

Title XVII Chapter 71 Traffic Regulations

**Traffic; General**

**170.71.10 Truck Routes; Designating Route**

It shall be unlawful to operate upon any street or alley in the City of Stanton, Nebraska except those streets or alleys hereinafter designated as a "truck route" any semi tractor truck with trailer attached or unattached, trucks with bed or boxes that exceed 9 feet in length or more, including agricultural and industrial equipment exceeding 10,000 pounds. It shall not be unlawful for the following vehicles to operate upon any street or alley in the City of Stanton, Nebraska: emergency vehicles, vehicles being used for the purpose of delivering or collecting goods, wares, merchandise, vehicles being directly used for building, repair, service, moving operations, vehicles being used to obtain materials or making repairs while dealing with regularly established businesses, or equipment related thereto, vehicles being driven directly to the residence of the owner of the same, and by only the shortest direct route from the nearest truck route. (Ref. 60-681 N.R.S. Reissue 2004)

All owners of such vehicles desiring to park, store, house or locate such vehicles on residential property inside the City limits shall provide off-street parking for said vehicles, shall provide appropriate access to the residential property on which the vehicle is to be parked, stored, housed or located and at no time shall any such vehicles be parked, stored, housed or located on terraces.

**The following streets are hereby designated as "Truck Routes":** All federal and state highways passing through the corporate City limits, Fir Street: 8<sup>th</sup> Street to 10<sup>th</sup> Street, 10<sup>th</sup> Street: Veteran's Avenue to Fir, Veteran's Avenue: 10<sup>th</sup> Street to 8<sup>th</sup> Street.

Signage designating said streets as "Truck Routes" shall be erected upon or at the entrances to such affected highway/street or parts thereof affected as may be most appropriate.

Added by Ordinance 750, June 13, 2006; Amended by Ordinance 753, August 1, 2006; Amended by Ordinance 808 – December 7, 2010

**170.71.21 Speed Limit**

Except as otherwise provided, no person shall operate a vehicle in the areas designated below at a speed in excess of that shown below or as otherwise posted:

Douglas Street From 6 <sup>th</sup> Street to 8 <sup>th</sup> Street	15 mph
All Alleys	15 mph
All parks and recreational areas owned by the City	15 mph

**170.71.50 Jay Walking**

No pedestrian shall cross any street at a place other than a crosswalk; nor cross any street intersection diagonally.

#### **170.71.51 Turning; "U" Turns**

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

#### **170.71.52 Speed; Electronic Detector**

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

The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his badge of authority; Provided, that such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves, or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded, and must include a description of the vehicle and the recorded speed.

#### **170.71.53 Drunken Driving; Penalty**

It shall be unlawful for any person to operate, or be in actual physical control of, any motor vehicle while under the influence of alcoholic liquor, or of any drug. Any person who shall operate or be in actual physical control of any motor vehicle while under the influence of alcoholic liquor, or of any drug, shall be deemed guilty of a crime and upon conviction thereof, such person shall be punished as provided by State law. For purposes of this Section the determination of whether an individual is under the influence of either alcohol or drugs shall be as prescribed in the Statutes of Nebraska.

#### **170.71.54 Driving Under The Influence; Person Under Twenty-one Years of Age**

(1) It shall be unlawful for any person under twenty-one (21) years of age to operate or be in the actual physical control of any motor vehicle:

(a) When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood but less than the concentration prescribed under subdivision (1)(b) of Neb. RS 60-6,196; or

(b) When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath but less than the concentration prescribed under subdivision (1) (c) of Neb. RS 60-6,196.

(2) Any person who operates or has in his or her actual physical control a motor vehicle in the state shall be deemed to have given his or her consent to submit to a chemical

test or tests of his or her blood or breathe for the purposes of determining the concentration of alcohol in such blood or breath.

(3) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of the municipality may require any person under twenty-one (21) years of age to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath when the officer has probable cause to believe that such person was driving or was in actual physical control of a motor vehicle in the municipality in violation of this section. Such peace officer may require such person to submit to a preliminary breath test. Any person who refuses to submit to such a preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of this section shall be placed under arrest.

(4) Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood or breathe for a determination of the concentration of alcohol. If the chemical test discloses the presence of a concentration of alcohol in violation of this section, or such person refuses to submit to such test or tests required pursuant to this section shall be guilty of an offense.

(5) Upon the conviction of any person for the violation of this section, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Neb. RS 60-6201, for the test administered and the analysis thereof if such test was actually made.

#### **170.71.55 Reckless Driving**

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving, and as such shall be punished as provided by statute.

#### **170.71.56 Careless Driving**

Any person who drives any motor vehicle in this Municipality carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving.

#### **170.71.57 Negligent Driving**

Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving.

#### **170.71.58 Backing**

It shall be unlawful for any person to back a motor vehicle on the Municipal streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; Provided, a vehicle shall be backed only when such movement can be made in safety and in no case shall the distance of the backing exceed one and one half (1 1/2) lengths of the vehicle.

**170.71.59 Passing; Intersections**

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction, while traversing a street intersection, if such passing requires such overtaking vehicle to drive to the left of the center of the street.

**170.71.60 Passing; Hindrance**

The driver of a vehicle about to be overtaken and passed by another vehicle shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

**170.71.61 Driving Abreast**

Two (2) or more vehicles shall not be driven abreast except when passing, or when traversing a multi-lane or one way street; Provided, motorcycles may be driven no more than two (2) abreast in a single lane.

**170.71.62 Following; Distance**

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

**170.71.63 Crowding; Front Seat**

No person shall drive a motor vehicle when it is so loaded, or when there is in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of such vehicle.

**170.71.64 Driving in Sidewalk Space**

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

**170.71.65 Vehicle; Muffler**

Every motor vehicle operated within this Municipality shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. It shall be unlawful to use a "muffler cut out" on any motor vehicle upon any streets; provided, the provisions of this Section shall not apply to authorized emergency vehicles.

**170.71.66 Brakes; Prohibition on Utilization of a Dynamic Braking Device or Engine Brakes**

It shall be unlawful, except in the case of emergency, for any person to use a dynamic braking device or engine brakes or to otherwise discharge into the ambient air the blowdown or the exhaust of any internal combustion engine, unless such discharge be through an appropriate muffler.

For the purpose of this section, the use of a dynamic braking device or engine brakes shall be defined as a device which when activated retards one or more pistons on the engine of a truck or other motor vehicle in order to assist the truck or other motor vehicle in braking and in the process of doing so creates a loud and offensive noise from the truck or motor vehicle.

For the purpose of this section, an EMERGENCY means that an immediate stoppage or slowing of the vehicle is necessary in order to prevent injury to persons or damage to property or to remedy an injury that has already occurred, and that friction brakes are either not available or would not have been effective in bringing the vehicle to a stop or slowing it.

**170.71.67 Truck Routes; Penalties**

Any person who is found guilty of violating Section 170.71.01 of the Nebraska Basic Code, Local Legislation of Stanton, Nebraska shall be fined:

1. Not more than \$100.00 for the first offense;
2. Not more than \$200.00 for a second offense within a one year period;
3. Not more than \$300.00 for a third and subsequent offense within a one year period.

(Ref. Section 60-689 N.R.S. Reissue 2004)

Added by Ordinance 750, June 13, 2006

**170.71.68 All Terrain Vehicle and Utility Type Vehicle Regulations**

(1) For purposes of this section:

(a) All-terrain vehicle means any motorized off-highway vehicle which (a) is fifty inches or less in width, (b) has a dry weight of nine hundred 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, and (f) has handlebars or any other steering assembly for steering control.

(Neb. Rev. Stat. 60-6,355)

(b) Street or highway means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Neb. Rev. Stat. 60-624)

(c)(i) Utility type vehicle means any motorized off-highway vehicle which (A) is not less than forty-eight inches nor more than seventy-four inches in width, (B) is not more

than one hundred thirty-five inches, including the bumper, in length, (C) has a dry weight of not less than nine hundred pounds nor more than two thousand pounds, (D) travels on four or more low pressure tires, and (E) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side by side.

(ii) Utility type vehicle does not include golf carts or low speed vehicles.  
(Neb. Rev. Stat. 60-6,355)

(2) An all-terrain vehicle and 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.

(3) 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 or thirty miles per hour, whichever is less. When operating an all-terrain vehicle or a utility type vehicle as authorized in subsection (2) of this section, 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 thirty square inches and shall be day-glow in color.

(4) Any person operating an all-terrain vehicle or utility type vehicle as authorized in subsection (2) of this section shall have:

(a) A valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. 60-4,126; and

(b) 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 utility type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

(5) All-terrain vehicles and utility type vehicles may be operated without complying with subsections (3) and (4) of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(6) An all-terrain vehicle or utility type vehicle 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. Subsections (2) through (4) and (7) of this section authorize and apply to operation of an all-terrain vehicle or utility type vehicle only on a street or highway other than a controlled-access highway with more than two marked traffic lanes.

(7) Subject to subsection (6) of this section, the crossing of a street or highway shall be permitted by an all-terrain vehicle or utility type vehicle without complying with subsections (3) and (4) of this section only if:

(a) The crossing is made at an angle of approximately ninety degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

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

(Neb. Rev. Stat. 60-6,356)

Adopted by Ordinance 777 – November 6, 2007; Amended by Ordinance 807 – December 7, 2010

#### **170.71.69 All Terrain Vehicle Penalty**

A person who violates Section 170.71.69 of this code shall be punished as provided in Section 10.99 of this Code.

Adopted by Ordinance 777 – November 6, 2007