

TITLE VII: TRAFFIC CODE

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CHAPTER 70: GENERAL PROVISIONS

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§ 70.01 DEFINITIONS.

For the purpose of this title, the following definitions and the other definitions in Neb. RS 60-606 through 60-676 shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A highway intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.
(Neb. RS 60-607)

AUTHORIZED EMERGENCY VEHICLE. Such fire department vehicles, police vehicles, rescue vehicles and ambulances as are publicly owned, such other publicly or privately owned vehicles as are designated by the Director of Motor Vehicles, and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General pursuant to Neb. RS 55-133.
(Neb. RS 60-610)

BUSINESS DISTRICT. The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations or public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of a highway.
(Neb. RS 60-613)

HIGHWAY. The entire width between the boundary limits of any street, road, avenue, boulevard or

way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Neb. RS 60-624)

MANUAL. The *Manual on Uniform Traffic Control Devices* adopted by the Department of Roads pursuant to Neb. RS 60-6,118.

(Neb. RS 60-631)

MOTOR VEHICLE. Every self-propelled land vehicle, not operated upon rails, except bicycles, mopeds, self-propelled chairs used by persons who are disabled, and electric personal assistive mobility devices.

(Neb. RS 60-638)

PEACE OFFICER. The Police Chief or other chief law enforcement official, any city police officer or any other person authorized to enforce city ordinances. With respect to directing traffic only, **PEACE OFFICER** shall also include any person authorized to direct or regulate traffic.

(Neb. RS 60-646)

RESIDENTIAL DISTRICT. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

(Neb. RS 60-654)

ROADWAY. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term **ROADWAY** shall refer to any such roadway separately but not to all such roadways collectively.

(Neb. RS 60-656)

SCHOOL CROSSING ZONE. The area of a roadway designated to the public by the City Council as a school crossing zone through the use of a sign or traffic control device as specified by the City Council in conformity with the Manual but does not include any area of a freeway. A **SCHOOL CROSSING ZONE** 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.

(Neb. RS 60-658.01)

SHOULDER. That part of the highway contiguous to the roadway and designed for the accommodation of stopped vehicles, for emergency use, and for lateral support of the base and surface courses of the roadway.

(Neb. RS 60-661)

TRAFFIC. Pedestrians, ridden or herded animals, and vehicles and other conveyances either singly or together while using any highway for purposes of travel.

(Neb. RS 60-669)

TRAFFIC CONTROL DEVICE. Any sign, signal, marking or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of the City Council or any official having

jurisdiction for the purpose of regulating, warning or guiding traffic.
(Neb. RS 60-670)

TRAFFIC CONTROL SIGNAL. Any signal, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
(Neb. RS 60-671)

TRAFFIC INFRACTION. The violation of any provision of the Nebraska Rules of the Road or of any law, ordinance, order, rule or regulation regulating traffic which is not otherwise declared to be a misdemeanor or a felony or, in this title, an offense.
(Neb. RS 60-672)

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.
(Neb. RS 60-676)

§ 70.02 TRAFFIC REGULATIONS; GENERAL AUTHORITY.

(A) The City Council may, in its jurisdiction, enact regulations permitting, prohibiting and controlling the use of motor vehicles, minibikes, motorcycles, off-road recreation vehicles of any and all types, other powered vehicles, electric personal assistive mobility devices and vehicles which are not self-propelled. Any person who operates any of such vehicles without the permission of the City Council or its designated representative or in a place, time or manner which has been prohibited by the City Council shall be guilty of an offense.

(B) The City Council may further authorize the supervising official of any area under its ownership or control to permit, control or prohibit operation of any motor vehicle, minibike, motorcycle, off-road recreational vehicle of any or all types, other powered vehicle, electric personal assistive mobility device, or vehicle which is not self-propelled on all or any portion of any area under its ownership or control at any time by posting or, in case of an emergency, by personal notice. Any person operating any such vehicle where prohibited, where not permitted, or in a manner so as to endanger the peace and safety of the public or as to harm or destroy the natural features or human-made features of any such area shall be guilty of an offense.
(Neb. RS 60-678) Penalty, see § 70.99

§ 70.03 REGULATION OF HIGHWAYS; POLICE POWERS.

(A) The City Council with respect to highways under its jurisdiction and within the reasonable exercise of the police power may:

- (1) Regulate or prohibit stopping, standing or parking;
- (2) Regulate traffic by means of peace officers or traffic control devices;

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- (3) Regulate or prohibit processions or assemblages on the highways;
- (4) Designate highways or roadways for use by traffic moving in one direction;
- (5) Establish speed limits for vehicles in public parks;
- (6) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
- (7) Restrict the use of highways as authorized in § 70.04;
- (8) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
- (9) Regulate operation of electric personal assistive mobility devices;
- (10) Regulate or prohibit the turning of vehicles or specified types of vehicles;
- (11) Alter or establish speed limits authorized in the Nebraska Rules of the Road;
- (12) Designate no-passing zones;
- (13) Prohibit or regulate use of controlled-access highways by any class or kind of traffic except those highways which are a part of the state highway system;
- (14) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Roads;
- (15) Establish minimum speed limits as authorized in the Rules;
- (16) Designate hazardous railroad grade crossings as authorized in the Rules;
- (17) Designate and regulate traffic on play streets;
- (18) Prohibit pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in the Rules;
- (19) Restrict pedestrian crossings at unmarked crosswalks as authorized in the Rules;
- (20) Regulate persons propelling push carts;
- (21) Regulate persons upon skates, coasters, sleds and other toy vehicles;

(22) (a) Notwithstanding any other provision of law, adopt and enforce an ordinance or resolution prohibiting the use of engine brakes on the National System of Interstate and Defense Highways that has a grade of less than five degrees within its jurisdiction.

(b) For the purpose of this division, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ENGINE BRAKE. A device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss.

(23) Adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and

(24) Adopt other traffic regulations except as prohibited by state law or contrary to state law.

(B) The City Council shall not erect or maintain any traffic control device at any location so as to require the traffic on any state highway or state-maintained freeway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Roads.

(C) No ordinance or regulation enacted under divisions (A)(4), (A)(5), (A)(6), (A)(7), (A)(10), (A)(11), (A)(12), (A)(13), (A)(14), (A)(16), (A)(17) or (A)(19) shall be effective until traffic control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.
(Neb. RS 60-680)

§ 70.04 PROHIBITIONS ON OPERATION OF VEHICLES.

(A) The City Council may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed 90 days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which the City Council is responsible whenever any such highway by reason of deterioration, rain, snow or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. The City Council shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until such signs are erected and maintained.

(B) The City Council may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.
(Neb. RS 60-681)

§ 70.05 ORDINANCES CONTRARY TO STATE LAW PROHIBITED.

The City Council shall not enact or enforce any ordinance directly contrary to the Nebraska Rules of the Road unless expressly authorized by the Legislature.
(Neb. RS 60-6,108)

§ 70.06 PLACEMENT AND MAINTENANCE OF TRAFFIC CONTROL DEVICES.

The City Council shall place and maintain such traffic control devices upon highways under its jurisdiction as it deems necessary to indicate and to carry out the provisions of this title or to regulate, warn or guide traffic. All such traffic control devices erected pursuant to this title shall conform with the Manual.
(Neb. RS 60-6,121)

§ 70.07 ENFORCEMENT OF RULES AND LAWS.

(A) All peace officers are hereby specifically directed and authorized and it shall be deemed and considered a part of the official duties of each of such officers to enforce the provisions of Nebraska Rules of the Road and this title, including the specific enforcement of maximum speed limits, and any other state or city law regulating the operation of vehicles or the use of the highways.

(B) To perform the official duties imposed by this section, peace officers shall have the power:

(1) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of the Motor Vehicle Operator's License Act or this title or of any other law regulating the operation of vehicles or the use of the highways, if and when designated or called upon to do so as provided by law;

(2) To make arrests upon view and without warrant for any violation committed in their presence of any provision of the laws of this state relating to misdemeanors or felonies or of similar city ordinances if and when designated or called upon to do so as provided by law;

(3) At all times to direct all traffic in conformity with law or, in the event of a fire or other emergency or in order to expedite traffic or ensure safety, to direct traffic as conditions may require;

(4) When in uniform, to require the driver of a vehicle to stop and exhibit his or her operator's license and registration certificate issued for the vehicle and submit to an inspection of such vehicle and the license plates and registration certificate for the vehicle and to require the driver of a motor vehicle to present the vehicle within five days for correction of any defects revealed by such motor vehicle inspection as may lead the inspecting officer to reasonably believe that such motor vehicle is being operated in violation of the statutes of the state, the rules and regulations of the Director of Motor Vehicles, or any city ordinance or regulation;

(5) To inspect any vehicle of a type required to be registered according to law in any public garage or repair shop or in any place where such a vehicle is held for sale or wrecking;

(6) To serve warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways; and

(7) To investigate traffic accidents for the purpose of carrying on a study of traffic accidents and enforcing motor vehicle and highway safety laws.

(Neb. RS 60-683)

Statutory reference:

Motor Vehicle Operator's License Act, see Neb. RS 60-462

§ 70.08 FAILURE OR REFUSAL TO OBEY ORDER.

(A) Any person who knowingly fails or refuses to obey any lawful order of any peace officer who is controlling or directing traffic shall be guilty of a traffic infraction.

(B) Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of an offense whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or this title or of a person whom such officer reasonably believes has violated the Rules or this title.

(Neb. RS 60-6,110) Penalty, see § 70.99

§ 70.09 OBEDIENCE TO TRAFFIC CONTROL DEVICES; EXCEPTIONS.

(A) The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto placed in accordance with the Nebraska Rules of the Road or this title, unless otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle in the Rules and this title.

(B) No provision of the Rules or this title for which traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by a reasonably observant person. Whenever any provision of the Rules or this title does not state that traffic control devices are required, such provision shall be effective even though no devices are erected or in place.

(C) Whenever traffic control devices are placed in position approximately conforming to the requirements of the Rules or this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(D) Any traffic control device placed pursuant to the Rules or this title and purporting to conform with the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of the Rules or this title unless the contrary is established by competent evidence.

(Neb. RS 60-6,119) Penalty, see § 70.99

§ 70.10 AUTHORIZED EMERGENCY VEHICLES; PRIVILEGES.

(A) Subject to the conditions stated in the Nebraska Rules of the Road and this title, the driver of an authorized emergency vehicle, when responding to an emergency call, when pursuing an actual or suspected violator of the law, or when responding to but not when returning from a fire alarm, may:

(1) Stop, park or stand, irrespective of the provisions of the Rules and this title, and disregard regulations governing direction of movement or turning in specified directions; and

(2) Except for wreckers towing disabled vehicles and highway maintenance vehicles and equipment:

(a) Proceed past a steady red indication, a flashing red indication or a stop sign but only after slowing down as may be necessary for safe operation; and

(b) Exceed the maximum speed limits so long as he or she does not endanger life, limb or property.

(B) Except when operated as a police vehicle, the exemptions granted in division (A) above shall apply only when the driver of such vehicle, while in motion, sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary and when such vehicle is equipped with at least one lighted light displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

(C) The exemptions granted in division (A) above shall not relieve the driver from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect such driver from the consequences of his or her reckless disregard for the safety of others.

(D) Authorized emergency vehicles operated by police and fire departments shall not be subject to the size and weight limitations of sections Neb. RS 60-6,288 to 60-6,290 and 60-6,294.
(Neb. RS 60-6,114)

§ 70.11 TRAFFIC OFFICERS.

The City Council or the city police may at any time detail officers, to be known as “traffic officers”, at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer notwithstanding the directive of a stop sign or signal device that may have been placed at any such intersection.

Penalty, see § 70.99

§ 70.99 TRAFFIC INFRACTIONS; PENALTY.

(A) Unless otherwise declared in this title with respect to particular offenses, a violation of any provision of this title shall constitute a traffic infraction.

(Neb. RS 60-682)

(B) Any person who is found guilty of a traffic infraction in violation of this title for which a penalty has not been specifically provided shall be fined:

(1) Not more than \$100 for the first offense;

(2) Not more than \$200 for a second offense within a one-year period; and

(3) Not more than \$300 for a third and subsequent offense within a one-year period.

(Neb. RS 60-689)

Statutory reference:

Other provisions on traffic infractions, see Neb. RS 60-684 through 60-694.01

CHAPTER 71: TRAFFIC REGULATIONS

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GENERAL PROVISIONS

§ 71.01 RESTRICTIONS ON DIRECTION OF TRAVEL.

(A) The City Council with respect to highways under its jurisdiction may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all times or at such times as shall be indicated by traffic control devices.

(B) Except for emergency vehicles, no vehicle shall be operated, backed, pushed or otherwise caused to move in a direction which is opposite to the direction designated by competent authority on any deceleration lane, acceleration lane, access ramp, shoulder or roadway.

(C) A vehicle which passes around a rotary traffic island shall be driven only to the right of such

island.

(Neb. RS 60-6,138)

§ 71.02 RIGHT-OF-WAY; STOP AND YIELD SIGNS.

(A) The City Council may provide for preferential right-of-way at an intersection and indicate such by stop signs or yield signs erected by such authorities.

(B) Except when directed to proceed by a peace officer or traffic control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard if such driver moved across or into such intersection.

(C) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection.

(Neb. RS 60-6,148) Penalty, see § 70.99

§ 71.03 INTERFERENCE WITH TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any traffic control device, any railroad sign or signal or any part of such a device, sign or signal. (Neb. RS 60-6,129) Penalty, see § 70.99

§ 71.04 SIGNS, MARKERS, DEVICES OR NOTICES; PROHIBITED ACTS.

(A) Any person who willfully or maliciously shoots upon the public highway and injures, defaces, damages, or destroys any signs, monuments, road markers, traffic control devices, traffic surveillance devices or other public notices lawfully placed upon such highways shall be guilty of an offense.

(B) No person shall willfully or maliciously injure, deface, alter or knock down any sign, traffic control device or traffic surveillance device.

(C) It shall be unlawful for any person, other than a duly authorized representative of the Department of Roads, the county or the city, to remove any sign, traffic control device or traffic surveillance device placed along a highway for traffic control, warning or informational purposes by official action of the department, county or city. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this division.

(D) Any person violating divisions (B) or (C) above shall be guilty of an offense and shall be assessed liquidated damages in the amount of the value of the sign, traffic control device or traffic surveillance device and the cost of replacing it.

(Neb. RS 60-6,130) Penalty, see § 71.99

§ 71.05 TIRE REQUIREMENTS AND PROHIBITIONS; PERMISSIVE USES.

(A) Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(B) No tire on a vehicle moved on a highway shall have on its periphery any clock, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:

(1) This prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding five-sixteenths of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than seven-sixty-fourths of an inch between November 1 and April 1, except that school buses, mail carrier vehicles and emergency vehicles shall be permitted to use metal or metal-type studs at any time during the year;

(2) It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and

(3) It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other condition tending to cause a vehicle to slide or skid.

(C) (1) No person shall operate or move on any highway any motor vehicle, trailer or semitrailer:

(a) Having any metal tire in contact with the roadway; or

(b) Equipped with solid rubber tires.

(2) Division (C)(1) above shall not apply to farm vehicles having a gross weight of 10,000 pounds or less or to implements of husbandry.

(D) The city may, in its discretion, issue special permits authorizing the operation upon a highway

of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

(Neb. RS 60-6,250)

Statutory reference:

Rubber tired cranes, see Neb. RS 60-6,288

§ 71.06 SEMI-TRACTORS; PROHIBITED NOISES.

It shall be unlawful for any person within the corporate limits of the city to make or cause to be made, loud or disturbing noises with any mechanical devices operated by containing the engine's compression and used for purposes of assisting braking on any semi-tractor, commonly known as "compression brakes", except in emergency circumstances. The City Council shall cause notices to be posted, or erect signs indicating such prohibition.

(Ord. 99-1061M, passed 12-20-1999) Penalty, see § 71.99

§ 71.07 ALL-TERRAIN AND UTILITY-TYPE VEHICLES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-TERRAIN VEHICLES. Any motorized off-highway vehicle which:

- (a) Is 50 inches or less in width;
- (b) Has a dry weight of 900 pounds or less;
- (c) Travels on three or more low-pressure tires;
- (d) Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger;
- (e) Has a seat or saddle designed to be straddled by the operator;
- (f) Has handlebars or any other steering assembly for steering control; and
- (g) Is equipped with an operational brake light.

(Neb. RS 60-6,355)

STREET or HIGHWAY. The entire width between the boundary limits of any street, road, avenue, boulevard or way, which is publically maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Neb. RS 60-624)

UTILITY-TYPE VEHICLE. Any motorized off-highway device 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 2,00 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.

(Neb. RS 60-6,355)

(B) An all-terrain vehicle or a utility-type vehicle may be operated on streets and highways within the corporate limits of the city only if the operator and the vehicle comply with the provisions of this section.

(C) An all-terrain vehicle or a utility-type vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of the posted speed limit and in no event in the excess of 30 mph. When operating an all-terrain vehicle or a utility-type vehicle as authorized in division (B) above, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(D) Any person operating an all-terrain vehicle or a utility-type vehicle as authorized in division (B) above shall:

(1) Have a valid Class O operator's license or a farm permit as provided in Neb. RS 60-126; and

(2) Have liability insurance coverage for the all-terrain vehicle or a utility-type vehicle while operating the all-terrain vehicle or a utility-type vehicle on a street or highway. The person operating the all-terrain vehicle or a utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such request.

(E) All-terrain vehicles and utility-type vehicles may be operated without complying with divisions (C) and (D) above on streets and highways in parades, which have been authorized, by the state or any department, board, commission or political subdivision of the state.

(F) All-terrain vehicles and utility-type vehicles shall not be operated on any controlled access highway with more than two marked traffic lanes, and the crossing of any controlled access highway with more than two marked traffic lanes shall not be permitted. For purposes of this section, turn lanes are deemed to be auxiliary lanes and not traffic lanes. The crossing of a highway shall be permitted by an all-terrain vehicle or a utility-type vehicle only if:

- (1) The crossing is made at angle of approximately 90 degrees to the direction of the street or

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 street or highway;

(3) The operator 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; and

(5) Both the headlight and the taillight of the vehicle are on when the crossing is made.

(Neb. RS 60-6,356)

(Ord. 2008-2092M, passed 8-14-2008; Ord. 2010-2105M, passed 7-8-2010)

SPEED LIMITS

§ 71.20 BASIC RULE.

No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. A person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(Neb. RS 60-6,185) Penalty, see § 70.99

§ 71.21 MAXIMUM LIMITS.

(A) Except when a special hazard exists that requires lower speed for compliance with § 71.20, the limits set forth in this section and Neb. RS 60-6,187, 60-6,188, 60-6,305 and 60-6,313 shall be the maximum lawful speeds unless reduced pursuant to division (B) below, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:

(1) Twenty-five mph in any residential district;

(2) Twenty mph in any business district;

(3) Fifty mph upon any highway that is not dustless surfaced and not part of the state highway system;

(4) Fifty-five mph upon any dustless-surfaced highway not a part of the state highway system;

and

(5) Sixty mph upon any part of the state highway system other than an expressway or a freeway, except that the Department of Roads may, where existing design and traffic conditions allow, according to an engineering study, authorize a speed limit five mph greater.

(B) The maximum speed limits established in division (A) above may be reduced by the Department of Roads or the City Council pursuant to § 71.23 or Neb. RS 60-6,188.

(C) The City Council may erect and maintain suitable signs along highways under its jurisdiction in such number and at such locations as it deems necessary to give adequate notice of the speed limits established pursuant to division (A) or (B) above upon such highways.
(Neb. RS 60-6,186) Penalty, see § 71.99

§ 71.22 BRIDGES AND OTHER ELEVATED STRUCTURES.

(A) No person shall drive a vehicle over any public bridge, causeway, viaduct or other elevated structure at a speed which is greater than the maximum speed which can be maintained with safety thereon when such structure is posted with signs as provided in division (B) below.

(B) The Department of Roads or the City Council may conduct an investigation of any bridge or other elevated structure constituting a part of a highway under its jurisdiction, and if it finds that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible, the Department or the City Council shall determine and declare the maximum speed of vehicles which the structure can safely withstand and shall cause suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(C) Upon the trial of any person charged with a violation of division (A) above, proof of the determination of the maximum speed by the Department or the City Council and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety on the bridge or structure.
(Neb. RS 60-6,189) Penalty, see § 71.99

§ 71.23 ALTERNATIVE MAXIMUM LIMITS.

(A) Whenever the Department of Roads determines, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place or part of such highway which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place or part of the highway, except that the maximum rural and freeway limits shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs.

(B) On all highways within its corporate limits, except on state-maintained freeways which are part of the state highway system, the City Council shall have the same power and duty to alter the maximum speed limits as the Department if the change is based on engineering and traffic investigation, except that no imposition of speed limits on highways which are part of the state highway system in the city shall be effective without the approval of the Department.

(C) Not more than six such speed limits shall be set per mile along a highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 20 mph.

(D) When the Department or the City Council determines by an investigation that certain vehicles in addition to those specified in Neb. RS 60-6,187, 60-6,305, and 60-6,313 cannot with safety travel at the speeds provided in §§ 71.21 and 71.22 and Neb. RS 60-6,187, 60-6,305, and 60-6,313 or set pursuant to this section, § 71.22, or Neb. RS 60-6,188, the Department or the City Council may restrict the speed limit for such vehicles on highways under its respective jurisdiction and post proper and adequate signs. (Neb. RS 60-6,190)

§ 71.24 NEAR SCHOOLS.

(A) It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes, during school recess or while children are going to or leaving school during the opening or closing hours, to drive the vehicle at a rate of speed in excess of 15 mph past the premises.

Penalty, see § 71.99

(B) The driver shall stop at all stop signs located at or near such school premises, and it shall be unlawful for the driver to make a U-turn at any intersection where such stop signs are located at or near such school premises.

Penalty, see § 70.99

§ 71.25 OTHER SPECIFIC SPEED LIMITS.

(A) *State highways.* No person shall drive a vehicle on any portion of any state highways located within the city limits at a rate of speed greater than is reasonable and proper having regard for the traffic and roadway and conditions of the highway, or at a rate of speed exceeding the maximum speed limits herein established. A speed survey prepared by the state is incorporated herein by reference and specifically made a part of this section, subject to the exceptions as contained herein.

(B) *Highway 12.* The speeds designated on the diagram in the speed survey are designated as the maximum speed limits for the respective portions of state highways included within the city limits.

(1) The speed limit on Fifth Street (Highway 12) from Valentine Street to Hugh Street shall be 20 mph during the following periods of time, to-wit:

- (a) 7:45 a.m. to 8:45 a.m.;
- (b) 11:30 a.m. to 1:00 p.m.; and
- (c) 3:00 p.m. to 4:00 p.m.

(2) The speed limit on Fifth Street (Highway 12) from Valentine Street to Hugh Street shall be 30 mph at all other times; provided, further, the speed limit of Fifth Street (Highway 12) from Hugh Street to a point 300 feet east of Green Street shall be 35 mph.

(C) *Recreation Road.* The speed limit on Recreation Road R-16C (Merritt Dam Road) from the junction of Recreation Road R-16C and Highway US 20 (West C Street) to a point 1,600 feet thereof, shall be 35 mph on the east (northbound) lanes and shall be 25 mph from Highway US 20 to the city limits on the west (southbound) lane, as shown on the diagram on file with the Municipal Clerk.

(D) *City Park.* The speed limit on the roads in the Valentine City Park shall be 15 mph.

(E) *City ballfields.* The speed limit on the roads at the Valentine municipal ballfields shall be ten mph.

(F) *Residential district and business district.*

(1) No person shall operate a motor vehicle within the city limits at a speed greater than 25 mph in any residential district and business district or at a speed greater than is reasonable and proper except the following speed limits shall apply:

(a) Highway US-97 will be 45 mph beginning as shown on the attached Nebraska Department of Roads legend, which is adopted by reference as if set out in full herein;

(b) Highway US-97 will be 35 mph beginning as shown on the attached Nebraska Department of Roads legend, which is adopted by reference as if set out in full herein.

(2) In addition, any other previously revised speed limits within the city shall remain in effect and there is no intent to modify said speed limits by the passing of this division (F). (Ord. 2001-1084M, passed 8-20-2001; Ord. 2013-2146M, passed 2-14-2013)

§ 71.99 VIOLATIONS; FINES.

(A) Any person who operates a vehicle in violation of any maximum speed limit established for any highway or freeway is guilty of a traffic infraction and upon conviction shall be fined:

- (1) Ten dollars for traveling one to five mph over the authorized speed limit;
- (2) Twenty-five dollars for traveling over five mph but not over ten mph over the authorized

speed limit;

(3) Seventy-five dollars for traveling over ten mph but not over 15 mph over the authorized speed limit;

(4) One hundred twenty-five dollars for traveling over 15 mph but not over 20 mph over the authorized speed limit;

(5) Two hundred dollars for traveling over 20 mph but not over 35 mph over the authorized speed limit; and

(6) Three hundred dollars for traveling over 35 mph over the authorized speed limit.

(B) (1) The fines prescribed in division (A) above shall be doubled if the violation occurs within a maintenance, repair or construction zone established pursuant to Neb. RS 60-6,188.

(2) For the purpose of this division (B), the following definition shall apply unless the context clearly indicates or requires a different meaning.

MAINTENANCE, REPAIR OR CONSTRUCTION ZONE.

1. a. The portion of a highway identified by posted or moving signs as being under maintenance, repair or construction; or

b. The portion of a highway identified by maintenance, repair or construction zone speed limit signs displayed pursuant to Neb. RS 60-6,188; and

c. Within such portion of a highway where road construction workers are present.

2. The maintenance, repair or construction zone starts at the location of the first sign identifying the maintenance, repair or construction zone and continues until a posted or moving sign indicates that the maintenance, repair or construction zone has ended.

(C) The fines prescribed in division (A) above shall be doubled if the violation occurs within a school crossing zone.

(Neb. RS 60-682.01)

CHAPTER 72: PARKING REGULATIONS

Section

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Administration and Enforcement

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GENERAL PROVISIONS

§ 72.01 REGULATION OR PROHIBITION AUTHORIZED.

(A) The City Council with respect to highways under its jurisdiction and within the reasonable exercise of the police power may regulate or prohibit stopping, standing or parking.
(Neb. RS 60-680)

(B) If the City Council regulates or prohibits stopping, standing or parking all vehicles or a

particular kind or class of vehicles on a highway or a portion of a highway, no person shall stop, stand or park a vehicle subject to such regulation or prohibition on the highway or portion thereof longer than a period of time necessary to load and unload freight or passengers.

Penalty, see § 70.99

§ 72.02 ROADWAY OUTSIDE BUSINESS OR RESIDENTIAL DISTRICT.

(A) No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon a roadway outside of a business or residential district when it is practicable to stop, park or leave such vehicle off such part of a highway, but in any event an unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway. Such parking, stopping or standing shall in no event exceed 24 hours.

(B) No person shall stop, park or leave standing any vehicle on a freeway except in areas designated or unless so directed by a peace officer, except that when a vehicle is disabled or inoperable or the driver of the vehicle is ill or incapacitated, such vehicle shall be permitted to park, stop or stand on the shoulder facing in the direction of travel with all wheels and projecting parts of such vehicle completely clear of the traveled lanes, but in no event shall such parking, standing or stopping upon the shoulder of a freeway exceed 12 hours.

(C) No person, except law enforcement, fire department, emergency management, public or private ambulance, or authorized Department of Roads or local authority personnel, shall loiter or stand or park any vehicle upon any bridge, highway or structure which is located above or below or crosses over or under the roadway of any highway or approach or exit road thereto.

(D) Whenever a vehicle is disabled or inoperable in a roadway or for any reason obstructs the regular flow of traffic for reasons other than an accident, the driver shall move or cause the vehicle to be moved as soon as practical so as to not obstruct the regular flow of traffic.

(E) This section does not apply to the driver of any vehicle which is disabled while on the roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position until such time as it can be removed pursuant to division (D) of this section.

(Neb. RS 60-6,164) Penalty, see § 70.99

§ 72.03 GENERAL PROHIBITIONS; EXCEPTIONS.

(A) Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a peace officer or traffic control device, no person shall:

(1) Stop, stand or park any vehicle:

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

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(b) On a sidewalk;

(c) Within an intersection;

(d) On a crosswalk;

(e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone unless the City Council indicates a different length by signs or markings;

(f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(g) Upon any bridge or other elevated structure over a highway or within a highway tunnel;

(h) On any railroad track; or

(i) At any place where official signs prohibit stopping.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(a) In front of a public or private driveway;

(b) Within 15 feet of a fire hydrant;

(c) Within 20 feet of a crosswalk at an intersection;

(d) Within 30 feet of any flashing signal, stop sign, yield sign or other traffic control device located at the side of a roadway;

(e) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted; or

(f) At any place where official signs prohibit standing.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing; or

(b) At any place where official signs prohibit parking.

(B) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as shall be unlawful.

(Neb. RS 60-6,166) Penalty, see § 70.99

§ 72.04 OBSTRUCTING STREET, INTERSECTION OR ENTRANCE.

No person shall, except in case of an accident or emergency, stop any vehicle in any location where stopping will obstruct any street, intersection or entrance to an alley or public or private drive.

Penalty, see § 70.99

§ 72.05 INTERSECTIONS.

Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a peace officer or traffic control device, no person shall park a vehicle or leave a vehicle standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection of curb lines, or if none, then within 15 feet of the intersection of property lines, or where the curb lines are painted red or another color specified by the City Council to indicate such prohibition.

Penalty, see § 70.99

§ 72.06 ALLEYS.

(A) No person shall park a vehicle with any portion thereof projecting into any alley entrance.

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

Penalty, see § 70.99

§ 72.07 TRUCK PARKING, LOADING AND UNLOADING.

(A) It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to park or stop such vehicle on a street within the business district except to load or unload when loading or unloading in an alley is impossible and then only for the period of time reasonably necessary to load or unload.

(B) If the City Council provides truck parking areas adjoining or adjacent to the business district, all truck operators shall use such parking areas for all parking purposes.

(C) Except in an area provided for by the City Council by resolution, it shall be unlawful for the operator of any truck, including an oil tanker, to park or stop for any period of time within the limits of any street outside the business district except for the purpose of loading or unloading the cargo thereof in the ordinary course of business.

Penalty, see § 70.99

§ 72.08 DISPLAY OR REPAIR OF VEHICLE.

It shall be unlawful for any person to park upon any highway or public place within the city any vehicle displayed for sale. Except when necessary due to a breakdown or other emergency, no person shall adjust or repair, or race the motor of, any motor vehicle or motorcycle while standing on the highways of the city. No person or employee connected with a garage or repair shop shall use sidewalks or highways in the vicinity of the garage or shop for the purpose of working on vehicles of any description.

Penalty, see § 70.99

§ 72.09 CURRENT REGISTRATION.

It shall be unlawful to park or place on the highways or other public property any vehicle required to be registered by the Motor Vehicle Registration Act that is not registered in accordance with the Act.

Penalty, see § 70.99

Statutory reference:

Motor Vehicle Registration Act, see Neb. RS 60-301

§ 72.10 TIME LIMITS.

If the City Council adopts a resolution entirely prohibiting, or fixing a time limit for, the parking and stopping of vehicles on any highway, it is unlawful to park or stop any vehicle in such highway for a period of time longer than fixed in the resolution.

Penalty, see § 70.99

§ 72.11 SNOW; WEATHER EMERGENCIES; HIGHWAY MAINTENANCE.

(A) Unless the City Council provides otherwise, it is unlawful to park or stand any vehicle on any highway in the city at any time within 12 hours after a snowfall of four inches or more has occurred within a 24-hour period if the snow has not been removed within that time on the following streets and alleys:

Cherry Street	From First Street to Fourth Street
Fifth Street	From Main Street to the east city limits
First Street	From Hall Street to Cherry Street
Fourth Street	From Main Street to the west city limits
Green Street	From Third Street to Sixth Street
Hall Street	From First Street to Fourth Street
Main Street	From Highway 20 to Eighth Street
Second Street	From Hall Street to Cherry
Third Street	From Hall Street to Cherry Street
Alley between Main Street and Cherry Street	From First Street to Third Street
Alley between Main Street and Hall Street	From First Street to Third Street

(B) (1) It shall be unlawful to park or stand any vehicle on any north/south street within the city limits at any time within the first 24 hours after a snow fall of four inches or more has occurred within a 24-hour period unless the snow has been removed within that time.

(2) It shall be unlawful to park or stand any vehicle on any east/west street within the city limits at any time within the second 24 hours after a snow fall of four inches or more has occurred within a 24-hour period unless the snow has been removed within that time.

(C) Parking; emergency vehicles: the provisions of this section regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties.

(D) Whenever the City Manager shall determine on the basis of accumulated snow, falling snow, sleet or freezing rain that conditions make it necessary that the parking restrictions contained in this section be temporarily altered, the City Manager may put into effect a parking prohibition on part of or all of the city roadways, by declaring a snow emergency which shall permit the City Manager to declare that parking be prohibited on one or both sides of the said roadways, and designating such parking prohibition in his or her discretion. In such declaration, the City Manager shall state the date and time on which such parking prohibition shall take effect. The prohibition shall remain in effect until termination by the City Manager. The City Manager shall cause each declaration or termination of a snow emergency he or she makes pursuant to this section to be publicly announced by means of broadcast or telecast from broadcasting stations with a normal operating range covering the city.

(E) Any provision of this section which becomes effective by declaration of the City Manager 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 by a police officer.

(F) Removal of vehicles in violation: members of the Police Department are hereby authorized to remove any vehicle from a roadway to another place or location on a roadway or to a lot, garage or other similar facility designated by the Police Department when such vehicle is parked on any roadway in violation of any parking prohibition or provision of law contained in this section and is interfering or about to interfere with snow removal operations, the cost of such vehicle removal and storage to be paid by the owner of record of such vehicle prior to the release of said vehicle.

(G) It shall be unlawful for any person, corporation or other entity to remove snow from private property and dump the snow on a public street, alley, highway or right-of-way within the city. (1977 Code, § 5-412) (Ord. 84-917, passed 12-17-1984) Penalty, see § 70.99

§ 72.12 PARALLEL, ANGLE AND CENTER PARKING.

(A) Except as otherwise provided in this section, any vehicle stopped or parked upon a two-way roadway where parking is permitted shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of such roadway. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.

(B) Except when otherwise provided by the City Council, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of such roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway or its left-hand wheels within 12 inches of the left-hand curb or edge of such roadway.

(C) The City Council may permit angle or center parking on any roadway, except that angle or center parking shall not be permitted on any federal-aid highway or on any part of the state highway system unless the Director-State Engineer has determined that such roadway is of sufficient width to permit angle or center parking without interfering with the free movement of traffic.

(D) The City Council may prohibit or restrict stopping, standing or parking on highways under its jurisdiction and erect and maintain proper and adequate signs thereon. No person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs. (Neb. RS 60-6,167)

(E) Where stalls are designated either on the curb or pavement, vehicles shall be parked within those stalls.

(F) Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away. Penalty, see § 70.99

§ 72.13 BACKING FREIGHT VEHICLE TO CURB.

The operator of a vehicle of an over-all length of less than 20 feet, including load, while loading or unloading freight may back the vehicle to the curb but shall occupy as little of the street as possible. Penalty, see § 70.99

§ 72.14 UNATTENDED MOTOR VEHICLE.

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended on a highway without first stopping the motor of such vehicle, locking the ignition, removing the key from the ignition and effectively setting the brakes thereon and, when standing upon any roadway, turning the front wheels of such vehicle to the curb or side of such roadway. (Neb. RS 60-6,168) Penalty, see § 70.99

§ 72.15 PAINTING OF CURBS.

(A) The curb space within 15 feet in either direction of a fire hydrant shall be painted red, or another color specified by the City Council, to indicate that parking is prohibited in such area.

(B) If the City Council adopts a resolution regulating or prohibiting the parking or stopping of vehicles at the curb on highways in front of certain facilities or at certain locations, the curbs adjacent to any such facility or location shall be painted in such manner as directed by the City Council to indicate such regulation or prohibition.

(C) It shall be the duty of the City Council or its agent to cause the curb space to be painted and to keep the same painted as provided in this chapter or as specified by the City Council. The marking or designating of portions of highways 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. No person shall paint the curb of any highway or in any manner set aside, or attempt to prevent the parking of vehicles in, any highway or part thereof, except at such places where the parking of vehicles is prohibited by the provisions of this chapter or by a resolution adopted by the City Council. Penalty, see § 70.99

§ 72.17 MAXIMUM TIME LIMIT.

Unless otherwise posted with appropriate signs and subject to the provisions of § 72.18, it shall be unlawful for anyone to park or leave standing any motor vehicle, truck trailer, mobile home camper, camper, horse trailer, car trailer, stock trailer or machinery of any kind upon the public streets of the city for more than seven consecutive days. (Ord. 2014-2173M, passed 11-13-2014)

§ 72.18 PARKING OF BOATS AND TRAILERS.

During the months of November, December, January, February and March of every calendar year, it shall be unlawful for any person owning or being in custody or control of a boat, boat trailer, pontoon, pontoon trailer, vessel, vessel trailer to park or leave standing on the streets of the city any boat, boat trailer, pontoon, pontoon trailer, vessel, vessel trailer except for purposes of loading and unloading and then only for the length of time necessary to load or unload the boat, pontoon or trailer.
(Ord. 2014-2174M, passed 11-13-2014)

ADMINISTRATION AND ENFORCEMENT

§ 72.50 TICKETS.

All tickets issued for violations of nonmoving 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 30 days;
- (B) The amount of the fine if not paid within 30 days;
- (C) The location where payment may be made; and
- (D) The fact that a complaint will be filed after 30 days if the fine is not paid in that time.

§ 72.51 REMOVAL OF ILLEGALLY PARKED VEHICLES.

(A) Whenever any peace officer, or any authorized employee of a law enforcement agency who is employed by the city and specifically empowered by ordinance to act, finds a vehicle standing upon a highway in violation of any of the provisions of this chapter, the individual may remove the vehicle, 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 the highway or from the highway.

(B) The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of the vehicle until the charges are paid. The lien provided for in this section shall not apply to the contents of any vehicle.

(Neb. RS 60-6,165)

