

CHAPTER 4

HEALTH AND SANITATION

ARTICLE 2. GARBAGE

4-201 GARBAGE: DEFINED. The term “garbage” as used herein shall be defined to mean items including, but not limit to, kitchen refuse, decayed waste, dead animals or anything that may decompose and pose an immediate threat to the public health.

4-202 RUBBISH: DEFINED. The terms “rubbish” or “trash” as used herein shall be defined as discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the Municipality.

4-203 GARBAGE, WASTE: DEFINED. The term “waste” as used herein shall be defined to mean items including, but not limited to, cinders, ashes, paper, plastic, metal, plaster, brick, stone, sawdust or sand and does not post an immediate hazard to the public health.

4-204 GARBAGE: TRASH AND WASTE. It shall be unlawful for any person to keep in, on or about any dwelling, building or premise or any other place in the Municipality decayed vegetable or animal substance, garbage or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the Municipality unless the same is kept in receptacles which are as nearly airtight as may be practical so as to prevent the spread of garbage. It shall be unlawful to throw or sweep into the streets, alleys, parks or other public grounds any dirt, paper, nails, pieces or false, refuse, waste or rubbish or any kind. No person may permit garbage, rubbish, waste or refuse to collect and all persons shall remove the same from their property within twenty-four (24) hours after being notified to do so by the Village Law Enforcement Officer or Municipal Clerk/Treasure who shall represent the Board of Health. Any person having garbage, rubbish, waste or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover or a durable plastic container that is securely tied at its opening. (Ref. 19-2106 RS Neb.)

4-205 GARBAGE: HAULING. Ut shall be unlawful for any person to haul garbage, trash, or waste within the Municipality without covering said material with a tarp or other cover which prevents the escape of trash therefrom.

4-206 GARBAGE: GARBAGE AND REFUSE COLLECTION AUTHORITY. The Governing Body may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate roads, or alleys abutting such lot or land which constitutes a public nuisance. The Governing Body may require the owner, duly authorized agent, or tenant of such lot or land to remove the garbage of refuse from such lot or land and streets and roads, or alleys. (Ref. 16-230, 16-231, 16-246, 16-901, 18-1303 RS Neb.)

4-207 GARBAGE; GARBAGE AND REFUSE COLLECTION, NOTICE, REMOVAL. Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant if any. Such notice shall be provided by personal service or by certified mail. After providing such notice, the Municipality through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause to be removed from such lot or land and streets, roads, or alleys. (Ref. 16-230, 16-231, 16-246, 16-901, 18-1303 RS Neb.)

4-208 GARBAGE; GARBAGE AND REFUSE COLLECTION, NUISANCE.

If the Chairman of the Board of the Governing Body declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the Municipality shall remove the garbage or refuse, or cause it to be removed, from such lot or land within forty-eight (48) hours after notice by personal service or following receipt of a certified letter if such garbage or refuse has not been removed. (Ref. 16-230, 16-231, 16-246, 16-901, 18-1303 RS Neb.)

4-209 GARBAGE; GARBAGE AND REFUSE COLLECTION, LIEN. Whenever a Municipality removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this Article, it shall, after a hearing conducted by the Governing Body, assess the cost of the removal against such lot or land. (Ref. 16-230, 16-231, 16-246, 16-901, 18-1303 RS Neb.)

CHAPTER 4

HEALTH AND SANITATION

ARTICLE 3. NUISANCES

4-301 NUISANCE; GENERALLY DEFINED. A nuisance consists of doing any unlawful act, omitting to perform a duty or permitting any condition or thing to be or exist; which act, omission, condition or thing either:

1. Injures or endangers the comfort, repose, health or safety of others;
2. Offends decency;
3. Is offensive to the senses;
4. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the Municipality;
5. In any way renders other persons insecure in life or the use of property; or
6. Essentially interferes with comfortable enjoyment of life and property or tends to depreciate the value of the property of others. (Ref. 17-207, 18-1720 RS Neb.)

4-302 NUISANCE; SPECIFICALLY DEFINED. The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions and things are declared to be nuisances:

1. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter or the whole or any part of any dead animal, fish or fowl.
2. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats or which are foul or malodorous.
3. Filthy, littered or trash-covered cellars, house yards, barnyards, stable yards, factory yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.
4. Animal manure in any quantity which is not securely protected from flies and the elements or which is kept or handled in violation of any ordinance of the Municipality.
5. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in

receptacles in a manner provided by the Health Officer of the Municipality nor the Dumping of non-putrefying waste in a place and manner approved by the Health Officer.

6. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.
7. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing materials, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof or any other waste material when any of said articles or materials create a condition in which vermin or varmints may breed or multiply or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.
8. Any unsightly building, billboard or other structure or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety or are so unsightly as to depreciate the value of property in the vicinity thereof.
9. All places used or maintained as junk yards or dumping grounds or for the wrecking and dissembling of automobiles, trucks, tractors or machinery of any kind or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others or which are so unsightly as to tend to depreciate property values in the vicinity thereof.
10. Stagnant water permitted or maintained on any lot or piece of ground.
11. Stock yards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined or said premises on which said vegetable or animal matter is located are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom to the annoyance of inhabitants of the Municipality or are maintained and kept in such a manner as to be injurious to the public health.

12. All things specifically designated as nuisances elsewhere in this Code.

4-303 NUISANCE: ABATEMENT PROCEDURE. The Village Board shall abate and remove nuisances in the following manner.

1. At a regular or special meeting of the Board of Trustees, and ordinance shall be passed declaring a public nuisance to exist, and requiring that the nuisance be abated on or before the next regular Board meeting, provided, however, that said next meeting shall be a least twenty-one (21) days after passage of said ordinance.
2. A copy of said ordinance shall be sent to the property owner, within five (5) days of its passage, to the owner of the real property on which the nuisance is located and any person in possession of the real property, which notice shall be sent by certified mail, return receipt requested, to the last known address of the owner of said real estate and any person in possession of said real estate.
3. A copy of said ordinance shall be posted, within five (5) days of its passage, in at least one conspicuous place on the real estate.
4. In case the owner or person in possession of the real estate shall fail, refuse, or neglect to comply with the ordinance requiring that the nuisance be abated, the Village Board shall proceed with the work necessary to incurred in abating the nuisance and shall send a statement for the costs in possession. Upon the failure of the owner or person in possession to pay said statement in full, the Board may levy the cost as a special assessment against the real estate. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided by Nebraska law for special assessments. (AMENDED 10/8/90)

4-304 NUISANCES: JURISDICTION. The Chairman and the Village Law Enforcement Officer of the Municipality are directed to enforce this Municipal Code against all nuisances. The jurisdiction of the Chairman, Village Law Enforcement Officer and Court shall extend to and the territorial application of this Chapter shall include all territory within the corporate limits of the Village.

4-305 NUISANCES: ABATEMENT. Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same in the manner provided by law.

Whenever in any action it is established that a nuisance exists, the court may together with the fine or penalty imposed enter an order of abatement as part of the judgment in the case. (Ref. 18-1720, 18-1722 RS Neb.)

CHAPTER 4

HEALTH AND SANITATION

ARTICLE 4: PENAL PROVISION

4-401 VIOLATION PENALTY: Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

CHAPTER 5

TRAFFIC

ARTICLE 1. MUNICIPAL TRAFFIC REGULATIONS

5-101 REGULATIONS: DEFINITIONS. The words and phrases used in this Chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Chapter 39 of the Reissued Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statute, the word or phrase shall have its common meaning. (Ref. 60-6-1 through 60-6-374 RS Neb.)

5-102 TRAFFIC LANES: DESIGNATED. The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as they may deem advisable. (Ref. 39-697 RS Neb.)

5-103 REGULATIONS: 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. (Ref. 60-680 RS Neb.)

5-104 REGULATIONS: TURNING, GENERALLY. Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right hand side of the highway and must turn the corner as near the right hand curb as possible to keep between the curb to the right and center of the intersection of the two (2) streets. The driver of a vehicle intending to turn left shall approach such center line of the highway in turning, shall pass as near as possible to the center line of the intersection passing as closely as practical to the right thereof before turning such vehicle to the left. For the purposes of this Section, the center of the intersection shall mean the meeting point of the medial lines of the highways intersection one another. (Ref. 60-6,159 RS Neb.)

5-105 REGULATIONS: RIGHT OF WAY, GENERALLY. When two (2) vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision. The driver of a vehicle intending to turn to the left within an intersection or into an alley private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver of a vehicle on any street shall yield the right-of-way to a pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officer or traffic direction devices. Every pedestrian crossing a street any point other than a pedestrian crossing, crosswalk or intersection shall yield the Right-of-way to vehicles upon the street. The driver of a vehicle entering a Municipal street from a private road or drive shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals. (Ref. 60-6,146 through 60-6,154 RS Neb.)

5-106 REGULATIONS: RIGHT-OF-WAY, EMERGENCY VEHICLES. Upon the approach of an authorized emergency vehicle, every vehicle within one (1) block of the route of such emergency vehicle shall immediately stop except at the time they are on or crossing a street intersection, and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right hand curb as possible and remain there until such authorized emergency vehicle or vehicles has passed; provided, said vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals. (Ref 60-6,151 RS Neb.)

5-107 REGULATIONS: POSITION OF VEHICLE ON HIGHWAY, GENERALLY. Upon all highways of sufficient width, on-way streets excepted the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least one half (1/2) of the main traveled portion of the roadway. (Ref. 60-6,131 RS Neb.)

5-108 REGULATIONS: CROSSWALKS. The Governing Body 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 such other places as they may deem necessary. (Ref. 60-680 RS Neb.)

5-109 REGULATIONS: SIGNS, SIGNALS. The Governing Body 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. Such 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 such sign, signal, standard or mechanical device shall be placed and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect or refuse to comply with such regulation or prohibition. (Ref. 60-6,119 through 60-6,121, 60-680 RS Neb.)

5-110 REGULATIONS: STOP SIGNS. Every person operating any vehicle shall upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause such 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 if indicated, then as near the right-of-way line of the intersection roadway as possible. (Ref 60-6,112 through 60-6,121, 60-680 RS Neb.)

**ORDINANCE TO REGULATE TRUCK TRAFFIC
WITHIN THE VILLAGE LIMITS**

ORDINANCE NO. 2006-07-3

AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA, FOR THE ESTABLISHMENT OF CERTAIN RULES AND REGULATIONS REGARDING THE OPERATION, PARKING, LOADING AND UNLOADING OF TRUCKS WITHIN THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA.

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska, that the following Ordinance shall be and hereby is adopted:

SECTION 1: FINDINGS.

That the Village has determined that to protect the public health, safety, and welfare, it is necessary to place certain and reasonable restrictions on the operation of trucks within the Village corporate limits. (Ref. NEB. REV. STAT. §60-680)

SECTION 2: ENGINE BRAKING

Engine brakes are hereby prohibited between the hours of 6:00 p.m. and 7:00 a.m., local time.

SECTION 3: PARKING, LOADING, AND UNLOADING

Truck parking on Perkins Avenue between Nebraska Highway 23 and North Railway Street is prohibited. Cargo and freight loading and unloading is prohibited in all areas other than those designated by the Village for "Truck Loading."

SECTION 4: PENALTIES

A person who violates this section shall be punished as provided generally in the code. The penalty for violation of any provisions of this Article shall be fined not more than One Hundred Dollars (\$100.00.)

SECTION 5: EFFECTIVE DATE

That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

MOTION: DON 2nd - MARK

Voting Aye: NICK ROSS, DON LEE, JJ LONG, MARK HEIL,
TIM MOORE

Voting Nay: _____

Abstentions: _____

PASSED AND APPROVED this 12th day of March 2007.

Timothy E. Moore
CHAIRMAN

(seal)

ATTEST:

Marlene Mah
VILLAGE CLERK

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-five (25) miles per hour 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 treated 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 to operate a motor vehicle at speeds greater than posted on any street within the Municipality.

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 Statues 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 provide 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 motor vehicle as originally manufactured. It shall be unlawful to use a "muffler cutout" on any motor vehicle upon any streets; provided, the provision of this Section shall not applied 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, regulation 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 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: 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.

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 know 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 an 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, 81-2005 RS Neb.)

STATE OF NEBRASKA } ss
County of Perkins
Filed in this office of County Clerk
the 15 day of March
2007 at 10:30 A.M.
and recorded in Book 67
Misc. Page 17
Rita Adams
County Clerk

**ORDINANCE TO REGULATE TRUCK TRAFFIC
WITHIN THE VILLAGE LIMITS**

ORDINANCE NO. 2006-07-3

**AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY,
NEBRASKA, FOR THE ESTABLISHMENT OF CERTAIN RULES AND
REGULATIONS REGARDING THE OPERATION, PARKING, LOADING AND
UNLOADING OF TRUCKS WITHIN THE VILLAGE OF MADRID, PERKINS
COUNTY, NEBRASKA.**

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska, that the following Ordinance shall be and hereby is adopted:

SECTION 1: FINDINGS.

That the Village has determined that to protect the public health, safety, and welfare, it is necessary to place certain and reasonable restrictions on the operation of trucks within the Village corporate limits. (Ref. NEB. REV. STAT. §60-680)

SECTION 2: ENGINE BRAKING

Engine brakes are hereby prohibited between the hours of 6:00 p.m. and 7:00 a.m., local time.

SECTION 3: PARKING, LOADING, AND UNLOADING

Truck parking on Perkins Avenue between Nebraska Highway 23 and North Railway Street is prohibited. Cargo and freight loading and unloading is prohibited in all areas other than those designated by the Village for "Truck Loading."

SECTION 4: PENALTIES

A person who violates this section shall be punished as provided generally in the code. The penalty for violation of any provisions of this Article shall be fined not more than One Hundred Dollars (\$100.00.)

SECTION 5: EFFECTIVE DATE

That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

MOTION: DON

2nd - MARK

Voting Aye: NICK ROSS, Don Lee, JJ Long, Mark Hed,
Tim Moore

Voting Nay: _____

Abstentions: _____

PASSED AND APPROVED this 12th day of March 2007.

Timothy E. Moore
CHAIRMAN

(seal)

ATTEST:

Marlene Mann
VILLAGE CLERK

ORDINANCE FOR THE ADOPTION OF PROPER STANDARDS FOR THE
HANDLING OF LIQUID WASTES

ORDINANCE NO. 2006-07-4

AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY,
NEBRASKA, FOR THE ESTABLISHMENT OF CERTAIN RULES AND
REGULATIONS REGARDING THE HANDLING OF LIQUID WASTES
CONTAINING FLOATABLE GREASE, OIL AND SAND.

BE IT ORDAINED by the Chairman and Board of Trustees of the Village
of Madrid, Perkins County, Nebraska, that the following Ordinance shall be and
hereby is adopted:

SECTION 1: GREASE, OIL, AND SAND INTERCEPTORS.

That the Village has determined that it is in the public interest to promote proper
handling of liquid wastes. Grease, oil, and sand interceptors shall be provided
when, in the opinion of the Village Board of Trustees, they are necessary for the
proper handling of liquid wastes containing floatable grease in excessive
amounts as specified in this chapter or any flammable wastes, sand, or other
harmful ingredients; except that such interceptors shall not be required for private
living quarters or dwelling units. All interceptors shall be of a type and capacity
approved by the Village Board of Trustees and shall be located as to be readily
and easily accessible for cleaning and inspection. In the maintaining of these
interceptors the owner shall be responsible for the proper removal and disposal
by appropriate means of the captured material and shall maintain records of the
dates and means of disposal, which are subject to review by the Village Board of
Trustees or their duly appointed employee or agent. Any removal and hauling of
the collected materials not performed by the owner's personnel must be
performed by currently licensed waste disposal firms.

SECTION 2: MAINTENANCE OF EQUIPMENT.

Where preliminary treatment or flow-equalizing facilities are provided for any
waters or wastes, they shall be maintained continuously in satisfactory and
effective operation by the owner at his or her expense.

SECTION 3: CONFLICTING ORDINANCES

That all other ordinances or parts of ordinances insofar as they conflict herewith
are hereby repealed.

STATE OF NEBRASKA } ss
County of Perkins
Filed in this office of County Clerk
the 15 day of March
2007 at 10:30 A.M
and recorded in Book 67
Misc Page 15
Rita A. Long
County Clerk

SECTION 4: EFFECTIVE DATE

That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

JJ Motion NICK - 2nd

Voting Aye: NICK Ross, Don Lee, JJ Long, Mark Heil
Tim Moore

Voting Nay: _____

Abstentions: _____

PASSED AND APPROVED this 12th day of March 2007.

Timothy E. Moore
CHAIRMAN

(seal)

ATTEST:

Marlene Mohr
VILLAGE CLERK

CHAPTER 5

TRAFFIC

ARTICLE 3. PARKING

5-301 PARKING; VEHICLES, UNATTENDED. No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereof and when standing upon any grade, without turning the front wheels of such 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. (Ref. 60-6,168 RS Neb.)

5-302 PARKING; DESIGNATION. The Governing Body 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. (Ref. 60-680 RS Neb.)

5-303 PARKING AREAS. The Governing Body 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 said street, alley, public way or portion thereof longer than a period of time necessary to load and unload freight or passengers. ((Ref. 60-680 RS Neb.)

5-304 PARKING; OBSTRUCTION OF ALLEY. No vehicle while parked, shall have any portion thereof projecting into any alley entrance. (Ref. 60-680 RS Neb.)

5-305 PARKING; STREET INTERSECTION. Except to compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose except momentarily to load or discharge passengers within twenty-five (25) feet of the intersection of curb lines or if none, then within fifteen (15) feet of the intersection of property lines. (Ref. 60-6,166 RS Neb.)

5-306 PARKING; OBSTRUCTING TRAFFIC. No person shall, except in case of an accident or emergency, stop any vehicle in any location where such stopping will obstruct any street, intersection or entrance to an alley or public or private drive. (Ref. 60-6,166 RS Neb.)

5-307 PARKING; CURB. No vehicle shall park on any street with its left side to the curb, unless said street has been designated to be a "one-way" street by the Governing Body. 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. (Ref. 60-6,166 RS Neb.)

5-308 PARKING; DISPLAY OR REPAIR. It shall be unlawful for any person to park upon any street, alley or public place within this Municipality any vehicle displayed for sale. 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, excepting in case of breakdown or emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Ref. 60-680 RS Neb.)

5-309 PARKING; RESERVED FOR HANDICAPPED PERSONS. The Governing Body may by resolution designate parking spaces for the exclusive use of paraplegics whose vehicles display the distinguishing license plates issued by the State of Nebraska or other handicapped persons as certified by the Governing Body, whose vehicles display the identification card issued by the Municipality.

Whenever the Governing Body so designates a parking space or parking spaces, it shall be indicated by yellow paint either on the curb or edge of the paved portion of the street adjacent to the spaces and by a sign consisting of a profile view of a wheel chair with occupant in white on a blue background.

It shall be the duty of the Municipal Clerk upon approval of the Governing Body, to issue a permit to physically handicapped persons who have reached school age and persons who drive a motor vehicle for a physically handicapped person which will entitle the holder thereof to park in those spaces herein provided. For the purposes of this Section, physically handicapped persons shall mean those physically handicapped persons using crutches, canes, walkers, wheelchairs or having definite walking problems including but not limited to amputees and those persons who have respiratory problems which incapacitate their walking. Visually handicapped persons shall mean those persons using the white cane or seeing eye dog.

The permit shall be a suitable card containing the letter "H" and an identifying number on the front of the card. The name, address, telephone number, date of birth and age of the party to whom issued shall appear on the reverse side.

All permits authorized under this Section shall be issued in accordance with procedures established in 18-1736 through 18-1741 RS Nebraska, for a period of four (4) years. Permits shall be renewable yearly on the first (1st) day of January. A permit may be reissued upon a change of address by the holder.

Permits issued under this Section shall not be transferable and shall be used only by the party to whom it is issued. Use by any other part shall be cause for suspension of such permit for a period of six (6) months. At the expiration of such period, a suspended

permit may be renewed upon the payment of the three dollar (\$3.00 fee).

When reserved parking spaces, so designated as provided herein, are posted as a tow-away zone, any vehicle parked in such space and not displaying proper identification may be removed and anyone violating the provisions of this Section shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00)

The owner or person in lawful possession of an off-street parking facility may provide reserved parking spaces for handicapped persons as provided herein and may, after notifying the Municipal Police, cause the removal of any vehicle in violation of this Section. (Ref. 18-1736 through 18-1742 RS Neb.)

5-310 PARKING; CURRENT LICENSE. It shall be unlawful to park or place on the streets, alleys or other public property any motor vehicle without first securing a current license as provided by law. (Ref. 60-323 RS Neb.)

5-311 PARKING; TIME LIMIT. The Governing Body 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 such resolution and the parking or stopping of any vehicle in any such street, streets or district for a period of time longer than fixed in such resolution shall constitute a violation of this Article. (Ref. 60-680 RS Neb.)

5-312 PARKING; MAXIMUM TIME LIMIT. The parking of a motor vehicle on a public street for over forty-eight (48) consecutive hours is unlawful except where a different maximum time limit is posted. (Ref. 60-680 RS Neb.)

5-313 PARKING; MAINTENANCE. The Street Commissioner may order any street or alley or portion thereof vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley or by posting appropriate signs along such streets or alleys. Such signs shall be posted not less than four (4) hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this Section shall be subject to the penalties provided in this Code and such vehicle may be removed and parked under the supervision of the Street Commissioner, to a suitable nearby location without further notice to the owner or operator of such vehicle. (Ref. 17-557 RS Neb.)

5-314 PARKING; ALLEYS. 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 one (1) hour. Every vehicle while loading or unloading in any alley, shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. (Ref. 60-680 RS Neb.)

5-315 PARKING: TOW-AWAY. Any vehicle parking in such a manner as to violate any section in Article 3 ay be towed away at the owner's expense for towing and storage upon order of the Village Law Enforcement Officer. (Ref. 60-6,165, 60-6,166 RS Neb.)

5-316 PARKING: REMOVAL OF ILLEGALLY PARKED VEHICLES. Whenever any police office shall find a vehicle standing upon a street or alley in violation of any of the provision of this Article, such individual may remove or 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 such street or alley or from such street or alley.

The owner or other person lawfully entitled to the possession of any vehicle towed or store shall be charged with the reasonable cost of towing and storage fees. Any such 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 such vehicle until such chargers are paid. The lien provided for in this Section shall not apply to the content of any vehicle. (Ref. 60-6,165, 60-6,166 RS Neb.)

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ARTICLE 4. BICYCLES

5-401 BICYCLES; OPERATION. No person shall ride or propel a bicycle on a street or other public highway of this Municipality with another person on the handlebars or in any position in front of the operator.

No bicycles shall be ridden faster than is reasonable and proper but every bicycle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and public highways.

Persons riding bicycles shall observe all traffic signs and stop at all stop signs.

No bicycle shall be permitted on any street or other public highway from one half (1/2) hour after sunset to one half (1/2) hour before sunrise without a headlight visible under normal atmospheric conditions from the front thereof for not less than five hundred (500) feet indicating the approach or presence of the bicycle, firmly attached to such bicycle and properly lighted or without a yellow or red light reflector attached to and visible five hundred (500) feet from the rear thereof. The said headlight shall give a clear, white light.

No person shall ride or propel a bicycle upon any street or other public highway abreast of more than one other person riding or propelling a bicycle.

Every person riding or propelling a bicycle upon any street or other public highway shall observe all traffic rules and regulations applicable thereto and shall turn only at intersections, signal for all turns, ride at the right-hand side of the street or highway, pass to the left when passing overtaken vehicles and individuals that are slower moving and shall pass vehicles to the right when meeting. (Ref. 60-611, 60-6,314, 60-6,315, 60-6,317, 60-6,138 RS Neb.)

5-402 BICYCLES; CLINGING TO MOTOR VEHICLES. No person riding upon any bicycle, roller skates, skate board or scooter shall attach the same or himself to any moving vehicle upon any roadway and it shall be unlawful for the driver of any vehicle to suffer or permit any person traveling upon any bicycle or roller skates to cling to or attach himself or his bicycle or roller skates to such vehicle so driven and operated by him. (Ref. 60-6,316 RS Neb.)

5-403 BICYCLES; NEBRASKA RULES OF THE ROAD; APPLICABILITY

(1) Any person who operates a bicycle upon a highway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the Nebraska Rules of the Road except for special bicycle regulations in the rules, except for those provisions of the rules which by their nature can have no application, and except that

bicycles may be operated on paved shoulders of highways included in the state highway system other than Nebraska segments of the National System of Interstate and Defense Highways as provided in Section 60-6,142, RS Nebraska.

(2) Regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside by the Department of Roads or a local authority for the exclusive use of bicycles. (Ref. 60-6,314 RS Neb.)

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ARTICLE 5. MINIBIKES

5-501 MINIBIKES; UNLAWFUL OPERATION. It shall be unlawful for any person to operate a minibike upon any street or highway within the corporate limits of the Municipality. For purposes of this Article, "minibike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen (14) inches or an engine rated capacity of less than forty-five (45) cubic centimeters displacement or a seat height of less than twenty-five (25) inches from the ground or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Ref. 60-636, 60-6,352, 60-6,353 RS Neb.)

5-502 MINIBIKES; EMERGENCIES AND PARADES. Minibikes shall be exempt from the provisions of this Article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization. (Ref. 60-6,348 RS Neb.)

5-503 MINIBIKES; PUBLIC LANDS. Minibikes shall be prohibited upon the public lands owned by the Municipality except where allowed by resolution of the Governing Body. (Ref. 60-678 RS Neb.)

5-504 MINIBIKES; TRAFFIC LAWS, INAPPLICABLE. The provisions of Chapter 60, Articles 1, 3, 4, 5, and 17 of the Nebraska Statutes shall not be applicable to the owners and operators of any minibike. (Ref. 60-6,347 RS Neb.)

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ARTICLE 6. SNOWMOBILES

5-601 SNOWMOBILES; EQUIPMENT. Every snowmobile operated within the Municipality shall be registered with the State of Nebraska as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one (1) head lamp, one (1) tail lamp, reflector material of a minimum area of sixteen (16) square inches mounted on each side forward of the handle bars and with brakes as prescribed by the Director of Motor Vehicles.

All laws applying to the operation of other motor vehicles shall apply to snowmobiles except those relating to required equipment and those which, by their nature, have no application. (Ref. 60-663, 60-6,321, 60-6,335 RS Neb.)

5-602 SNOWMOBILES; UNLAWFUL ACTS. It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by him, to be operated:

1. Within the congested area of the Municipality unless weather conditions are such that it provides the only practicable method of safe vehicular travel or said snowmobile is engaged in responding to an emergency.
2. At a rate of speed greater than reasonable or proper under the surrounding circumstances.
3. In a careless, reckless or negligent manner so as to endanger person or property.
4. Without a lighted headlight and tail light when such would be required by conditions.
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.

(Ref. 60-6,337, 60-6,344 RS Neb.)

5-603 SNOWMOBILES; PUBLIC LANDS. Snowmobiles shall be prohibited from operation on the public lands owned by the Municipality, except where allowed by resolution of the Governing Body. (Ref. 60-6,338 RS Neb.)

5-604 SNOWMOBILES; REGULATIONS. A snowmobile may make a direct crossing of a street at any hour of the day if:

1. Crossing is made at an angle of approximately ninety (90) degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
2. The snowmobile is brought to a complete stop before crossing the main traveled way of the street;
3. The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and
4. If said crossing is made between the hours of one-half (1/2) hour after sunset and one-half (1/2) hours before sunrise under the circumstances set forth in Section 5-605 below or during conditions of reduced visibility, said snowmobile shall be equipped with at least one (1) tail lamp and both front and rear lights shall be on.

5-605 SNOWMOBILES; EMERGENCY OPERATION. A snowmobile may be operated upon a public street or highway other than as provided herein in an emergency during a period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

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ARTICLE 7. MOPEDS

5-701 MOPEDS; DEFINED. For the purposes of this Article, moped shall mean a bicycle with fully operative pedals for propulsion by human power, with an automatic transmission and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty (30) miles per hour on level ground. Mopeds, their owners and their operators shall be subject to Chapter 60, Article 6, RRS of Nebraska 1943 and amendments thereto. (Ref. 60-637 RS Neb.)

5-702 MOPEDS; OPERATOR'S LICENSE REQUIRED. No person shall operate a moped upon the streets, alleys or public highways of the Municipality unless such person has a valid motor vehicle operator's license or a valid school or learner's permit. (Ref. 60-6,310 RS Neb.)

5-703 MOPEDS; OPERATOR; NEBRASKA RULES OF THE ROAD; APPLICABLE. Any person who rides a moped upon a roadway shall have all the rights and shall be subject to all of the duties applicable to the drive of a motor vehicle under the Nebraska rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application.

Regulations applicable to mopeds shall apply whenever a moped shall be operated upon any street, alley or public highway within the Municipality or upon any path set aside by the Department of Roads or local authority for the use of mopeds. (Ref. 60-6,311 RS Neb.)

5-704 MOPEDS; OPERATION.

1. Any person who operates a moped shall ride only upon a permanent and regular set attached thereto and shall not carry any other person nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one (1) person.
2. A person shall ride upon a moped only while sitting astride the seat, facing forward. Further, no person shall operate a moped while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.
3. No operator shall carry any person, nor shall any person ride, in a position which interferes with the operation or control of the moped or the view of the operator.

4. Any moped with carries a passenger shall be equipped with footrests for such passenger.
5. No person who rides upon a moped shall attach himself or the moped to any vehicle on a roadway.

(Ref. 60-6,312 RS Neb.)

5-705 MOPEDS; OPERATING ON ROADWAYS LANED FOR TRAFFIC; PROHIBITED ACTS.

1. A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of forty-five (45) miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two (2) abreast in a single lane.
2. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.
3. Mopeds shall not be operated more than two (2) abreast in a single lane.
4. Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five (45) miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.
5. No person who rides on a moped shall attach himself, herself, or the moped to any other vehicle on the highway.
6. Mopeds shall not be operated on sidewalks.
7. Notwithstanding the maximum speed limits in excess of twenty-five (25) miles per hour established in Section 60-6,186 RRS Nebraska, no person shall operate any moped at a speed in excess of thirty (30) miles per hour.

(Ref. 60-6,313 RS Neb.)

5-706 MOPEDS; PROTECTIVE HELMETS REQUIRED. A person shall not operate or be a passenger on a moped on any highway in the State of Nebraska unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed

to protect the use by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 CFR 571.218, for moped helmets. (Ref. 60-6,278 through 60-6,282 RS Neb.)

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ARTICLE 8. MOTORCYCLES

5-801 MOTORCYCLES; DEFINED. Motorcycles shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor. Motor-driven cycle shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower as measured at the drive shaft. (Ref. 60-639, 60-640 RS Neb.)

5-802 MOTORCYCLES; LIGHTS. No person shall ride a motorcycle upon the streets, alleys or highways from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise unless the same shall be equipped with at least one (1) and not more than two (2) headlights plainly visible from the front and with a taillight exhibiting a red light visible from a distance of at least five hundred (500) feet to the rear of such motorcycle; provided, said lamps shall comply with the requirements and limitations of the Statutes of the State of Nebraska. (Ref. 60-6,219 RS Neb.)

5-803 MOTORCYCLES; PROTECTIVE HELMETS REQUIRED. A person shall not operate or be a passenger on a motorcycle on any highway in the State of Nebraska unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the use by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 CFR 571.218, for motorcycle helmets. (Ref. 60-6,278 through 60-6, 282 RS Neb.)

5-804 MOTORCYCLE; NEBRASKA RULES OF THE ROAD; APPLICABILITY. Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under the Nebraska Rules of the Road except for special motorcycle regulations in the rules except for those provisions of the rules which by their nature can have no application. (Ref. 60-6,306 RS Neb.)

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TRAFFIC

ARTICLE 9. ALL-TERRAIN VEHICLES

5-901 ALL-TERRAIN VEHICLES; DEFINED. As used in this Article, unless the context otherwise requires, all-terrain vehicle shall mean any motorized off-highway vehicle which (1) is fifty (50) inches or less in width; (2) has a dry weight of six hundred (600) pounds or less, (3) travels on three or more low pressure tires, (4) is designed for operator use only with no passengers, (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.

All-Terrain vehicles which have been modified to include additional equipment nor required by this Article shall not be registered under Chapter 60, Article 3. (Ref. 60-6,355 RS Neb.)

5-902 ALL-TERRAIN VEHICLES; OPERATION. Except as provided in Sections A through C of this Section, an all-terrain vehicle shall not be operated on any public street, road or highway of this State. The crossing of any Interstate or limited-access highway shall not be permitted.

- A. The crossing of a public street, road or highway shall be permitted only if:
1. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street, road 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 main-traveled way of the street, road 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 street, road or highway, the crossing is made only at an intersection of such street, road or highway with another public street, road or highway; and,
 5. Both the headlight and taillight of the vehicle are on when the crossing is made.
- B. All-terrain vehicles may be operated on a public street, road or highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicle's use for agricultural purposes.

Any person operating an all-terrain vehicle on a public street, road or highway shall have a valid motor vehicle operator's license or a special permit as provided in Section 60-4,126 RS Neb., and shall not operate such vehicle at a speed in excess of thirty (30) miles per hour. When operated on a public street, road or highway, the headlight and taillight shall be on and the all-terrain vehicle shall be equipped with a bicycle safety flag which extends not less than five (5) feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area not less than thirty (30) square inches and be day-glow in color.

- C. All-terrain vehicles may be operated on public streets, roads and highways in parades which have been authorized by the State of Nebraska or any department, board, commission or political subdivision of the state. (Ref. 60-6,356 RS Neb.)

5-903 ALL-TERRAIN VEHICLES; HEADLIGHTS. Every all-terrain vehicle shall display a lighted headlight and taillight during the period of time from one-half (1/2) hour after sunset to one-half hour (1/2) before sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions. (Ref. 60-6,357 RS Neb.)

5-904 ALL-TERRAIN VEHICLES; EQUIPMENT. Every all-terrain vehicle shall be equipped with:

1. A brake system maintained in good working condition;
2. An adequate muffler system in good working condition; and,
3. A United States Forest Service qualified spark arrester.

(Ref. 60-6,358 RS Neb.)

5-905 ALL-TERRAIN VEHICLES; PROHIBITIONS. No person shall:

1. Equip the exhaust system of an all-terrain vehicle with a cutout, bypass or similar device.
2. Operate an all-terrain vehicle with an exhaust system so modified.
3. Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

(Ref. 60-6,359 RS Neb.)

5-906 ALL-TERRAIN VEHICLES; COMPETITION. All-terrain vehicles participating in competitive events may be exempted from Sections of this Article at the discretion of the Director of Motor Vehicles. (Ref. 60-6,360 RS Neb.)

5-907 ALL-TERRAIN VEHICLES; ACCIDENT REPORT. In an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner as provided in Section 60-699. (Ref. 60-6,361 RS Neb.)

5-908 ALL-TERRAIN VEHICLES; PENALTY. Any violation of this Article which is also a violation under Chapter 60 of RS Neb., may be punished under the penalty provisions of such Chapter. (Ref. 60-6,362 RS Neb.)

5-909 ALL-TERRAIN VEHICLES; ENFORCEMENT. Any peace officer of the State or of any political subdivision, including conservation officers of the Game and Parks Commission, shall be charged with the enforcement of the provisions of this Article. (Ref. 60-678 RS Neb.)

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ARTICLE 10: PENAL PROVISION

5-1001 VIOLATION PENALTY: Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

CHAPTER 6

POLICE REGULATIONS

ARTICLE 1. DOGS

6-101 DOGS: LICENSE. Any person who shall own, keep, or harbor a dog over the age of six (6) months within the Municipality shall within ten (10) days after acquisition of the said dog acquire a license for each such dog annually by or before the first (1st) day of May of each year. The said tax shall be delinquent from and after May tenth (10th); Provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to May first (1st) or any year, shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within ten (10) days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of three (\$3.00) dollars for all dogs. Said license shall not be transferable and no refund will be allowed in case of death, sale, or there disposition of the licensed dog. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his name and address and the name, breed, color, and sex of each dog owned and kept by him. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (Ref. 17-526, 54-603, 71-4412 RS Nee.)

6-102 DOGS: LICENSE TAGS. Upon the payment of the license fee, the Municipal Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until the thirtieth (30th) day of April following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the Municipal Clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee set by resolution of the Governing Body for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund it shall be the duty of the Municipal Clerk to issue tags of a suitable design that are different in appearance each year.

6-103 DOGS: WRONGFUL LICENSING. It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to wear any license, metallic tag or other Municipal identification than that issued by the Municipal Clerk for dogs.

6-104 DOGS: OWNER DEFINED. Any person who shall harbor or permit any dog to be for ten (10) days or more in or about his house, store or enclosure or to remain to be fed shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed. (Ref. 54-606, 71-4401 RS Nee.)

6-105 DOGS: PROCLAMATION. It shall be the duty of the Governing Body, whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a

proclamation ordering all persons owning, keeping or harboring any dog to muzzle the same or to confine it for a period of not less than ninety (90) days from the date of such proclamation or until such danger is passed. The dogs may be harbored by any good and sufficient means in a house, garage or yard on the premise wherein the said owner may reside. Upon issuing the proclamation, it shall be the duty of all persons owning, keeping or harboring any dog to confine the same as herein provided.

6-106 DOGS: UNLICENSED, VIOLATION; PENALTY. It shall be unlawful for the owner of any dog to maintain or keep said dog within the Municipality, without a license tag affixed as required by Article 1 or Chapter 6 of Ordinance No. 100 of the Village of Madrid. Any person who shall violate or refuse to comply with the enforcement of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than ten (\$10.00) dollars for each offense. (Amended by Ord. No. 76-77-3, 4/11/77)

6-107 DOGS: CAPTURE IMPOSSIBLE. The Law Enforcement Officer shall have the authority to kill any animals showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Ref. 54-605 RS Nec.)

6-108 DOGS: VICIOUS. It shall be unlawful for any person to own, keep or harbor any dog of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to bite, without the said dog being securely held by a chain not over six (6) feet long. If any vicious or dangerous dog is otherwise held, confined or allowed to run at large, the Municipal Law Enforcement Officer shall have the authority to put the dog to death.

6-109 DOGS: KILLING AND POISONING. It shall be unlawful to kill or to administer or cause to be administered poison of any sort to a dog or in any manner, to injure, maim or destroy or in any manner, attempt to injure, maim or destroy any dog that is the property of another person or to place any poison or poisoned food where the same is accessible to a dog; provided, that this section shall not apply to the Municipal Law Enforcement Officer acting within his power and duty. (Ref. 28-100, 28-102 RS Nec.)

6-110 DOGS: BARKING AND OFFENSIVE. It shall be unlawful for any person to own, keep or harbor any dog which by loud, continued or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person or which habitually barks at or chases pedestrians, drivers or owners of horses or vehicles while they are on any public sidewalks, streets or alleys of the Municipality.

Upon the written complaint filed with the Village Board of Trustees, a dog owned by a person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of the section, the Village Board of Trustees shall give the person owning or having the care, custody or possession of such dog a notice in writing of such complaint. It shall be the duty of the person to silence and restrain such dog. No household shall own or have in their possession more than three (3) adult dogs at any time.

6-111 DOGS: FIGHTING. It shall be unlawful for any person, by agreement or otherwise to set dogs to fighting or by any gesture or word to encourage the same to fight.

6-112 DOGS: LIABILITY OF OWNER. It shall be unlawful for any person to allow a dog owned, kept or harbored by him or under his charge or control to injure or destroy any real or personal property of any description belongs to another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (Ref. 54-601, 54-602 RS Nee.)

6-113 DOGS: PROVIDING FOR THE PENNING, SECURING AND LEASHING OF DOGS. Any person who is the owner of in possession or control of any dog within the corporate limits of the Village shall at all times have the dog either securely penned or secured with a chain, rope or leash so it may not leave the premises of the owner or person in possession or control. While off-premises, the dog shall be in visual and voice control of the owner or person in possession or control of any such dog.

6-114 DOGS: RABIES SUSPECTED. Any dog suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provision of this Article which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten (10) days. If upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten (10) days at which time the dog shall be examined by a licensed veterinarian. If no sign of rabies are observed, the dog maybe released from confinement. (Ref. 71-4406 RS Neb.)

CHAPTER 6

POLICE REGULATIONS

ARTICLE 2. ANIMALS GENERALLY

6-201 ANIMALS: RUNNING AT LARGE. It shall be unlawful for the owner, keeper or harbinger of any animal or any person having the charge, custody or control thereof to permit a horse, mule, cow, sheep, goat, swine, fowl or other animal to be driven or run at large on any of the public ways and property of another or to be tethered or staked out in such a manner so as to allow such animal to reach or pass into any public way. (Ref 17-547 RS Neb.)

6-202 ANIMALS: CRUELTY. No person shall cruelly or unnecessarily beat, overwork or insufficiently shelter or feed any animal within the Municipality. (Ref. 28-1001, 28-1002 RS Neb.)

6-203 ANIMALS: KILLING AND INJURING. No person shall kill or injure any animal by the use of firearms, stones, clubs, poisons or any other manner unless the animal is vicious or dangerous and cannot be captured without danger to the persons attempting to effect a capture of the said animal. (Ref. 28-1001, 28-1002 RS Neb.)

6-204 ANIMALS: ENCLOSURES. All pens, cages, sheds, yards or any other area or enclosures for the confinement of animals and fowls not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the said enclosure is located.

6-205 ANIMALS: FOWLS, RUNNING AT LARGE. It shall be unlawful for any person to allow poultry, chickens, turkeys, geese, or any other fowls to run a large within the corporate limits, except in enclosed places on private property. (Ref. 17-547 RS Neb.)

6-206 ANIMALS: KEPT IN TOWN. It shall be unlawful for any person to keep horses, mules, cows, sheep, goats, swine, fowl or any other farm animals within the Municipality.

6-207 ANIMALS: PITTING ANIMALS, DEFINITIONS. Bear baiting shall mean the pitting of any animal against a bear. Cockfighting shall mean the pitting of a fowl against another fowl. Dog fighting shall mean bringing animals together in combat. (Ref. 28-101 RS Neb.)

6-208 ANIMALS: PITTING ANIMALS PROHIBITED. No person shall knowingly promote, engage in or be employed at dog fighting, cockfighting, bear baiting or pitting an animal against another. Nor shall any person knowingly receive money for the admission of another person to a place kept for such purpose. Nor shall any person knowingly own, use, train, sell or possess an animal for the purpose of animal pitting. Nor shall any person knowingly permit any acts as described in this section to occur on any premises owned or controlled by him or her. (Ref. 28-101 RS Neb.)

6-209 ANIMALS: PITTING ANIMALS, SPECTATORS PROHIBITED. No person shall knowingly and willingly be present at an witness as a spectator dog fighting, cockfighting, bear baiting or the pitting of an animal against another as defined in Section 6-206. (Ref. 28-101 RS Neb.)

CHAPTER 6

POLICE REGULATIONS

ARTICLE 3. MISCELLANEOUS MISDEMEANORS

6-301 MISDEMEANORS: TRESPASSING. It shall be unlawful for any person to trespass upon any private grounds within the Municipality or to break, cut or injure any tree, shrub, plant, flower or grass growing thereon or without the consent of the owner or occupant to enter upon an improved lot or grounds occupied for residence purposes and to loiter about the same. (Reg. 25-2130 RS Neb.)

6-302 MISDEMEANORS: LARCENY. It shall be unlawful for any person within the corporate limits to steal any money, goods, chattels of any kind whatever. Any person who shall steal property of any kind, whether the same be entirely in money or entirely property of the value of less than three hundred (\$300.00) shall upon conviction thereof, be guilty of a misdemeanor. (Ref. 28-510, 28-511 RS Neb.)

6-303 MISDEMEANORS: INJURY TO TREES. It shall be unlawful for any person to purposely or carelessly and without lawful authority cut down, carry away, injure, break down or destroy any fruit, ornamental, shade or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree except on property owned and controlled by them, shall make an application to the Governing Body and then proceed in accordance with their decision to allow such an action.

6-304 MISDEMEANORS: TRASH. It shall be unlawful for any person to willfully, maliciously or negligently place or throw upon the premise of another any filth, garbage, leaves, papers or other matter to the annoyance of the owner or occupant thereon. (Ref. 28-523 RS Neb.)

6-305 MISDEMEANORS: DRINKING IN PUBLIC. It shall be unlawful for any person to consume alcoholic beverages in the public streets, alleys, roads, highways or upon any property owned by the Municipality or other governmental subdivision thereof or inside vehicles while upon the public streets, alleys, roads or highways, in theaters, dance halls or any other place open to the public; provided, the provision of this Section shall not apply to liquor establishments licensed by the State of Nebraska. (Ref. 53-186 RS Neb.)

6-306 MISDEMEANORS: MINOR IN POSSESSION. It shall be unlawful for any person under twenty one (21) years of age to transport, knowingly possess or have under his control in any motor vehicle beer or other alcoholic liquor on any public street, alley, roadway or property owned by the State of Nebraska or any subdivision thereof or any other place within the Municipal Limits. (Ref. 53-180.02 RS Neb.)

6-307 MISDEMEANORS: POSTED ADVERTISEMENTS. It shall be unlawful for any person to wrongfully and maliciously tear, deface, remove or cove up the posted advertisement or bill of any person, firm or corporation when said bill or advertisement is rightfully posted and the same remains of value.

6-308 MISDEMEANORS: POSTING. It shall be unlawful for any person to post, paste or paint any sign, advertisement or other writing of any nature upon a fence, pole, building or other property without the written permission of the owner of the said property.

6-309 MISDEMEANORS: DISCHARGE OF FIREARMS. It shall be unlawful for any person except an officer of the law in the discharge of his official duty, to fire or discharge any gun, pistol or other fowling piece within the Municipality; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Governing Body. (Ref. 17-556 RS Neb.)

6-310 MISDEMEANORS: CONCEALED WEAPONS. It shall be unlawful for any person to carry about their person any concealed pistol, revolver, knife, billy club, slingshot, metal knuckles or other dangerous weapon of any kind. Nothing herein shall be construed to apply to the Law Enforcement Officer. (Ref. 28-1202, 17-556 RS Neb.)

6-311 MISDEMEANORS: SLINGSHOTS, AIR GUNS, BB GUNS. It shall be unlawful for any person to discharge a slingshot, ^{air} gun, BB gun or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the Municipality.

6-312 MISDEMEANORS: FIRECRACKERS. It shall be unlawful for any person to ignite or cause to be explode fireworks or firecrackers of any description whatsoever except sparklers, Vesuvius fountains, spray foundations, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise, color wheels, lady fingers not exceeding seven-eighths (7/8) inch in length or one-eighth (1/8) inch in diameter and which do not contain more than one half (1/2) grain each in weight of explosive material. (Ref. 28-1241 RS Neb.)

6-313 MISDEMEANORS: ASSAULTS. It shall be unlawful for any person to assault or threaten any other person. Any person who assaults another person shall be deemed to be guilty of a misdemeanor. (Ref. 28-308, 28-309, 28-310 RS Neb.)

6-314 MISDEMEANORS: ASSAULT AND BATTERY. It shall be unlawful for any person to assault, threaten, strike, or injure any other person or persons. Any person who assaults or batters another person or persons shall be deemed to be guilty of a misdemeanor. (Ref. 28-411 RS Neb.)

6-315 MISDEMEANORS: DISTURBING THE PEACE. Any person who shall intentionally disturb the peace and quiet of any person, family, or neighborhood commits the offense of disturbing the peace. (Ref. 28-1322 RS Neb.)

6-316 MISDEMEANORS: DISORDERLY CONDUCT. Any person who shall knowingly conduct a fight, fight, commit assault or battery, make unnecessary noise or otherwise conduct themselves in such a way as to breach the peace shall be deemed to be guilty of a misdemeanor. (Ref. 17-556 RS Neb.)

6-317 MISDEMEANORS: LITTERING. It shall be unlawful for any person to throw, cast, lay or drop on any public way or property any paper, scrap material or other waste whatsoever. (Ref. 28-523 RS Neb.)

6-318 MISDEMEANORS: PROHIBITED FENCES. It shall be unlawful for any person to erect or cause to be erected and maintain any barbed wire or electric fence within the corporate limits.

6-319 MISDEMEANORS: APPLIANCES IN YARD. It shall be unlawful for any person to permit a refrigerator, icebox, freezer or any other dangerous appliance to be in the open and accessible to children whether on private or public property unless he shall first remove all doors and make the same reasonable safe. (Ref. 18-1720 RS Neb.)

6-320 MISDEMEANORS: OBSTRUCTION OF PUBLIC WAYS. It shall be unlawful for any person to erect, maintain or suffer to remain on any street or public sidewalk a stand, wagon, display or other obstruction inconvenient to or inconsistent with the public use of the same.

6-321 MISDEMEANORS: OBSTRUCTING WATER FLOW. It shall be unlawful for any person to stop or obstruct the passage of water in a street gutter, culvert, water pipe or hydrant.

6-322 MISDEMEANORS: REMOVING DIRT. It is hereby declared unlawful for any person to remove, disturb or take away from any street alley or public grounds any dirt, earth, stones or other material forming a part of such street, alley or public grounds without first having obtained written permission to do so from the Governing Body.

6-323 MISDEMEANORS: WEED REMOVAL. It shall be the duty of every owner of real estate in the Municipality to cut and clear such real estate together with one half (1/2) of the streets and alleys abutting thereon, of all weeds and worthless vegetation that are noxious, obstruct travel on public ways or create a fire hazard. Subsequent to the cutting of the said weeds, all loose vegetation shall be immediately removed. Upon the failure of the owner, lessee or occupant having control of any such real estate to cut and clear the dead weeds and worthless vegetation, the Village Marshall or Municipal Clerk shall serve notice on the said owner, lessee or occupant to do so. In the event that the weeds and vegetation have not been removed after a period of five (5) days, the Governing Body may order the same to be done under the direction of the Utilities Superintendent and the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the Municipality after being properly billed, the cost may be assessed against the real estate and the Governing Body shall have the assessment certified to the County Treasurer and the same shall be collected in the manner provided by law. In the event property

owner is nonresident of the county in which the property lies, the Municipality shall, before levying any notice special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the nonresident owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. (Ref. 17-563.01, 18-1719 RS Neb.)

6-324 MISDEMEANORS: RADIO INTERFERENCE. Any person operating or causing to be operated any motor, sign or other electrical apparatus that is connected with the light and power system shall equip the apparatus with proper filtering attachments to eliminate interference; provided, that the provisions herein shall not apply to the use of necessary medical equipment or apparatus where electrical interference cannot be reasonably and safely eliminated. Any person who so operates or causes to be operated any such electrical apparatus that interferes habitually with radio and television reception shall be deemed to be guilty of a misdemeanor. (Ref. 18-1720 RS Neb.)

6-325 MISDEMEANORS: ABANDONED AUTOMOBILES. It shall be unlawful to abandon any automobile on the Municipal streets, highways, alleys, parks or other property. An automobile shall be deemed to be abandoned if left unattended:

- A. With no number plates affixed thereto for more than six (6) hours on any public property; or
- B. For more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted; or
- C. For more than forty-eight (48) hours after the parking of such vehicle shall have become illegal, if left on portion of a public property on which parking is legally permitted; or
- D. For more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner shall be terminated.

Any vehicle so abandoned may be towed away at the owner's expense for towing and storage, upon order from the Municipal Law Enforcement Office. (Ref. 60-1904, 60-1906, 60-1907, 60-1909 RS Neb.)

The Title to any automobile so abandoned which at the time of such abandonment has no number plates of the current year affixed and is of wholesale value taking into consideration the condition of such vehicle, of one hundred dollars (\$100.00) or less, shall immediately vest in the Municipality. In the event the automobile is licensed for the current year or is of a wholesale value of over one hundred dollars (\$100.00), the Municipal Law Enforcement Officer shall make a reasonable effort to contact the owner of the said automobile by sending a notice to the registered owner, if known; by sending an inquiry to the County it is registered in, if the owner is unknown; or by contacting the Director of Motor Vehicles. If notified by the Director of Motor Vehicles that a lien or mortgage exists on said vehicle, notice shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. If the owner, lien holder or mortgagee is known and does not claim the

automobile within five (5) days after date when the notice was mailed or upon receiving worked from the Director of Motor Vehicles that the owner is known, title will immediately vest in the Municipality and the automobile may be sold. Any proceeds for the sale of the automobile less any expenses incurred by the Municipality in such sale shall be held without interest for the benefit of the owner of such vehicle for a period of two (2) years. If not claimed within such period of time, the proceeds shall then be paid into the General Fund.

For the purposes of this Section, public property shall mean any public right-of-way, street, highway, alley, park or other state, county or municipally owned property which is not included within the definition of public property.

Any person who abandons an automobile as thereinbefore defined shall be deemed guilty of a misdemeanor. (Ref. 60-1901 through 60-1911 RS Neb.)

6-326 MISDEMEANORS: UNLICENSED OR INOPERABLE VEHICLES. No person in charge of control of any property within the Municipality, other than Municipal property, whether as owner, tenant, occupant, lessee or otherwise shall allow any partially dismantles, inoperable, wrecked, junked or discarded vehicle to remain on such property longer than thirty (30) days. No unlicensed vehicle shall be permitted to remain on any private or public property for any length of item; provided, this Section shall not apply to a vehicle in an enclosed building; to a vehicle on the premises of a business enterprise, operated in a lawful place and manner when such vehicle is necessary to the lawful operation of the business; or to a vehicle in a lawful place and manner by the Municipality. Any vehicle allowed to remain on property in violation of this Section shall constitute a nuisance and shall be abated and any person violating this Section shall be guilty of a misdemeanor.

6-327 MISDEMEANORS: CURFEW; LOITERING; RESPONSIBILITY OF PARENT, GUARDIAN, OR LEGAL CUSTODIAN. It shall be unlawful for any person under the age of sixteen (16) years to loiter, idle, wander, stroll or play in or upon any of the streets, alleys, parks, or public places of the Village of Madrid, or to be found in any vehicle upon the streets, roads, alleys, parks or other places of public amusement or recreation therein, between the hours of eleven (11) o'clock P.M. Of any Sunday, Monday, Tuesday, Wednesday, or Thursday and five (5) o'clock A.M. Of the following day. 12:30 A.M. To 5:00 A.M. On weekends. It shall be the responsibility of the minor child's parents to control such minor.

Violation of this Section shall constitute a misdemeanor and upon proof of such violation, shall be punishable by a fine of not more than fifty (\$50.00) dollars nor less than ten (\$10.00) dollars. (Ord, No. 76-77-1, 10/11/76)

6-328 MISDEMEANORS: ABATEMENT OF NUISANCE. Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. Whenever in any action it is established that a nuisance exists, the court may together with the fine or penalty imposed enter an order of abatement as a part of the judgment in the case. (Ref. 18-1720 RS Neb.)

CHAPTER 6

POLICE REGULATIONS

ARTICLE 4: PENAL PROVISION

6-401 VIOLATION PENALTY: Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

6-402 ABATEMENT OF NUISANCE. Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

Whenever in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.
(Ref. 18-1720, 10-1722 RS Neb.)