

CHAPTER 5

TRAFFIC

ARTICLE 2. PROHIBITIONS AND ENFORCEMENT

5-201 PROHIBITIONS AND ENFORCEMENT; LITTERING. It shall be unlawful for any person to drop or cause to be left upon any municipal highway, street or alley except at places designated by the Governing Body, any rubbish, debris or waste and any person so doing shall be guilty of littering. (Ref. 39-311 RS Neb.)

5-202 PROHIBITIONS AND ENFORCEMENT; SIGNS; DEFACING OR INTERFERING WITH. It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal. (Ref. 60-6,129 RS Neb.)

5-203 PROHIBITIONS AND ENFORCEMENT; SPEED LIMITS. No person shall operate a motor vehicle on any street, alley or other place at a rate of speed greater than twenty (20) miles per hour in all residential districts and 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 Highway 30 at a speed greater than forty-five (45) miles per hour within the corporate limits of the village, or 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. (Ref. 60-6,186, 60-6,190 RS Neb.)

5-204 PROHIBITIONS AND ENFORCEMENT; SPEED LIMITS; SPECIFICALLY. It shall be unlawful for any person to operate a motor vehicle at a rate of speed greater than twenty (20) miles per hour on all streets within the Village of Brady, except those designated by the governing body as school zones.

It shall be unlawful for any person to operate a motor vehicle at a rate of speed greater than fifteen (15) miles per hour in a school zone. Such school zone shall consist of an area including, four blocks of Market Street beginning at Highway 30 and extending northward four blocks to the northwest corner of the block in which the school is located, one block of Popleton Street between Market Street and Main Street, and one block of Main Street directly north of Popleton Street.

5-205 PROHIBITIONS AND ENFORCEMENT; 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 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. (Ref. 60-6,196 through 60-6,203 RS Neb.)

5-206 PROHIBITIONS AND ENFORCEMENT; 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 guilty of reckless driving and as such shall be punished as provided by Statute. (Ref. 60- 6,215, 60-4,182 RS Neb.)

5-207 PROHIBITIONS AND ENFORCEMENT; CARELESS DRIVING. Any person who operates a motor vehicle in a manner so as to endanger or be likely to endanger a person or property shall be guilty of careless driving and shall be punished as provided by Statute. (Ref. 60-6,212, 60-4,182 RS Neb.)

5-208 PROHIBITIONS AND ENFORCEMENT; 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 guilty of negligent driving. (Ref. 60-4,182 RS Neb.)

5-209 PROHIBITIONS AND ENFORCEMENT; 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.

5-210 PROHIBITIONS AND ENFORCEMENT; UNNECESSARY STOPPING. It shall be unlawful for any person to stop any vehicle on any public street or alley other than in permitted parking areas except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations or to yield the right-of-way to pedestrians or to other vehicles. (Ref. 60-6,164 RS Neb.)

5-211 PROHIBITIONS AND ENFORCEMENT; 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. (Ref. 60-6,136 RS Neb.)

5-212 PROHIBITIONS AND ENFORCEMENT; 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. (Ref. 60- 6,186 RS Neb.)

5-213 PROHIBITIONS AND ENFORCEMENT; 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. (Ref. 60-6,139, 60-6,308 RS Neb.)

5-214 PROHIBITIONS AND ENFORCEMENT; 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. (Ref. 60-6,140 RS Neb.)

5-215 PROHIBITIONS AND ENFORCEMENT; FOLLOWING; FIRE APPARATUS. The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Ref. 60-6,183 RS Neb.)

5-216 PROHIBITIONS AND ENFORCEMENT; DRIVING IN SIDEWALK SPACE. No motor vehicle shall be driven or ridden within any sidewalk space except a permanent or temporary driveway. (Ref. 60-6,178 RS Neb.)

5-217 PROHIBITIONS AND ENFORCEMENT; 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. (Ref. 60-6,286, 60-6,371 RS Neb.)

5-218 PROHIBITIONS AND ENFORCEMENT; EMERGENCY; REGULATIONS. The Village Law Enforcement Officer is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Ref. 81-2005 RS Neb.)

5-219 PROHIBITIONS AND ENFORCEMENT; VILLAGE LAW ENFORCEMENT OFFICER. The Village Law Enforcement Officer is hereby authorized, empowered and ordered 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, animal and vehicular traffic of every kind in streets, parks and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. (Ref. 60-683 RS Neb.)

5-220 PROHIBITIONS AND ENFORCEMENT; 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. (Ref. 60-6,179 RS Neb.)

5-221 PROHIBITIONS AND ENFORCEMENT; POLICE; TRAFFIC OFFICERS. The Governing Body or the Village Law Enforcement Officer may at any time detail officers, to be known as "traffic officers" at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection. (Ref. 60-6,222, 60-683, 81-2008 RS Neb.)

5-222 PROHIBITIONS AND ENFORCEMENT; LOADS; PROJECTING. When any vehicle shall be loaded in such a manner that any portion of the loads extends more than four (4) feet beyond the rear of the bed or the body of such vehicle, a red flag of not less than twelve (12) inches both in length and width shall be carried by day and red light after sunset at the extreme rear end of such load. (Ref. 60-6,243 RS Neb.)

5-223 PROHIBITIONS AND ENFORCEMENT; LOADS SPILLING. All vehicles used for carrying coal, earth, cinders, sand, gravel, rock, asphalt, tar or any similar substance shall be so constructed as to prevent the sifting or spilling of any of the contents. (Ref. 60-6,304 RS Neb.)

5-224 PROHIBITIONS AND ENFORCEMENT; POLICE; 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.