninety (90) days. (Ref. 60-2021 RS Neb.)

§5-606 **ALL-TERRAIN VEHICLES; DEFINED.** As used in this Article, unless the context otherwise requires, all-terrain vehicle shall mean any motorized off-highway vehicle which (1) is fifty (50") inches or less in width, (2) has a dry weight of six hundred (600) pounds or less, (3) travels on three (3) or more low pressure tires, (4) is designed for operator use only with no passengers, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control.
All-terrain vehicles which have been modified to include additional equipment not required by Sections 5-608 and 5-609 of this Article shall not be registered under Chapter 60, Article 3. (*Ref. 60-2801 RS Neb.*)

§5-607 **ALL-TERRAIN VEHICLES; OPERATION.** It is hereby found and determined by the Mayor and City Council of the City of David City, Nebraska that the following restrictions for the operation of all-terrain vehicles within the corporate limits of the City be as follows:

- (A) Any person desiring to operate an all-terrain vehicle upon the public streets of the City of David City, Nebraska, other than in parades which have been authorized by the mayor and City Council of David City, Nebraska, and which has not been specifically prohibited to be upon the public streets of the City of David City, Nebraska, shall first apply for a permit upon application forms furnished by the City Clerk and receive from the City Clerk a permit for said all-terrain vehicle.
- (B) A non-refundable application fee of \$50.00 shall accompany each application. Further, Applicant shall pay all other expenses and costs associated with Applicant's application.
- (C) The permit is valid only one (1) year from the date of its issuance.
- (D) Operators of all-terrain vehicles must be at least 21 years of age and have a valid Class "O" operator's license or a farm permit as provided in Section 60-4,126 of the Revised Statutes of Nebraska, Reissue 2010.
- (E) All-terrain vehicles may be operated only between the hours of sunrise and sunset.
- (F) Operators shall have liability insurance coverage for the all-terrain vehicles effective while operating the same within the corporate limits of the City.
- (G) Operators shall not operate an all-terrain vehicle at a speed in excess of thirty (30) miles per hour on highways and not to exceed the speed limit posted or provided in Nebraska Statutes, whichever is less, within the corporate limits of the City.
- (H) A person operating an all-terrain vehicle shall provide proof of insurance coverage for the same to any peace officer requesting such proof within five (5) days of such request.

- (I) When a person is operating an all-terrain vehicle the headlight and taillight of said vehicle should be on.
- (J) When a person is operating an all-terrain vehicle, it shall have the same equipped with a bicycle safety flag which extends not less than five feet (5') above ground attached to the rear of the vehicle. Said safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be day-glow in color.
- (K) When operating an all-terrain vehicle, the operator must follow and obey all rules of the road.
- (L) An all-terrain vehicle may be operated without complying with the aforesaid paragraphs for the crossing of a highway only if:
 - (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
 - (2) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway.
 - (3) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard.
 - (4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway.

§5-608 **ALL-TERRAIN VEHICLES; HEADLIGHTS.** When a person is operating an all-terrain vehicle the headlight and taillight of said vehicle should be on.

§5-609 **ALL-TERRAIN VEHICLES; EQUIPMENT, REQUIREMENT.** Every all-terrain vehicle shall be equipped with:

1. A brake system maintained in good operating condition;
2. An adequate muffler system in good working condition; and
3. A United States Forest Service qualified spark arrester.
(*Ref. 60-2804 RS Neb.*)

§5-610 **ALL-TERRAIN VEHICLES; PROHIBITIONS.** No person shall:

1. Equip the exhaust system of an all-terrain vehicle with a cutout, bypass, or similar device;
2. Operate an all-terrain vehicle with an exhaust system so modified; or
3. Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.
(*Ref. 60-2805 RS Neb.*)

§5-611 **ALL-TERRAIN VEHICLES; COMPETITION.** All-terrain vehicles participating in competitive events may be exempted from Sections 5-607 to 5-610 of this Article at the discretion of the Director of Motor Vehicles. (*Ref. 60-2806 RS Neb.*)

§5-612 **ALL-TERRAIN VEHICLES; ACCIDENT REPORT.** If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner as provided in Section 60-505. (Ref. 60-2807 RS Neb.)

§5-613 **ALL-TERRAIN VEHICLES; PENALTY.** Any person violating the terms of this ordinance shall be guilty of an offense, fined in a sum of not more than \$500.00, and shall have the registration revoked as to the vehicle involved in said offense as follows:

- a. For the 1st offense, use of said vehicle shall be prohibited within the City of David City for a period of 6 months;
- b. For the 2nd offense, use of said vehicle shall be prohibited within the City of David City for a period of 1 year; and
- c. For the 3rd offense, use of said vehicle shall be permanently prohibited within the City of David City.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately. (Ordinance #1156 12/14/11)

§5-614 **ALL-TERRAIN 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 5-607 to 5-612 of this Article.

§5-615 **UTILITY TYPE VEHICLES; DEFINED.** Pursuant to the Revised Statutes of Nebraska Reissue of 2010, a City may adopt an ordinance authorizing the operation of utility-type vehicles. Section **60-6,355. Utility-type vehicle, defined.** (b)(i) Utility-type vehicle means any motorized off-highway vehicle which (A) is not less than forty-eight inches nor more than seventy-four inches in width, (B) is not more than one hundred thirty-five inches, including the bumper, in length, (C) has a dry weight of not less than nine hundred pounds nor more than two thousand pounds, (D) travels on four or more low-pressure tires, and (E) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side.

§5-616 **UTILITY TYPE VEHICLES; OPERATION.** It is hereby found and determined by the Mayor and City Council of the City of David City, Nebraska that the following restrictions for the operation of utility type vehicles within the corporate limits of the City be as follows:

- (A) Any person desiring to operate a utility vehicle upon the public streets of the City of David City, Nebraska, other than in parades which have been authorized by the mayor and City Council of David City, Nebraska, and which has not been specifically prohibited to be upon the public streets of the City of David City, Nebraska, shall first apply for a permit upon application forms furnished by the City Clerk and receive from the City Clerk a permit for said all-terrain vehicle.
- (B) A non-refundable application fee of \$50.00 shall accompany each application. Further, Applicant shall pay all other expenses and costs associated with Applicant's application.
- (C) Operators of utility-type vehicles must be at least 21 years of age and have a valid Class "O" operator's license or a farm permit as provided in Section 60-4,126 of the Revised Statutes of Nebraska, Reissue 2010.
- (D) Utility-type vehicles may be operated only between the hours of sunrise and sunset.
- (E) Operators shall follow and obey all rules of the road.
- (F) Operators shall have liability insurance coverage for the utility-type vehicles effective while operating the same within the corporate limits of the City.
- (G) Operators shall not operate a utility-type vehicle at a speed in excess of thirty (30) miles per hour on highways and not to exceed the speed limit posted or provided in Nebraska Statutes, whichever is less, within the corporate limits of the City.
- (H) A person operating a utility-type vehicle shall provide proof of insurance coverage for the same to any peace officer requesting such proof within five (5) days of such request.
- (I) When a person is operating a utility-type vehicle the headlight and taillight of said vehicle should be on.

- (J) When a person is operating a utility-type vehicle, it shall have the same equipped with a bicycle safety flag which extends not less than five feet (5') above ground attached to the rear of the vehicle. Said safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be day-glow in color.
- (K) A utility-type vehicle may be operated without complying with the aforesaid paragraphs for the crossing of a highway only if:
 - (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
 - (2) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway.
 - (3) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard.
 - (4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway.

§5-617 UTILITY TYPE VEHICLES; PENALTY.

Any person violating the terms of this ordinance shall be guilty of an offense, fined in a sum of not more than \$500.00, and shall have the registration revoked as to the vehicle involved in said offense as follows:

- a. For the 1st offense, use of said vehicle shall be prohibited within the City of David City for a period of 6 months;
- b. For the 2nd offense, use of said vehicle shall be prohibited within the City of David City for a period of 1 year; and
- c. For the 3rd offense, use of said vehicle shall be permanently prohibited within the City of David City.

§5-618 GOLF CARTS: OPERATION. The following restrictions for the operation of golf carts within the corporate limits of the City be as follows:

- (A) Any person desiring to operate a golf cart upon the public streets of the City of David City, Nebraska, other than in parades which have been authorized by the Mayor and City Council of David City, Nebraska, and which has not been specifically prohibited to be upon the public streets of the City of David City, Nebraska, shall first apply for a permit upon application forms furnished by the City Clerk and receive from the City Clerk a permit for said operation of a golf cart.
- (B) A non-refundable application fee of \$10.00 shall accompany each application. Further, Applicant shall pay all other expenses and costs associated with Applicant's application.

- (C) The permit is valid only one (1) year from the date of its issuance.
- (D) Operators of golf carts must not be operating golf carts because they are under suspension, revocation, and/or restrictions of their operators license under the laws of the State of Nebraska.
- (E) Golf carts may be operated only between the hours of sunrise and sunset.
- (F) Operators shall have liability insurance coverage for golf carts effective while operating the same within the corporate limits of the City.
- (G) Operators shall not operate a golf cart on the highway. Operators shall not operate a golf cart at a speed in excess of thirty (30) miles per hour and not to exceed the speed limit posted or provided in Nebraska Statutes, whichever is less, within the corporate limits of the City.
- (H) A person operating a golf cart shall provide proof of insurance coverage for the same to any peace officer requesting such proof within five (5) days of such request.
- (I) No person shall operate a golf cart under the age of 16 years.
- (J) When a person is operating a golf cart, they shall have the same equipped with a slow moving emblem on the rear of the golf cart fully visible at all times.
- (K) A golf cart may be operated without complying with the aforesaid paragraphs for the crossing of a highway only if:
 - (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
 - (2) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway.
 - (3) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard.
 - (4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway.

Article 7. Parking

- §5-701** **PARKING; GENERALLY.** No person shall park any vehicle, or approach the curb with a vehicle, except when headed in the direction of the traffic. Vehicles, when parked shall stand parallel with and adjacent to the curb or edge of the roadway, in such manner as to have both right wheels within twelve (12") inches of the curb or edge of the roadway, except where the Governing Body designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. (*Reg. 39-673, 39-697 RS Neb.*)
- §5-702** **PARKING; DESIGNATION.** The Governing Body may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or edge of roadway or at an angle so as to have the right front wheel at the curb or edge of roadway. (*Ref. 39-673, 39-697 RS Neb.*)
- §5-703** **PARKING; AREAS.** The Governing Body may, by resolution, set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers. (*Ref. 39-697 RS Neb.*)
- §5-704** **PARKING; FIRE HYDRANTS AND STATIONS.** No vehicle shall be parked within fifteen (15') feet in either direction of any fire hydrant nor within twenty (20') feet of the driveway entrance to any fire station. The curb space within such area of fifteen (15') feet in either direction of such fire hydrant shall be painted red to indicate such prohibition. (*Ref. 39-672 RS Neb.*)
- §5-705** **PARKING; OBSTRUCTING TRAFFIC.** No person shall, except in case of an accident or emergency, stop any vehicle, in any location where such stopping will obstruct any street, intersection, alley, or entrance to an alley or public or private drive. (*Ref. 39-697 RS Neb.*) (*Amended by Ord. No. 725, 8/8/90*)
- §5-706** **PARKING; TIME LIMIT.** The Governing Body may, by resolution, entirely prohibit, or fix a time limit for, the parking and stopping of vehicles on any street, streets, or district designated by such resolution, and the parking, or stopping, of any vehicle in any such street, streets, or district, for a period of time longer than fixed in such resolution shall constitute a violation of this Article. (*Ref. 39-697 RS Neb.*)
- §5-707** **PARKING; SNOW REMOVAL AND MAINTENANCE.** The Municipal Police may order any street or alley, or portion thereof vacated for weather emergencies or street maintenance. Notice during the hours of seven (7:00) o'clock a.m. to six (6:00) o'clock p.m. 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. In those areas in the central business district which are posted by permanent signs as snow removal areas all parking on such streets or alleys between the hours of eleven (11:00) o'clock p.m. to seven (7:00) o'clock a.m. shall be prohibited when there is two (2") or more inches of snowfall until the accumulated snowfall has been removed. 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 stored under the supervision of the Municipal Police in a suitable location without further notice to the owner or operator of such vehicle. (*Amended by Ord. No. 577, 12/23/81*)

§5-708 **PARKING; 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. (*Ref. 39-608 RS Neb.*)

§5-709 **PARKING; BUREAU OF VIOLATIONS.** There is hereby created the Bureau of Violations within the powers and duties of the office of the Municipal Clerk. A copy of each citation issued for non-moving traffic violations shall be deposited with the Municipal Clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid to her. Fines shall be payable at the office of the Clerk. Such fines shall be in the amount of one (\$1.00) dollar for each violation if paid within five (5) days from the date of issuance. Should any such fine not be paid within the five (5) day period, the Clerk shall ask the Municipal Attorney to file a complaint in the appropriate court. The fine for any such violation after five (5) days or after judgment is entered against the violator shall be five (\$5.00) dollars plus costs. All money collected by the Municipal Clerk under this section shall be transferred to the school district in which the Municipality lies. (*Ref. 18-1729 RS Neb.*)

§5-710 **PARKING; TICKETS.** All tickets issued for violations of non-moving traffic regulations contained in this Chapter shall, in addition to information normally stated on such tickets, carry the following information:

- A. The amount of the fine if paid within five (5) days;
- B. The amount of the fine if not paid within five (5) days;
- C. The location where payment may be made; and
- D. The fact that a complaint will be filed after five (5) days if the fine is not paid in that time.

(*Ref. 29-423 RS Neb.*)

§5-711 **SUMMONS; DESTRUCTION.** It shall be unlawful for any person to tear up, or destroy, a parking tag placed upon any vehicle by the Municipal Police, or to disregard the summons contained on such tag, and fail to appear in court as directed by said tag. (*Ref. 39-697 RS Neb.*)

§5-712 **PARKING; 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 Municipality for such vehicle. (*Ref. 39-671, 39-697 RS Neb.*) (*Ord. No. 619, 12/26/84*)

Article 8. Penal Provision

§5-801 **VIOLATION; PENALTY.** Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.