**§46-16 Traffic regulation and control over private streets.**  Any provision of law to the contrary notwithstanding, any county and its authorized personnel may impose and enforce traffic regulations and place appropriate traffic control devices, and may enforce chapters 249; 286; 287; 291; 291C; 291E; 431, articles 10C and 10G; and 486, part III on the following categories of private streets, highways, or thoroughfares, except private roads used primarily for agricultural and ranching purposes:

     (1)  Any private street, highway, or thoroughfare which has been used continuously by the general public for a period of not less than six months; provided that the county shall not be responsible for the maintenance and repair of the private street, highway, or thoroughfare when it imposes or enforces traffic regulations and highway safety laws or places or permits to be placed appropriate traffic control devices on that street, highway, or thoroughfare; provided further that no adverse or prescriptive rights shall accrue to the general public when the county imposes or enforces traffic regulations and highway safety laws or places appropriate traffic control devices on that street, highway, or thoroughfare; nor shall county consent to the placement of traffic control signs or markings on a private street be deemed to constitute control over that street; and

     (2) Any private street, highway, or thoroughfare which is intended for dedication to the public use as provided in section 264-1 and is open for public travel but has not yet been accepted by the county. [L 1973, c 137, §1; am L 1988, c 358, §1; am L 1995, c 173, §2; am L 2010, c 153, §2]

**Case Notes**

  While the fact that the privately owned road was platted on a subdivision map, that §265A-1 authorized counties to repair and maintain private streets, and this section authorized counties to regulate traffic on private streets, and each of these factors was significant in determining which party or parties had control of the private roadway, appellate court erred in concluding as a matter of law that defendant property owners did not control roadway and thus had no duty to maintain, repair, or warn of a dangerous condition; the issue of control of the roadway was a question of fact for the jury.  103 H. 385, 83 P.3d 100.