

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 work or phrase shall have its common meaning.

Article 2. Municipal Traffic Regulations

§5-201 AUTOMATIC LIGHTS AND SIGNALS.

No vehicle shall turn at any intersection where an automatic signal system is in operation except when such signal system is displaying a green light; provided, vehicles may turn on a red signal when in compliance with the provisions of this Article governing such turns. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal system is in operation.

§5-202 TURNING ON RED.

Except where traffic-control device is in place prohibiting a turn, vehicles facing a steady red signal may cautiously enter the intersection to make a right turn after stopping, or a left turn from a one-way street onto a one-way street after stopping. Such turning vehicle shall yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other vehicular traffic lawfully using the intersection. The City Council has the authority to prohibit turning on red at any intersection within the City where it deems such a prohibition necessary; provided, those intersections where turning on red is prohibited shall bear signs to that effect placed and printed in such a manner so as to be conspicuous from a vehicle about to enter the intersection.

§5-203 TRUCK ROUTES.

The following streets are hereby designated as truck routes:

1. 23rd Street – East City limits to the West City limits
2. Broad Street – North City limits to South City limits
3. Military Avenue – Broad Street to the West City limits
4. Bell Street – 23rd Street to South City limits
5. 1st Street – Bell Street to Broad Street
6. Cuming Street – Bell Street to Grant Street
7. Grant Street – Cuming Street to Front Street
8. Front Street – Grant Street to Railroad Street
9. Railroad Street – Front Street to Clamar Avenue
10. Morningside Road – East City limits to West City limits
11. Luther Road – 23rd Street to North City limits
12. Washington Street – Broad Street to Union Street
13. Factory Street – Main Street to Platte Avenue
14. Union Street – Washington Street to Factory Street

15. Platte Avenue – Factory Street to South City limits
16. Main Street – Washington Street to 2nd Street
17. 2nd Street – Main Street to Park Street
18. Park Avenue – 2nd Street to 5th Street
19. 5th Street – Park Street to Broad Street
20. 4th Street – Park Street to Broad Street
21. Cloverly Road – Broad Street to East City limits

It shall be unlawful for persons operating trucks to travel on streets not so designated unless to pick up or deliver goods, wares, merchandise, and in that event, the operator of such truck shall return to streets designated as truck routes as soon as possible in traveling through, or about the City. The City Council shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes.

Trucks, for the purposes of this section, shall be defined as motor vehicles equipped or used for the transportation or property having a gross vehicle weight rating of 26,000 lbs. or more.

§5-204 **ONE-WAY TRAFFIC.**

The City Council may, by resolution, provide for one-way travel in any street, or alley located in the City and shall provide for appropriate signs and marking when said streets have been so designated by resolution.

§5-205 **TRAFFIC LANES; DESIGNATION.**

The City Council may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable.

§5-206 **ARTERIAL STREETS; DESIGNATION.**

The City Council may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated. (Ref. 39-697 RS Neb.)

§5-207 **CROSSWALKS.**

The City Council 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 it may deem necessary.

§5-208 **SIGNS; SIGNALS.**

The City Council may, by resolution, provide for the placing of stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the City's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulation, or prohibition.

§5-209 **TURNING; "U" TURNS.**

No vehicle shall be turned so as to proceed in the opposite direction, except where a sign indicates that such a turn is allowed.

§5-210

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. This section, however, shall not relieve the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

§5-211

SCHOOL CROSSING ZONES; DESIGNATION.

- (1) Section 60-682.01 RS Neb. 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) Section 60-6, 134.01 RS. Neb. 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 Governing Body 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 Governing Body 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.

§5-212

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 Governing Body in which the roadway has only one lane of traffic in each direction.

§5-213

DEFINITION.

Utility type vehicle means any motorized off-highway vehicle which (a) is not less than 48 inches nor more than 74 inches in width, (b) is not more than 135 inches, including the bumper in length (c) has a dry weight of not less than 900 pounds, nor more than 2,000 pounds, (d) travels on four or more low-pressure tires, is equipped with a steering wheel and a bench or bucket type seating designed for at least two persons to sit side-by-side, and (f) a utility type vehicle does not include a golf cart or low speed vehicles.

Motor Vehicle means any vehicle, which is propelled by any power other than muscular power, except for the following:

1. Self-propelled chairs used by persons who are disabled.
2. Mopeds.
3. Vehicles that only run on rails or tracks.
4. Golf carts, go carts, riding lawn mowers and garden tractors.
5. Electric scooters.
6. Utility type vehicles.

§5-214

OPERATION OF VEHICLE.

License required. (1) It shall be unlawful for any person under 16 years of age to drive, operate or be in physical control of a motor vehicle, motorcycle or moped on any road, street, highway or alley within the City limits, except when the person has a valid school permit, learner's permit or provisional license as authorized by State statute and then only when the person is using that permit or license in conformity with the requirements

thereof and the Nebraska Revised Statutes.

(2) It shall be unlawful for any owner, driver or person in control of any motor vehicle to permit any of the persons identified in division (1) of this section to drive, operate or be in physical control of any motor vehicle.

It shall be unlawful for any person to drive, operate or be in physical control of a utility type vehicle upon any road, street, highway or alley within the City:

(a) Without having in full force and effect a Class O operator's license issued by the Nebraska Department of Motor Vehicles, as provided by the laws of the State or to operate a utility type vehicle upon any road, street, highway or alley without carrying the operator's license while operating the utility type vehicle; and

(b) Under the age of 18 years of age.

§5-215 **VEHICLE REQUIREMENTS.**

(1) A utility type vehicle shall not be considered a motor vehicle for purposes of requiring a State motor vehicle registration of the same, except any individual or entity who desires to operate a utility type vehicle shall make written request to the Fremont Police Department for a permit allowing the use and shall display the identification tag issued by the Fremont Police Department on the utility type vehicle.

(2) Except as provided in this subsection, a utility type vehicle shall not be operated on State Highways 30 (23rd Street) or 77 (Broad Street), Bell Street or Military Avenue. Crossing any of the previous highways or streets may be made only at an intersection controlled by a lawfully adopted traffic control device such as a stop sign or traffic light.

(3) Every utility type vehicle shall display a lighted headlight and taillight and be equipped with turn signals during operation.

(4) Every utility type vehicle shall be equipped with:

(a) A brake system maintained in good operating condition;

(b) An adequate muffler system in good working condition;

(c) A United States Forest Service qualified spark arrestor; and

(d) A roll bar designed and manufactured to prevent injuries in the event of a roll over.

(5) Every person in a utility type vehicle during operation shall be in a permanent and regular seat which includes an occupant protection system which utilizes a lap belt, a shoulder belt or any combination of belts which restrains driver and passengers and which conforms to federal motor vehicle safety standards for passenger restraint systems applicable for the UTV's model and year and which shall be in use by all occupants at all times.

§5-216 **RESTRICTIONS ON OPERATION.**

(1) Every utility type vehicle may only be operated on City streets between the hours of sunrise and sunset. Any person operating a utility type vehicle shall have liability insurance coverage for the utility type vehicle while operating the utility type vehicle in the City. Such liability insurance shall be issued by an insurance company authorized to do business in the State of Nebraska and shall be within the limits stated in Neb. RS 60-509, as amended from time to time. If not in a driver's possession when stopped by law enforcement, the person operating the utility type vehicle shall provide proof of insurance coverage within five days of such stop establishing that insurance was in effect when the law enforcement stop occurred.

(2) Except as otherwise specifically stated above, the operation of a utility type vehicle shall be subject to all of the statutory requirements for the operation of any motor vehicle in the State of Nebraska; specifically including those statutes dealing with the rules of the road, child restraint systems and the operation of a motor vehicle by any person impaired by alcohol or drugs. Any violations could result in revocation of the right to operate the UTV.

(3) The operator of the utility type vehicle shall not exceed 30 m.p.h. or less where posted speed limits are less.

(4) During the operation of a utility type vehicle, the utility type vehicle shall be equipped with a bicycle safety flag which extends above the UTV not less than five feet above the ground and is attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(5) All Terrain Vehicles (ATVs) are hereby prohibited from being operated on any public property, street, alley, sidewalk, golf course or park.

Article 3. Prohibitions and Enforcement

§5-301 SPEED REGULATIONS.

No vehicle shall be drawn, driven or propelled on any street, alley or public place in the City at a greater speed than is reasonable and proper under existing conditions, having due regard to the traffic and use of the highway, or in any event greater than:

1. 15 Miles Per Hour

- a. Factory Street: Main Street to Broad Street
- b. North Parking Lot at Memorial Park
- c. Christensen Field Parking Lots
- d. Riecken-Nelson Horse Arena Parking Lots

2. 20 Miles Per Hour in the Business District

- a. "D" Street First to Military Avenue
- b. Main Street First to Military Avenue
- c. Park Avenue Second to Military Avenue
- d. Sixth Street Broad to "C" Street
- e. Fifth Street Broad to "D" Street
- f. Fourth Street Broad to "D" Street
- g. Third Street Park to "D" Street
- h. Second Street Main to "D" Street

3. 25 Miles Per Hour

- a. All streets within the City not otherwise posted per Subsections 1, 3, 4, 5, 6 and 7 of this section.
- b. Clarkson Street ½ Block South of 9th Street to ½ Block North of 11th Street when signs indicate.
- c. First Street ½ Block west of Grant Street to ½ Block east of Grant Street; and First Street from ½ Block west of Howard Street to ½ Block east of Howard Street, when signs indicate.
- d. Lincoln Avenue 16th Street to 19th Street when signs indicate.

4. 30 Miles Per Hour

- a. Nye Avenue Military to 23rd Street
- b. Main Street 10th Street to 23rd Street
- c. Clarkson Street Military to 23rd Street

- d. Lincoln Avenue First Street to 16th Street and 19th to 23rd Street
- e. 16th Street Garden City Road to Johnson Road
- f. Military Avenue Pierce Street to Luther Road
- g. First Street Main to East City Limits
- h. Ridge Road Linden Avenue to 16th Street
- i. 16th Street Ridge Road west to City Limits
- j. Ridge Road 23rd Avenue to North City Limits
- k. Diers Parkway Johnson Road to East 23rd Street
- l. Johnson Road Military Avenue to South City Limits
- m. Johnson Road Military Avenue to North City Limits
- n. Johnson Road 16th Street to South City Limits
- o. Johnson Road North Corporate Limits to South Corporate Limits

5. 35 Miles Per Hour

- a. Military Avenue Pierce Street to Ridge Road
- b. Broad Street 480' South of Jefferson Road to Second Street
- c. Broad Street 11th Street to 400' north of Country Lane
- d. 23rd Street 400' west of Colorado Ave to Lincoln Ave
- e. Bell Street South City Limits to 23rd Street
- f. Linden Avenue Pierce Street to Ridge Road
- g. Luther Road 520' south of Cuming Street to North City Limits
- h. Clarkson St 1,320' north of 23rd to 30th St.
- i. 30th St. Clarkson St. to Broad St.
- j. Military Avenue Luther Road to East City Limits

6. 40 Miles Per Hour

- a. Broad Street Cloverly Road to 480' south of Jefferson Road
- b. Somers Avenue 23rd Street to North City Limits
- c. Airport Road Linden Avenue to 23rd Street
- d. 23rd Street Lincoln Avenue to Cedar Street
- e. Main Street 600' south of Washington Street to Cloverly Road
- f. Luther Road 520' south of Cuming Street to Morningside Road

7. 45 Miles Per Hour

- a. 23rd Street Cedar Avenue to East City Limits
- b. Broad Street 400' north of Country Lane to North City Limits
- c. Morningside Road Luther Road to West City Limits
- d. 23rd Street 400' west of Colorado Ave to Hwy 39 bypass

8. 60 Miles Per Hour

- a. U.S. Hwy #30 23rd Street to West City limits

§5-302

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 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.

§5-303

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.

§5-304

BACKING.

It shall be unlawful for any person to back a motor vehicle on the City streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety and in no case shall the distance of the backing exceed one and one-half (1 ½) lengths of the vehicle.

§5-305

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.

§5-306

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.

§5-307

FUNERAL PROCESSIONS.

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

§5-308

CLINGING TO MOTOR VEHICLES.

No person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall attach himself or the bicycle, coaster, roller skates, sled, skis, or toy vehicle to any 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, coaster, roller skates, sled, skis, or toy vehicle to cling to or attach himself or the bicycle to such vehicle so driven and operated by him.

§5-309

DRIVING IN SIDEWALK SPACE.

No motor vehicle or livestock shall be driven or ridden within any sidewalk space, except a permanent or temporary driveway.

§5-310

POLICE. TRAFFIC OFFICERS.

The City Council or the 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.

§5-311

RIGHT-OF-WAY.

- (1) 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.
- (2) The driver of a vehicle intending to turn to the left within an intersection, or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
- (3) The driver of a vehicle on any street shall yield the right-of-way to a pedestrian crossing such street within any clearly marked crosswalk, or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than a pedestrian crossing, crosswalk, or intersection shall yield the right-of-way to vehicles upon the street.
- (4) The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk.
- (5) The driver of a vehicle entering a Municipal street from a private road or drive shall yield the right-of-way to all vehicles approaching on such streets.
- (6) The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals.

§5-312

DRIVER; SIGNAL, WARNING.

The driver of any vehicle in or upon any street shall, before turning, stopping or changing the course of such vehicle, and before turning such vehicle when starting the same, first see that there is sufficient space for such movement to be made in safety, and shall then give a plainly visible or audible signal to the drivers of vehicles behind the vehicle so turning, stopping, changing its course, or turning from a standstill, of his intention to make such a movement. Such signal shall be given by appropriate hand signals or by means of a signaling device, and indicating with such hand or signaling device the direction in which the turn is to be made.

§5-313

BACKING TO CURB.

No vehicle shall remain backed to the curb except when actually loading or unloading. A truck tractor attached to a trailer backed up to the curb shall be turned parallel with the curb. Such backed vehicle shall comply with all other parking and traffic laws except where written permission is granted by the Chief of Police for a limited and special purpose.

§5-314

PASSING ON VIADUCT.

It shall be unlawful for any vehicle to overtake and pass another vehicle within one hundred (100') feet of a viaduct or overpass or on a viaduct or overpass.

§5-315

UNLAWFUL RIDING.

No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. This section shall not apply to employees engaged in necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

§5-316

LOADS; RESTRICTIONS.

The City Council may, by resolution, restrict the use of streets and alleys or entirely prohibit traffic thereon. The Council may restrict the weight of any vehicle using such streets or alleys pursuant to this section, and upon the erection of signs giving notice of such prohibitions or restrictions, no person shall use such streets or alleys in violation of such notice.

§5-317

OFFENSIVE MATERIAL; TRANSPORTING PROHIBITED.

All wagons, cars and vehicles of every description, except covered vehicles, used for the hauling of garbage, manure, dead animals, refuse and offensive offal of every kind and description are hereby prohibited from using the main thoroughfares and principal streets of the City between the hours of eight (8:00) A.M. and ten (10:00) P.M.

§5-318

LOADS; LEAKING PROHIBITED.

No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking and otherwise escaping therefrom.

§5-319

TRAFFIC CITATIONS; FORM AND RECORDS.

The Police Department shall provide, in appropriate form, traffic citations containing notices to appear. The Police Chief shall be responsible for the issuance of such books, and shall maintain a record of every such book, and each citation number therein issued to the individual Policeman. The Police Chief shall require and retain a record for every book so issued. The Police Chief shall require the return of 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.

All records of traffic citations required herein shall be audited at least annually by the City Administrator or his designee.

§5-320

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 Prosecuting Attorney and two copies, including the original, with the court, unless the citation is just a warning.

§5-321

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.

§5-322

CARELESS DRIVING.

Any person who drives any motor vehicle in the City carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. (Ref. 39-669 RS Neb.)

§5-323

CHILD PASSENGERS; USE OF RESTRAINT SYSTEM OR OCCUPANT PROTECTION SYSTEM.

(A) For purposes of this section, occupant protection system has the meaning provided in Neb. RS 60-6,265.

(B)

(1) Any person who drives any motor vehicle which has or is required to have an occupant protection system shall ensure that:

(a) All children up to 6 years of age being transported by such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on January 1, 2004, and which is correctly installed in such vehicle; and

(b) All children 6 years of age and less than 18 years of age being transported by such vehicle use an occupant protection system.

(2) Division (B)(1) shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2004, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(C) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of division (B) shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

(D) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (B) when operating such authorized emergency vehicles pursuant to their employment.

(E) A driver of a motor vehicle shall not be subject to the requirements of division (B) if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.

(F)

(1) A person violating any provision of division (B) is guilty of an offense. The failure to provide a child restraint system for more than one child in the same vehicle at the same time, as required in division (B), shall not be treated as a separate offense.

(2) Enforcement of division (B)(1)(b) shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation of some other offense unless the violation involves a person under the age of 18 years riding in or on any portion of the vehicle not designed or intended for the use of passengers when the vehicle is in motion.

§5-324 **ENGINE BRAKING PROHIBITED.**

The practice of engine braking, commonly known as "Jake Braking" is prohibited within the corporate limits of the City of Fremont.

Article 4. Parking

§5-401 **PARKING: DESIGNATION.**

The City Council may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb.

§5-402 **PARKING: AREAS.**

The City Council may, by resolution, set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be

prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers.

§5-403 PARKING; TIME LIMIT.

The City Council may, by resolution, entirely prohibit, or fix a time limit for, the parking and stopping of vehicles on any street, streets, or district designated by such resolution, and the parking, or stopping, of any vehicle in any such street, streets, or districts, for a period of time longer than fixed in such resolution shall constitute a violation of this Article.

§5-404 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 a manner as to have both right wheels within twelve inches (12") of the curb or edge of the roadway, and so as to leave at least four feet (4') between the vehicle so parked and any other parked vehicles, 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. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.

§5-405 PARKING; RESIDENTIAL MAXIMUM TIME LIMIT.

No motor vehicle shall be parked continuously on a street in the same block in the residential district for a consecutive period in excess of eighteen (18) hours; provided, that this time limitation shall not apply on Saturdays, Sundays and legal holidays.

§5-406 PARKING; BUSINESS DISTRICT, HOURS PROHIBITED.

No vehicle shall be parked or left to stand in the streets in the business district from the hours of 2:00 a.m. to 6:00 a.m. In the event a vehicle is parked contrary to this section and the Superintendent of Public Services or Police Officer determines that it is necessary to remove such vehicle to enable any type of maintenance of such streets, such Police Officer or Superintendent of Public Services is hereby authorized to move such vehicle. The cost of moving by towing shall be paid by the registered owner of such vehicle.

§5-407 PARKING; VIOLATIONS, OWNER RESPONSIBLE.

Every vehicle parked or left standing upon any street, alley, public way or public property shall have valid license plates attached thereto which are issued for the vehicle to which such license plates are attached and are registered in the name of the owner of the vehicle in accordance with the laws of this state or of the state wherein the license was issued. If any vehicle is found upon any street, alley, public way or public property, in violation of any of the provisions of this Chapter regulating the stopping, standing or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

§5-408 PARKING; CHIEF OF POLICE. POWERS.

It is hereby declared necessary and for the best interests, health, safety and welfare of the City that the Chief of Police have general power, in addition to other authority granted herein, to order removal of all vehicles from the parking areas in the business, industrial and residential district for the purpose of maintaining, repairing, cleaning, controlling traffic and parking on such streets. The Chief of Police may issue such order personally or through one of the regular Police Officers to the owner or person in charge of the vehicle, or may cause a notice of such order to be inserted in a public newspaper published with the City prohibiting parking or standing of vehicles on certain streets for a stated period of time. Violation of such order shall constitute a violation of this section. Sufficient and reasonable notice shall be given to registered owners before removal of affected vehicles. The Chief of Police and Police Officers, upon finding a vehicle parked or standing in violation of such order, after notice as provided therein, are authorized to remove such vehicle from the streets. The costs of towing such vehicle shall be paid by the registered owner. The provisions of this section shall in no way be construed to detract from the City's inherent powers to remove a vehicle or any object animate or inanimate

from the street without notice of any kind for reasons affecting the health, safety and general welfare of the City and its citizens, if the circumstances or urgency of the situation reasonably require exercise of such power, and the Chief of Police shall further have the power to remove any object or thing which is an obstruction to the vision of vehicles or pedestrians.

§5-409 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.

§5-410 PARKING; LOADING, UNLOADING ZONE.

Loading and unloading of all goods, wares and merchandise shall be done only when the vehicle is legally parked against the curb or an alley entrance. In the event any place of business does not have an alley entrance suitable for delivery purposes, the owner thereof, by petition to the City Council, may be granted by the Council a delivery stall in the street in front of such place of business. The curb or similar area shall be painted yellow and the stall be used during the hours of such business only by vehicles loading and unloading goods, wares and merchandise.

§5-411 PARKING; CURBS, PAINTED.

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

- A. RED. The use of red paint upon the curb of any street shall indicate that parking and stopping of vehicles is entirely prohibited within such area.
- B. YELLOW. The use of yellow paint on the curb of any street shall indicate that such space has been set aside for a truck loading and unloading zone.
- C. GREEN. The use of green paint upon the curb of any street shall indicate that the space has been set aside for a fifteen (15) minute parking zone, unless posted otherwise.
- D. WHITE. The use of white paint upon the curb of any street shall indicate that such space has been set aside for a passenger loading and unloading zone.

§5-412 PARKING; PASSENGER LOADING AND UNLOADING.

- (1) It shall be unlawful for the operator of any motor vehicle, except the operator of a motor bus operated as a part of a motor bus transportation system within the City, to park, stop or stand such vehicle within any bus stop zone which shall be for the exclusive use of such buses; provided, that where the curb is marked by orange or yellow paint and designated for the exclusive use of such motor buses during the hours indicated on signs that will be erected at each zone, vehicles may be parked in the zones during hours other than those indicated on such signs for exclusive use of such buses. The City Council shall by resolution designate such bus stop zones.
- (2) It shall be unlawful for the operator of any motor vehicle to park, stop or stand such vehicle within any white zone except for the purpose of passenger loading and unloading; provided, that where the curb is marked by white paint and designated for the exclusive use of passenger loading and unloading during the hours indicated on signs that will be erected at each zone, vehicles may be parked in the zones during hours other than those indicated on such signs for exclusive use for passenger loading and unloading. The City Council shall by resolution designate such vehicle zones.

§5-413 **PARKING; HOTELS, THEATRES, TAXI STANDS, BUS DEPOTS, LIBRARY.**

The curb adjacent to the entrance to hotels, theatres, taxi stands, bus depots and library shall be painted red or white. No person shall park his vehicle at such spaces, and such spaces shall be used for the purpose of picking up or unloading passengers, or loading or unloading of United States mail by a United States postal vehicle.

§5-414 **PARKING; DETACHED TRUCKS, ETC., TRAILERS.**

It shall be unlawful for the owner or operator of a truck trailer, utility trailer, boat trailer, horse trailer, or other trailers designed to be pulled behind a motor vehicle, to park such trailer detached from its motor vehicle on the streets in the business or residential district of the City, except when such owner or operator is performing a service for an adjacent or abutting property owner, and only then for a period of no longer than eight (8) hours; provided, the location of the detached trailer does not impede the safe flow of traffic. A detached trailer belonging to a contractor with a current building permit may be parked in an area where vehicles can legally park on the street longer than eight (8) hours as long as the contractor is actively working on the property with the building permit and the location of the detached trailer does not impede the safe flow of traffic. A placard issued by the Building Inspection Department showing the address of the permit, issuance date and expiration date shall be attached to the trailer visible from the traffic side.

§5-415 **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, or entrance to an alley or public or private drive.

§5-416 **PARKING; ALLEYS.**

No vehicle shall be parked in any alley, except for the purpose of loading or unloading during the time necessary to load or unload. 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. 60-680 RS Neb.; 15-43 Code 1972)

§5-417 **PARKING; DISPLAY OR REPAIR.**

It shall be unlawful for any person to park upon any street, alley, or public place within the City any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of the 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. No person shall park a vehicle on the streets in the business district for the purpose of selling from such vehicles any food, goods, wares, devices or merchandise.

§5-418 **PARKING; CERTAIN VEHICLES PROHIBITED; EXCEPTIONS.**

It shall be unlawful for the owner or operator of a semi-tractor-truck with trailer attached or unattached, any trailer unattached, any other motor vehicle with trailer, bed or box attached which exceed nine (9') feet in length, or any motor home or motor vehicle exceeding twenty-one (21') feet in length measured bumper to bumper, except emergency vehicles, to park on the streets within the City, except when being used for the purpose of delivering or collecting goods, wares, merchandise or materials and then only for a period of time no longer than is necessary for the expeditious delivery or collecting of goods, wares, merchandise or materials; provided, that the provisions of this section shall not apply to trucks or motor vehicles being used within the City in connection with building, repair, service or moving operations, or trucks or motor vehicles parked off of the travel lanes of the street in industrially zoned areas.

§5-419 **PARKING; PASSAGEWAY IN RESIDENTIAL DISTRICT.**

It shall be unlawful to park any motor vehicle on any street in the residential district so as not to leave a passageway on such street and past such motor vehicle of fifteen (15') feet. (Ref. 15-48 Code 1972)

§5-420 PARKING; VEHICLES WHICH TRANSPORT COMBUSTIBLE LIQUIDS.

It shall be unlawful for the driver of any motor vehicle equipped to transport combustible liquids to park such vehicle on any street or alley in the City, except for the purpose of loading or unloading, for a longer period of time than one (1) hour continuously. (Ref. 15-49 Code 1972)

§5-421 PARKING; PUBLIC PARKING LOTS.

It shall be unlawful for any person to park or place or cause to be placed on any City owned or City leased public parking lot any motor vehicle except automobiles, pickups and lesser tonnage vehicles. Moreover, no motor vehicles shall park on said public parking lots between the hours of 1:00 A.M. and 5:00 A.M. without prior approval of the Fremont Police Department. (Ref. 15-50.1, Code 1972)(Amended by Ord No. 3280, 12/11/84)

§5-422 PARKING LOTS AND MALLS; REGULATIONS.

Upon written request of the owner or operator of a parking lot, shopping center, or similar semipublic but privately owned area within the City, the City may provide for regulation of traffic, public uses, and conduct of invitees upon such specified area. Such written request, and a legal description of the area to be regulated shall be kept on file in the office of the City Clerk.

Upon such specified areas, the City may regulate the flow of traffic, speed limits, offenses against public morals, unlawful assembly, trespass and similar offenses to the same effect and with the same authority as public thoroughfares, public parking lots, and other public areas. Nothing in this ordinance shall require the City to furnish labor, material, supervision, personnel, or services in connection with the establishment, supervision or enforcement of this ordinance or the maintenance or upkeep of such area.

§5-423 PARKING; SIDEWALK SPACE.

It shall be unlawful for any person to park or place, or cause to be parked or placed, any motor vehicle upon any part of the sidewalk space between the lot line and the adjacent curb in the City. (Ref. 15-50, Code 1972)

**§5-424 - §5-426 HANDICAP PARKING AND Article 5. Parking Meters REPEALED 7-8-2014
ORDINANCE 5310**

Article 6. Bicycles

§5-601 BICYCLE; LICENSE.

Application for a bicycle license and license plate shall be made upon a form provided by the Police Department and shall be made to the Police Department. The fee shall be two dollars (\$2.00) and shall be paid to the Police Department before each license is granted. The Police Department will deposit these collected funds into the City General Fund.

The Police Department, upon receiving proper application and fee thereof, is authorized to issue a bicycle license which shall be effective until the bicycle is destroyed or sold to another owner.

§5-602 BICYCLES; INSPECTION.

The Chief of Police, or an officer, or individual, or group assigned such responsibility, shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he determines is in an unsafe mechanical condition.

§5-603 BICYCLES; TRANSFER OF OWNERSHIP.

Upon the sale or other transfer of a licensed bicycle the licensee shall remove the license plate and shall either surrender the same to the Chief of Police or may upon proper application but without payment of additional fee have such plate assigned to another bicycle owned by the applicant (Ref. 5-12 Code 1972)

§5-604

BICYCLES; RENTAL AGENCIES.

A bicycle rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided by this Article, and such bicycle is equipped with lamps and other equipment required by this Article. (Ref. 5-13 Code 1972)

§5-605

BICYCLES; LOST OR ABANDONED.

Any bicycle taken to the police station or recovered by the police will be held until reclaimed by the owner or otherwise disposed of according to state law. A fee of one (\$1.00) dollar will be collected from the owner upon release of the bicycle to such owner, unless the bicycle was previously reported stolen. (Ref. 5-14 Code 1972)

§5-606

NON-MOTORIZED WHEELED VEHICLES; DEFINED; PROHIBITED ACTS.

- (1) For purposes of this Code, non-motorized wheeled vehicles are hereby defined as any wheeled vehicle or device propelled by the person operating or controlling the same, excluding devices for the transportation and assistance of handicapped persons or infants and carts, dollies, hand trucks, and other devices actually used in the course of business. As an illustration, and not as a limitation, bicycles, coasters, roller skates, rollerblades, skateboards, and tricycles are intended to be included in said definition.
- (2) No person shall ride or propel a non-motorized wheeled vehicle on any street, sidewalk or other public highway of the City with another person in any position in front of the operator. No non-motorized wheeled vehicles shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (3) No non-motorized wheeled vehicle shall be ridden or operated faster than is reasonable and proper, but every non-motorized wheeled vehicle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and public highways, and in no event when riding on a sidewalk in the residential district shall exceed the speed of five (5) miles per hour.
- (4) Every person operating, riding or propelling a non-motorized wheeled vehicle upon any street or other public highway shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections where there are no signs erected prohibiting right, left, or U-turns. No person operating a non-motorized wheeled vehicle shall disobey the direction of any such sign, except when such person dismounts from the non-motorized wheeled vehicle to make the turn, in which case the person shall obey any regulations applicable to pedestrians. Any non-motorized wheeled vehicle operator shall also signal for all turns, utilize the right-hand side of the street or highway, pass to the left when passing overtaken vehicles and individuals that are slower moving, and shall pass vehicles to the right when meeting. The operator of a non-motorized wheeled vehicle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all on such roadway.
- (5) No person shall park a non-motorized wheeled vehicle upon any street other than upon the roadway against the curb or upon the sidewalk in a rack to support the non-motorized wheeled vehicle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.
- (6) The Chief of Police is hereby authorized to erect signs on any sidewalk or roadway prohibiting the parking of non-motorized wheeled vehicles at any designated place so stated on the sign, and when such signs are in place no person shall disobey the same. In any proceeding for the violation of parking provision of this Chapter, the ownership of such non-motorized wheeled vehicle shall constitute a prima facie evidence that the owner of such non-motorized wheeled vehicle was the person who parked or placed such non-motorized wheeled vehicle at the point where such violation occurred.
- (7) The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of non-motorized wheeled vehicles thereon by any person and when such signs are in place no person shall disobey the same.

- (8) Pedestrians are hereby given the right-of-way on the sidewalks and along the crossings of the City and any rider of a non-motorized wheeled vehicle passing a person on foot must dismount at least fifteen (15') feet from such person and pass dismounted.
- (9) Whenever a usable path for non-motorized wheeled vehicles has been provided adjacent to a roadway, non-motorized wheeled vehicle riders shall use such path and shall not the roadway.
- (10) The provisions of this section shall not apply to on duty uniformed police officers assigned to bicycle patrol.

§5-607 BICYCLES; VIOLATION, PENALTIES.

Any person violating any provision of this Article shall be deemed guilty of a misdemeanor, and upon conviction, shall be subject to the penalties prescribed by Section 15-1101, or any person convicted of any violation of any provision of this Article shall be punished by removal and detention of the license plates from such person's bicycle for a period of not to exceed ninety (90) days or by impounding of such person's bicycle for a period not to exceed ninety (90) days or by any combination thereof; provided, however, persons fifteen (15) years of age or younger for first violation may be required to attend a bicycle safety program sponsored by a court having jurisdiction in lieu of the penalties outlined in this Section.

Article 7. Minibikes and Mopeds

§5-701 MINIBIKES; UNLAWFUL OPERATION.

It shall be unlawful for any person to operate a minibike upon any street or highway within the corporate limits of the City. 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 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.

§5-702 MINIBIKES; PARADES.

Minibikes shall be exempt from the provisions of this Article while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization.

§5-703 MINIBIKES; PUBLIC LANDS.

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

§5-704 MINIBIKES; TRAFFIC LAWS INAPPLICABLE.

Minibikes, their owners, and their operators shall be exempt from the requirements of Neb. RS Chapter 60, articles 3, 4, and 5.

§5-705 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 fifty (50cc) cubic centimeters, which produces no more than two (2) brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty (30 m.p.h.) miles per hour on level ground. Mopeds, their owners, and their operators, shall be subject to Chapter 60, Article 4, R.R.S. of Nebraska, 1943, and amendments thereto, but shall be exempt from the requirements of Chapter 60, Articles 1, 3, 5, and 17, R.R.S. of Nebraska, 1943 and amendments thereto.

§5-706 **MOPEDS; OPERATOR'S LICENSE REQUIRED.**

No person shall operate a moped upon the streets, alleys, or highways within the Municipality unless such person has (1) a valid Class O operator's license or (2) a valid school or learner's permit.

§5-707 **MOPEDS; TRAFFIC REGULATIONS APPLICABLE.**

(1) Any person who rides a moped upon a roadway shall have all the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application. Such regulations applicable to mopeds shall apply whenever a moped is operated upon any street, alley, or highway within the Municipality or upon any path set aside by the Department of Roads or the Municipality for the use of mopeds. Notwithstanding any established maximum speed limits in excess of twenty-five (25) miles per hour, no person shall operate any moped at a speed in excess of thirty (30) miles per hour.

§5-708 **MOPEDS; OPERATION.**

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

§5-709 **MOPEDS; USE OF TRAFFIC LANES.**

- (1) A moped shall be entitled to full use of a traffic lane of any highway with an authorized speed limit of forty-five (45) miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two abreast in a single lane.
- (2) No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.
- (3) Mopeds shall not be operated more than two (2) abreast in a single lane.
- (4) Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five (45) miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.
- (5) No person who rides upon a moped shall attach himself, herself, or the moped to any other vehicle on a roadway.
- (6) Mopeds shall not be operated on the sidewalks.

§5-710 **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 fifteen (15") inches above the mounting point of the handlebars.

Article 8. Snowmobiles

§5-801 SNOWMOBILES; EQUIPMENT.

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 (1) head lamp, one (1) tail lamp, reflector material of a minimum area of sixteen (16) square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the Director of Motor Vehicles.

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.

§5-802 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 congested area of the City unless weather conditions are such that it provides the only practicable method of safe vehicular travel, or said snowmobile is engaged in responding to an emergency.
2. At a rate of speed greater than reasonable or proper under the surrounding circumstances.
3. In a careless, reckless or negligent manner so as to endanger person or property.
4. Without a lighted headlight and 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.
7. No person shall operate a snowmobile upon any public way, shoulder, or inside bank or slope of any street or highway or highway right-of-way within the corporate limits of the City, except upon the declaration of the Mayor and then only in the case of public emergency and for only a specified time as outlined in the declaration.

§5-803 SNOWMOBILES; PUBLIC LANDS.

Snowmobiles shall be prohibited from operation on the public lands and rights-of-ways owned by the City, except where allowed by resolution of the City Council, where permitted on established and designated snowmobile courses or trails within public parks or on public lands owned by the City as provided by the Parks and Recreation Board or where vehicular traffic is prohibited and the Mayor declares the situation an emergency.

§5-804 SNOWMOBILES; ENFORCEMENT; PENALTY.

Any peace officers, 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.

Article 9. Abandoned, Damaged or Inoperative Vehicles

§5-901 ABANDONED VEHICLES; ABANDONED AUTOMOBILES.

(1)

- (a) No person shall cause any vehicle to be an abandoned vehicle as described in subsections (2)(a), (b), (c), or (d) of this section.

- (b) No person other than one authorized by the Municipality or appropriate state agency 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.

(2) 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 (6) hours on any public property;
- (b) If left unattended for more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted;
- (c) If left unattended for more than forty-eight (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 (7) 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 thirty (30) days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under subsection (5) of this section.

No motor vehicle subject to forfeiture under section 28-431 RS Neb. shall be an abandoned vehicle under this subsection.

- (3) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit stickers issued pursuant to section 60-376 RS Neb. affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of two hundred fifty (\$250.00) dollars or less, title shall immediately vest in the Municipality.

(4)

- (a) Except for vehicles governed by subsection (3) of this section, the Municipality shall make an inquiry concerning the last registered owner of an abandoned vehicle as follows:
 - 1. Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
 - 2. Abandoned vehicle with no license plate affixed, to the Department of Motor Vehicles.
- (b) The Municipality shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:
 - 1. It will be sold or will be offered at public auction after five (5) days from the date such notice was mailed; or
 - 2. Title will vest in the Municipality thirty (30) days after such notice was mailed.
- (c) If the Municipality is notified that a lien or mortgage exists, the notice described in subsection (4)(b) of this section 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.
- (d) Title to an abandoned vehicle, if unclaimed, shall vest in the Municipality:
 - 1. Five (5) days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subsection (4)(b)1. of this section;
 - 2. Thirty (30) days after the date the notice is mailed if the Municipality will retain the vehicle; or
 - 3. If the last-registered owner cannot be ascertained, when notice of such fact is received.
- (e) After title to the abandoned vehicle vests pursuant to subsection (4)(d) of this section, the Municipality may retain for use, sell, or auction the abandoned vehicle. If the Municipality has determined that the vehicle should be retained for use, the Municipality 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 Municipality intends to retain the abandoned vehicle for its use and that title will vest in the Municipality thirty (30) days after publication.

- (5)
- (a) If the municipal law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, it shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the agency, that the vehicle is no longer needed for law enforcement purposes, and that after thirty (30) days the agency will dispose of the vehicle.
 - (b) This subsection shall not apply to motor vehicles subject to forfeiture under section 28-431 RS Neb.
 - (c) No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this subsection 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.
- (6) Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the Municipality, shall be held by the Municipality without interest, for the benefit of the owner or lienholders of such vehicle for a period of two (2) years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the Municipality.
- (7) Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed, nor the Municipality, shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the Municipality or its contractual agent or as a result of any subsequent disposition.
- (8) The last-registered owner of an abandoned vehicle shall be liable to the Municipality for the costs of removal and storage of such vehicle.
- (9) For purposes of this section, PUBLIC PROPERTY means any public right-of-way, street, highway, alley or park or other state, county, or municipally owned property; PRIVATE PROPERTY means any privately owned property which is not included within the definition of public property.
- (10) Any person who violates the provisions of this section is guilty of an offense.

§5-902 STORAGE OF DISMANTLED, WRECKED, JUNKED AND INOPERABLE MOTOR VEHICLES AS NUISANCE.

- (1). It is expressly found and determined that the storage or accumulation of dismantled, partially dismantled, wrecked, junked, or inoperable motor vehicles left upon private property, in places other than junk yards or other appropriate areas, tends to interfere with the enjoyment of property, reduce the value of private property, and invite plundering and vandalism, create fire hazards, extend and aggravate urban blight, and result in a serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the residents of the City and is hereby declared to be a nuisance. No person shall park, store, leave, or permit the parking, storing or leaving of any motor vehicle of any kind which is dismantled, partially dismantled, wrecked, junked, or inoperable for a period of time in excess of fifteen (15) days; provided, this section shall not apply to any vehicle located on private property within an enclosed building, or to any vehicle held in connection with a business enterprise lawfully operated within the City.
- (2) The following words and phrases shall have the meanings respectively ascribed to them by this section:
- (a) Motor vehicle is any vehicle which is designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go

carts, golf carts, campers and trailers.

- (b) Junked motor vehicle is any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates, and the condition of which is wrecked, dismantled, partially dismantled, inoperable, abandoned or discarded.
- (c) Inoperable motor vehicle shall mean a motor vehicle which cannot be started and driven.

- (3)
- (a) Whenever any owner or occupant of real property permits a nuisance to exist, such owner and any occupant shall be notified of the existence of such nuisance by the City, and if the nuisance is not abated within fifteen (15) days from the service of the notice, the owner or occupant shall be guilty of creating a nuisance. The notice may be served by personally handing a copy thereof to each owner, or the owner's duly authorized agent, and to the occupant; or by leaving said notice at the usual place of residence, or in the event the owner is a nonresident of the City and his residence is known, notice may be served upon him by certified mail. Service of notice by certified mail shall be deemed complete when the notice is delivered to the owner by the United States mail.
 - (b) Upon failure of the owner or occupant to so abate the nuisance within fifteen (15) days of notice being given, in addition to or in lieu of filing charges for violation of this Chapter, the City may cause any junked motor vehicle to be towed from the property, at the expense of the owner of said motor vehicle. The City shall make a reasonable effort to contact the owner of the towed vehicle by sending a notice to the registered owner, if known; by sending an inquiry to the county it is registered in if the owner is unknown; or by contacting the Director of Motor Vehicles, if the vehicle is without license plates and the owner is unknown. If notified by the Director of Motor Vehicles that a lien or mortgage exists on said vehicle, notice shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. If the owner, lien holder or mortgagee, if known and does not claim the vehicle within five (5) days after the date when the notice was mailed, or upon receiving word from the Director of Motor Vehicles that the owner is unknown, title will immediately vest in the Municipality and the vehicle may be sold. Any proceeds from the sale of the vehicle less any expenses incurred by the Municipality in such removal, storage and sale shall be held without interest in a separate account for the benefit of the owner of such vehicle for a period of two (2) years. If not claimed within such period of time, the proceeds shall then be paid into the General Fund.

§5-903 REMOVAL OF DAMAGED OR INOPERATIVE VEHICLES AS A RESULT OF ACCIDENTS FROM PUBLIC RIGHT-OF-WAY.

It shall be the duty of the Police Department to oversee and direct the removal of damaged or inoperative motor vehicles as a result of an accident from the highways, streets and alleys of the City. Motor vehicles shall be removed by towing to a designated storage lot, unless otherwise directed by the owner or operator of the vehicle. The City Council shall designate the storage lot to be used. For all towing to the designated storage lot, a license shall be obtained from the City Council therefore, and likewise a license shall be obtained by the operator of the storage lot. The term of each license shall be for a period of two (2) years and may be revoked at any time by the City Council for good cause shown. Each licensee shall annually pay a fee for each license in the sum of ten (\$10.00) dollars. The manner and procedures to carry out the provisions of this Section shall be by resolution of the City Council.

Article 10. Snow Emergency Routes

§5-1001 SNOW EMERGENCY ROUTES: DESIGNATION

The following described streets are hereby declared to be snow emergency routes in the City of Fremont, Nebraska. The Mayor shall, at his discretion, place appropriate signs or other traffic control devices indicating the existence of such snow emergency routes. A designation of any street, avenue, road or highway or portion thereof as a snow emergency route shall in no way affect any previous designation of that street, avenue, road or highway for any other purposes. The snow emergency routes are as follows:

1. Broad Street – Cloverly Road to North City Limits
2. Bell Street – South City Limits to 23rd Street
3. 23rd Street – West Highway 30 Bypass to East City Limits
4. Military Avenue – Ridge Road to East City Limits
5. Somers Avenue – Military Avenue to North City Limits
6. Nye Avenue – Military Avenue to North City Limits
7. Main Street – Washington Street to 23rd Street
8. Clarkson Street – 1st Street to North City Limits
9. 30th Street – Clarkson Street to Broad Street
10. Lincoln Avenue – Cuming Street to North City Limits
11. Clarmar Avenue – Cuming Street to 23rd Street
12. 1st Street – Main Street to Luther Road
13. 16th Street – Somers Avenue to Johnson Road
14. Diers Parkway – 16th Street to 23rd Street
15. Johnson Road – Morningside Road to 16th Street
16. Fremont Drive
17. 19th Street – Somers Avenue to Luther Road
18. Linden Avenue – Broad Street to Ridge Road
19. Ridge Road – Military Avenue to 16th Street
20. 16th Street – Ridge Road to West City Limits
21. Rademakers Way – County Road 20th Avenue to West 23rd Street
22. Colorado Avenue – 23rd Street to Iowa Street
23. “M” Street – Washington Street to Military Avenue
24. Iowa Street – Wyoming Avenue to Seaton Avenue
25. Seaton Avenue – 23rd Avenue North to Iowa Street
26. Ridge Road – Seaton Avenue to North City Limits
27. Nebraska Avenue – Iowa Street to Woods Drive
28. Wyoming Avenue – Ohio Street to Watson Street
29. Ohio Street – Wyoming Avenue to Palmer Drive
30. Palmer Drive – Ohio Street to Jones Drive
31. Nicklaus Way – Somers Avenue to Palmer Drive
32. Jones Drive – Palmer Drive to Nebraska Avenue
33. Cedar Street – 22nd Street to 23rd Street
34. Milton Road – 23rd Street to North City Limits
35. 23rd Avenue North – Hancock Street to East City Limits
36. 23rd Avenue South – Lincoln Avenue to Luther Road

37. Laverna Street – 23rd Street to North City Limits
38. Washington Street – “M” Street to Union Street
39. Luther Road – South City Limits to North City Limits
40. 12th Street – Luther Road to Bell Street
41. Union Street – 1st Street to Factory Street
42. Factory Street – Union Street to Platte Street
43. Platte Street – Factory Street to South City Limits
44. Morningside Road – West City Limits to East City Limits
45. Clarkson Street – Dodge to 1st Street
46. Main Street – Washington to Cloverly Road
47. Ohio Street – Seaton Avenue to Ridge Road
48. 32nd Street – C to Yager Road
49. 29th Street – Clarkson to Yager Road
50. Reynolds Road – Clarkson to 860 East 23rd
51. Yager Road – 23rd to north city limits
52. Diers Parkway – 23rd to north city limits
53. Lumber Drive – 23rd to 24th Street
54. Deer Crossing
55. Elk Lane
56. Bud Boulevard – Morningside to south city limits
57. Jack Sutton Drive - Luther Road to Johnson Drive

§5-1002 SNOW EMERGENCIES; DECLARATION OF EMERGENCY.

Whenever the Mayor of the City, or his designated representative, shall find, on the basis of falling snow, sleet, or freezing rain, or on the basis of an official forecast by the U.S. Weather Bureau, of snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City snow emergency routes be prohibited or restricted for snow plowing and other purposes, the Mayor or his designated representative may place into effect a parking prohibition on all snow emergency routes by declaring that emergency conditions exist. In such declaration of emergency conditions the Mayor or his designated representative shall state the time that said emergency shall be in effect and from the time so designated, all parking of vehicles on snow emergency routes shall be prohibited. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route. Once in effect, the parking prohibition imposed under this Section shall remain in effect until terminated by declaration of the Mayor or his designated representative. However, nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

§5-1003 SNOW EMERGENCY ROUTES; PARKING PROHIBITION.

Whenever the Mayor or his representative shall find on the basis of accumulated snow, falling snow, sleet, freezing rain, or on the basis of an official forecast by the U.S. Weather Bureau of snow, sleet, or freezing rain, that conditions make it necessary that parking on local residential streets be prohibited or restricted for snow plowing and other purposes, he may put into effect a parking prohibition on part of or on all local and residential streets by declaring that parking be prohibited on one side of the local and residential streets, designating either the odd or even address numbered side, at his discretion. In such declaration, the Mayor or his designated representative shall state the date and time on which such parking prohibition shall take effect. The prohibition shall remain in effect until terminated by announcement of the Mayor or his designated representative, who may then declare that there shall be in effect a parking prohibition on the opposite side of

those local and residential streets designated above, which prohibition shall remain in effect until terminated by announcement of the Mayor or his designated representative. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any side of a street whereon parking is prohibited.

§5-1004 SNOW EMERGENCY ROUTES; OPERATION OF VEHICLES.

Whenever an emergency has been declared pursuant to Section 5-1002 of this Article, no person operating a motor vehicle on a snow emergency route shall allow such vehicle to become stalled or stuck.

No person operating a motor vehicle on a snow emergency route during the declaration of emergency snow conditions shall allow such vehicle to become stalled because the motor fuel supply is exhausted or the battery has become inoperative.

Whenever a motor vehicle becomes stalled for any reason, whether or not in violation of this Article, on any snow emergency route on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route, either onto the nearest cross street which is not a snow emergency route, or other appropriate location. No person shall abandon or leave his vehicle in the roadway of a snow emergency route, except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay.

§5-1005 SNOW EMERGENCY ROUTES; DECLARATION BROADCAST.

The Mayor or his designated representative shall cause each declaration of a snow emergency made by him, pursuant to this Article, to be publicly announced by means of broadcast or telecast from broadcasting stations with a normal operating range covering the City, and he may cause declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the Mayor or his designated representative, including the time it became or will become effective, and shall specify the streets or areas affected. The Mayor or his designated representative shall make or cause to be made a record of each time and date when any declaration is announced to the public by issuing an executive order as soon after the declaration of an emergency as is feasible.

Whenever the Mayor or his designated representative shall find that some or all of the conditions which gave rise to a parking prohibition placed in effect pursuant to the provisions of this Article no longer exist, he may declare the prohibition terminated, in whole or in part, effective immediately upon announcement or at a later specified time.

§5-1006 SNOW EMERGENCY ROUTES; CONFLICTING PROVISIONS.

Any provision of this Article which becomes effective by declaration of the Mayor or his designated representative upon the occurrence of a snow emergency, while temporarily in effect, takes precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions of a police officer.

§5-1007 SNOW EMERGENCY ROUTES; STALLED OR PARKED VEHICLES.

Members of the Police Department are hereby authorized to remove or have removed a vehicle from a street to another place or location on a street or to a lot, garage, storage yard, or other similar facility designated by the Police Department when:

1. The vehicle is parked on a snow emergency route on which a parking prohibition is in effect.
2. The vehicle is stalled on a snow emergency route on which there is a parking prohibition in effect and the person who is operating said vehicle does not appear to be removing it in accordance with the provisions of this Article.
3. The vehicle is parked on any street in violation of any parking prohibition or provision of law contained in this Article and is interfering or about to interfere with snow removal operations.

Such vehicle removal may be made by towing to the City Automobile Pound, or the Police Department may cause such vehicle to be removed to a private lot, garage, storage yard, or other similar facility; and any such vehicle shall not be released therefrom except upon payment by the owner of the vehicle to the person or persons in charge of the lot, garage, storage yard or other similar facility for the cost of towing, which fees shall not exceed fifteen (\$15.00) dollars, and the cost of storage, which fee shall not exceed two (\$2.00) dollars for each twenty-four (24) hour period or fraction thereof, during which time the vehicle remains stored, and a receipt for such fees shall be issued to the owner of the vehicle.

It shall be the duty of the person or persons in charge of the lot, garage, storage yard, or other similar facility designated by the Police Department to keep a record of the name of the owner of all vehicles towed in under the provisions hereof, together with the registration number of each vehicle, and the nature and circumstances of each violation, and the amount of fees collected hereunder, and to deliver a report of each day's transactions to the Chief of Police not later than one (1) day following the day for which the report is made.

Article 11. Penal Provision

§5-1101 VIOLATION: PENALTY.

Any person who violates any of the prohibitions or provisions of any Article or Section of the Chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular Article or Section for which the person stands convicted of violating, the penalty for such violation shall be in any amount not to exceed one hundred (\$100.00) dollars in the discretion of the court.