

## **TITLE VII: TRAFFIC CODE**

Chapters:

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC REGULATIONS**
- 72. PARKING REGULATIONS**
- 73. TRAFFIC SCHEDULES**
- 74. ALL-TERRAIN AND UTILITY-TYPE VEHICLES**

## **Bennet – Traffic Code**

## CHAPTER 70: GENERAL PROVISIONS

Sections:

70.01	Definitions
70.02	Police Enforcement
70.03	Refusal to Obey
70.04	Snow Emergency

***Statutory reference:***

*Powers and Duties of Peace Officers, See Neb. RS 60-683*

*Powers and Duties of State Patrol, See Neb. RS 81-2005*

*Regulation of Highways by Local Authorities, See Neb. RS 60-680*

### **§ 70.01 DEFINITIONS.**

The words and phrases used in this title, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Neb. RS Chapter 60, Article 6, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. (Neb. RS 60-606 through 60-676) (1994 Code, § 5-101)

### **§ 70.02 POLICE ENFORCEMENT.**

The County Sheriff's Department shall, by contract, be authorized and empowered, to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict, regulate, and, when necessary, temporarily divert or exclude in the interest of public safety, health, and convenience the movement of pedestrian and animal and vehicular traffic of every kind in streets, in parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. (1994 Code, § 5-203)

### **§ 70.03 REFUSAL TO OBEY.**

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a police officer. (1994 Code, § 5-204) Penalty, See § 10.99

### **§ 70.04 SNOW EMERGENCY.**

(A) *Finding.* The Board of Trustees finds that parking and operation of vehicles on streets of the village covered by a heavy accumulation of snow is a matter affecting the health, safety and welfare of the citizens of the village for the reason that parked and stalled vehicles impede snow removal operations and cause serious traffic congestion and hazard.

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(B) *Declaration of snow emergency.* Whenever snow has accumulated or there is a possibility that snow will accumulate to such a depth that snow removal operations will be required, the Chairperson of the Board of Trustees, or in the absence of the Chairperson of the Board of Trustees, the Village Clerk, may declare a snow emergency and, until such snow emergency is terminated, it shall be unlawful:

- (1) To park a vehicle on any street within the corporate limits of the village; or
- (2) To operate a motor vehicle on any street within the corporate limits in such a manner or condition that such motor vehicle stalls or is otherwise unable to proceed.

(C) *Notice of snow emergency; termination.* Upon declaring a snow emergency, the Chairperson of the Board of Trustees shall forthwith cause appropriate notice thereof to be given through the local press, radio, or other appropriate media. The snow emergency shall be terminated by notice given substantially in the same manner as the snow emergency was declared.

(D) *Removal of parked vehicles.* Any vehicle parked on a street within the corporate limits must be removed from the street within 2 hours after notice of a snow emergency has been given. Any vehicle parked on a street within the corporate limits of the village after such period of the time may be removed or cause to be removed by the Sheriff or the Utility Superintendent of the village to the nearest garage or other place of safety, and the vehicle may not be recovered until the towing and any storage charges are paid.

(Ord. 2005-5.1, passed 7-11-2005) Penalty, See § 10.99

**CHAPTER 71: TRAFFIC REGULATIONS**

Sections:

***General Provisions***

- 71.01 Truck Routes
- 71.02 1-Way Traffic
- 71.03 Traffic Lanes; Designation
- 71.04 Crosswalks
- 71.05 Signs; Signal
- 71.06 Stop Signs
- 71.07 Engine Brakes Prohibited

***Speed Limits***

- 71.20 General Speed Limit
- 71.21 Near Schools

***Statutory reference:***

*Regulation of Highways by Local Authorities, See Neb. RS 60-680*

***Cross-reference:***

*Snow Emergency, See § 70.04*

**GENERAL PROVISIONS**

**§ 71.01 TRUCK ROUTES.**

The Board of Trustees may, by resolution, designate certain streets in the municipality that trucks shall travel upon, and it shall be unlawful for persons operating the trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise, and in that event, the operator of the truck shall return to the truck routes as soon as possible in traveling through or about the municipality. The Board of Trustees shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes.

(1994 Code, § 5-102) Penalty, See § 10.99

***Statutory reference:***

*Truck Routes Authorized, See Neb. RS 60-681*

**§ 71.02 1-WAY TRAFFIC.**

The Board of Trustees may, by resolution, provide for 1-way travel in any street, or alley located in the municipality and shall provide for appropriate signs and markings when the streets have been so designated by resolution.

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### **§ 71.03 TRAFFIC LANES; DESIGNATION.**

The Board of Trustees may, by resolution, mark lanes for traffic on street pavements at the places as it may deem advisable.

### **§ 71.04 CROSSWALKS.**

The Board of Trustees 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 the other places as it may deem necessary.

### **§ 71.05 SIGNS; SIGNAL.**

The Board of Trustees may, by resolution, provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the municipality's jurisdiction for the purpose of regulating or prohibiting traffic thereon. The 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 the sign, signal, standard, or mechanical device shall be placed, and the hours when the regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with the regulation or prohibition.  
(1994 Code, § 5-103) Penalty, See § 10.99

#### ***Statutory reference:***

*Obedience to, Placement of, and Authority over Traffic-Control Devices, See Neb. RS 60-6,119 through 60-6,121*

### **§ 71.06 STOP SIGNS.**

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause the vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line, or, if there is no stop line, before entering the crosswalk; but if neither is indicated, then as near the right-of-way line of the intersecting roadway as possible.  
Penalty, See § 10.99

### **§ 71.07 ENGINE BRAKES PROHIBITED.**

It shall be unlawful for any person to retard or attempt to retard the forward movement of any vehicle within the village limits by using motor vehicle brakes that are activated or operated by the compression of the engine of any vehicle or any unit or part thereof.  
(Ord. 2001-6.2, passed 6-11-2001) Penalty, See § 10.99

## **Traffic Regulations**

### ***SPEED LIMITS***

#### **§ 71.20 GENERAL SPEED LIMIT.**

No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than 25 mph within the residential district, and 20 mph within the business district, unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted.  
(Ord. 2001-4.1, passed 5-21-2001) Penalty, See § 10.99

#### **§ 71.21 NEAR SCHOOLS.**

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, and the driver shall stop at all stop signs located at, or near, the school premises, and it shall be unlawful for the driver to make a U-turn at any intersection where the stop signs are located at, or near, the school premise.  
(1994 Code, § 5-202) Penalty, See § 10.99

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## CHAPTER 72: PARKING REGULATIONS

Sections:

### *General Provisions*

72.01	Brakes and Turned Wheels Required
72.02	Parallel Parking Required; Exceptions
72.03	Designation of Type of Parking
72.04	Areas of Prohibited Parking
72.05	Alleys; Restrictions
72.06	Unloading; Freight Vehicles
72.07	Fire Hydrants and Stations
72.08	Schools, Theaters
72.09	Street Intersections
72.10	Obstructing Traffic
72.11	Curb Parking; Painting of Curbs
72.12	Display or Repair
72.13	Current Registration
72.14	Time Limit
72.15	Emergency Vehicles

### *Administration and Enforcement*

72.30	Removal of Illegally Parked Vehicles
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### ***Cross-reference:***

*Snow Emergency, See § 70.04*

## **GENERAL PROVISIONS**

### **§ 72.01 BRAKES AND TURNED WHEELS REQUIRED.**

No person having control or charge of a motor vehicle shall allow the vehicle to stand unattended without first effectively setting the brakes thereon and, when standing upon any grade, without turning the front wheels of the vehicle to the curb or side of the street. The driver of a motor vehicle, when traveling upon a down grade upon any street, shall not coast with the gears of the vehicle in neutral.

Penalty, See § 10.99

### **§ 72.02 PARALLEL PARKING REQUIRED; EXCEPTIONS.**

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 the manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least 4 feet between the vehicle so parked and any other parked

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vehicles, except where the Board of Trustees 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 the stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.  
(1994 Code, § 5-301) Penalty, See § 10.99

### **§ 72.03 DESIGNATION OF TYPE OF PARKING.**

The Board of Trustees 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.  
(1994 Code, § 5-302)

### **§ 72.04 AREAS OF PROHIBITED PARKING.**

The Board of Trustees 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 the street, alley, public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers.  
(1994 Code, § 5-303) Penalty, See § 10.99

### **§ 72.05 ALLEYS; RESTRICTIONS.**

(A) No vehicle, while parked, shall have any portion thereof projecting into any alley entrance.  
(1994 Code, § 5-304)

(B) No vehicle shall be parked 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 ½ hour. Every vehicle while loading or unloading in any alley shall be parked in the manner as will cause the least obstruction possible to traffic in the alley.  
(1994 Code, § 5-305) Penalty, See § 10.99

### **§ 72.06 UNLOADING; FREIGHT VEHICLES.**

Vehicles on an over-all length less than 20 feet, including load, while discharging or loading freight may back to the curb but shall occupy as little of the street as possible.  
Penalty, See § 10.99

### **§ 72.07 FIRE HYDRANTS AND STATIONS.**

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. The curb space within the area of 15 feet in either direction of the fire hydrant shall be painted red to indicate the prohibition.  
(Neb. RS 60-6,166) Penalty, See § 10.99

## **Parking Regulations**

### **§ 72.08 SCHOOLS, THEATERS.**

The Board of Trustees may, by resolution, prohibit the parking or stopping except for loading or unloading of passengers or freight, of vehicles at the curb on streets directly in front of any entrance to a school house, school building, or theater, and the curbs adjacent to the entrance of the school house, school building, or theater shall be painted red to indicate the prohibition.

### **§ 72.09 STREET INTERSECTIONS.**

Except in compliance with traffic-control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection or curb lines or, if none, then within 15 feet of the intersection of property lines, nor where the curb lines are painted red to indicate the prohibition.  
(1994 Code, § 5-306) Penalty, See § 10.99

***Statutory reference:***

*Authority, See Neb. RS 60-6,166*

### **§ 72.10 OBSTRUCTING TRAFFIC.**

No person shall, except in case of an accident or emergency, stop any vehicle in any location where the stopping will obstruct any street, intersection, or entrance to an alley or public or private drive.  
Penalty, See § 10.99

### **§ 72.11 CURB PARKING; PAINTING OF CURBS.**

(A) No vehicle shall park on any street with its left side to the curb, unless the street has been designated to be a “1-way” street by the Board of Trustees. Vehicles must not be parked at any curb in a position as to prevent another vehicle already parked at the curb from moving away.

(B) It shall be the duty of the Board of Trustees or its agent to cause the curb space to be painted and keep the same painted as provided in this section. 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 the places where the parking of vehicles is prohibited by the provisions of this chapter. 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 municipality through its proper officers, at the direction of the Board of Trustees.  
(1994 Code, § 5-307) Penalty, See § 10.99

### **§ 72.12 DISPLAY OR REPAIR.**

(A) It shall be unlawful for any person to park upon any street, alley, or public place within this municipality any vehicle displayed for sale.

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(B) 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 this municipality, except in case of breakdown or other emergency requiring same.

(C) No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of the garage or shop for the purpose of working on automobiles or vehicles of any description.

(1994 Code, § 5-308) Penalty, See § 10.99

### **§ 72.13 CURRENT REGISTRATION.**

It shall be unlawful to park or place on the streets, alleys, or other public property any vehicle without first securing a current registration as provided by law.

Penalty, See § 10.99

### **§ 72.14 TIME LIMIT.**

(A) The Board of Trustees 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 the resolution, and the parking, or stopping, of any vehicle in any street, streets, or district, for a period of time longer than fixed in the resolution shall constitute a violation of this chapter.

(B) The parking of a motor vehicle on a public street for over 24 consecutive hours is unlawful, except where a different maximum time limit is posted.

(1994 Code, § 5-309) Penalty, See § 10.99

### **§ 72.15 EMERGENCY VEHICLES.**

The provisions of this chapter regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this title, while the driver of the vehicle is operating the same in an emergency in the necessary performance of public duties.

#### ***Statutory reference:***

*Privileges of and Conditions on Authorized Emergency Vehicles, See Neb. RS 60-6,114*

## ***ADMINISTRATION AND ENFORCEMENT***

### **§ 72.30 REMOVAL OF ILLEGALLY PARKED VEHICLES.**

(A) Whenever any police officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of the chapter, the individual may remove or have the vehicle removed or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway of the street or alley or from the street or alley.

(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

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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 vehicles.  
(Neb. RS 60-6,165) (1994 Code, § 5-320)

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## CHAPTER 73: TRAFFIC SCHEDULES

Schedules:

### I. Speed limits

#### **SCHEDULE I. SPEED LIMITS.**

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>
State Highway 43 (Monroe Street)	Between Apple Street and Juniper Street	35 mph
Cottonwood Street	Between the east right-of-way line of Tyler Street and the east corporate limits	30 mph

(Ord. 2001-4.1, passed 5-21-2001) Penalty, See § 10.99

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## CHAPTER 74: ALL-TERRAIN AND UTILITY-TYPE VEHICLES

Sections:

74.01	Definitions
74.02	All-Terrain Vehicle; Utility-Type Vehicle; Operation on Village Streets; Permitted
74.03	All-Terrain Vehicle; Utility-Type Vehicle; Restrictions on Operation

### § 74.01 DEFINITIONS.

For purposes of this section:

- (A) All-terrain vehicle means any motorized off-highway vehicle which:
- (1) Is 50 inches or less in width;
  - (2) Has a dry weight of 900 pounds or less;
  - (3) Travels on 4 or more low-pressure tires;
  - (4) Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and 1 passenger;
  - (5) Has a seat or saddle designed to be straddled by the operator; and
  - (6) Has handlebars or any other steering assembly for steering control.
- (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.
- (C) Utility-type vehicle means any motorized off-highway vehicle which:
- (1) Is not less than 48 inches nor more than 74 inches in width;
  - (2) Is not more than 135 inches, including the bumper, in length;
  - (3) Has a dry weight of not less than 900 pounds nor more than 2,000 pounds;
  - (4) Travels on 4 or more low-pressure tires; and

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(5) Is equipped with a steering wheel and bench or bucket-type seating designed for at least 2 people to sit side-by-side.

Utility-type vehicle does not include golf carts or low-speed vehicles.

(Ord. 2011-8.3 § 1, passed 11-14-2011)

### **§ 74.02 ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; OPERATION ON VILLAGE STREETS; PERMITTED.**

All-terrain vehicles and utility-type vehicles may be operated on streets and highways within the corporate limits of the Village subject to the provisions of § 74.03.

(Ord. 2011-8.3 § 2, passed 11-14-2011)

### **§ 74.03 ALL-TERRAIN VEHICLE; UTILITY-TYPE VEHICLE; RESTRICTIONS ON OPERATION.**

(A) 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 30 miles per hour. When operating an all-terrain vehicle or a utility-type vehicle as authorized by § 74.02, 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 5 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.

(B) Any person operating an all-terrain vehicle or a utility-type vehicle as authorized by § 74.02 shall have:

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

(2) 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 5 days of such a request.

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

## **All-Terrain and Utility-Type Vehicles**

(D) An all-terrain vehicle or a utility-type vehicle shall not be operated on any controlled-access highway with more than 2 marked traffic lanes, and the crossing of any controlled-access highway with more than 2 marked traffic lanes shall not be permitted.

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

(1) The crossing is made at an 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 taillight of the vehicle are on when the crossing is made.  
(Neb. RS 60-6,355 *et seq.*) (Ord. 2011-8.3 § 3, passed 11-14-2011)

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