# TITLE VII: TRAFFIC CODE

Chapter


70. GENERAL PROVISIONS

71. TRAFFIC REGULATIONS

72. PARKING REGULATIONS

# CHAPTER 70: GENERAL PROVISIONS

Section

70.01 Definitions
70.02 Emergency regulations
70.03 Police enforcement
70.04 Refusal to obey
70.05 Traffic officers

*Statutory reference:*

*Regulation of highways by local authorities, see Neb. RS 60-680*
*Powers and duties of peace officers, see Neb. RS 60-683*
*Powers and duties of state patrol, Neb. RS 81-2005*

## § 70.01 DEFINITIONS.

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

## § 70.02 EMERGENCY REGULATIONS.

The County Sheriff is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

## § 70.03 POLICE ENFORCEMENT.

The County Sheriff's Department 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 and animal and vehicular traffic of every kind in streets, in parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer.

## § 70.04 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.
Penalty, see § 10.99

## § 70.05 TRAFFIC OFFICERS.

The Board of Trustees or the County Sheriff 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.

# CHAPTER 71: TRAFFIC REGULATIONS

Section


*General Provisions*

71.01 Truck routes
71.02 Traffic lanes; designation
71.03 Crosswalks
71.04 Signs; signal
71.05 Stop signs
71.06 School crossing zones; designation
71.07 Engine braking prohibited
71.08 ATV Licensing - added 10/12/15

*Speed Limits*

71.20 Near schools


***Statutory reference:***

*Regulation of highways by local authorities, see Neb. RS 60-680*

## *GENERAL PROVISIONS*

### § 71.01 TRUCK ROUTES.

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

Penalty, see § 10.99

***Statutory reference:***

*Truck routes authorized, see Neb. RS 60-681*

## § 71.02 TRAFFIC LANES; DESIGNATION.

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

## § 71.03 CROSSWALKS.

The Board of Trustees may, by resolution, establish and maintain by appropriate devices, markers, or lines upon the street crosswalks at intersections where there is particular danger to pedestrians crossing the street, and at such other places as it may deem necessary.

## § 71.04 SIGNS; SIGNALS.

The Board of Trustees may, by resolution, provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the municipality's jurisdiction for the purpose of regulating or prohibiting traffic thereon. 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.

*Statutory reference:*

*Obedience to, placement of, and authority over traffic-control devices, see Neb. RS 60-6,119 through 60-6,121*

## § 71.05 STOP SIGNS.

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with a resolution authorized by this chapter, 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 is indicated, then as near the right-of-way line of the intersecting roadway as possible.

## § 71.06 SCHOOL CROSSING ZONES; DESIGNATION.

(A) Neb. RS 60-682.01 provides fines for operating a motor vehicle in violation of authorized speed limits and states that the fines are doubled if the violation occurs within a school crossing zone.

(B) Neb. RS 60-6,134.01 makes it unlawful for a person operating a motor vehicle to overtake and pass another vehicle in a school crossing zone in which the roadway has only one lane of traffic in each direction and provides fines for violation of that prohibition.

ORDINANCE NO. 2021-03

**AN ORDINANCE TO AMEND AND REPEAL CERTAIN PROVISIONS OF CHAPTER 173: TRAFFIC REGULATIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA:

SECTION 1. Section 173 of the Code of Giltner is amended to read as follows:

**§ 173.01 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINITIONS.**

(A) All-terrain vehicle means any motorized off-highway vehicle which (1) is fifty inches or less in width, has a dry weight of twelve hundred pounds or less, (3) travels on three or more nonhighway tires, and (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger. (Neb. Rev. Stat. §60-6,355)

(B) Utility-type vehicle means any motorized off-highway vehicle which (1) is seventy-four inches in width or less, (2) is not more than one hundred eighty inches, including the bumper, in length, (3) has a dry weight of two thousand pounds or less, (4) and travels on four or more nonhighway tires. "Utility-type vehicle" does not include golf carts or low-speed vehicles. (Neb. Rev. Stat. §60-6,355)

(C) "Street" or "highway" means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Neb. Rev. Stat. §60-624).

**§ 173.02 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION.**

(A) An all-terrain vehicle or a utility-type vehicle may be operated on streets and highways within corporate limits of the Village only if the operator and the all-terrain vehicle or utility-type vehicle comply with the provisions in this section.

(B) An all-terrain vehicle or a utility-type vehicle may only be operated between the hours of sunrise and sunset and shall not be operated at a speed in excess of 30 miles per hour. When operating an all-terrain vehicle or utility-type vehicle as authorized herein, the headlight and taillight of the vehicle shall be on and it shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color. The all-terrain vehicle or utility-type vehicle must have an adequate muffler system to reduce noise.

(C) Any person operating an all-terrain vehicle or utility-type vehicle as authorized herein shall have:

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

(2) Liability insurance coverage for the all-terrain vehicle or utility-type vehicle while being operated on a street or highway. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such request.

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

(E) An all-terrain vehicle or a utility-type vehicle shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (A) through (C) and (E) of this section authorized and apply to operation of an all-terrain vehicle or utility-type vehicle only on a street or highway other than a controlled-access highway with more than two marked traffic lanes.

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

(1) The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

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

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

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

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

(H) Any person violating the provisions of this section shall be guilty of an offense. Penalty, see §10.99.

(Neb. Rev. Stat. §60-6,356)

**SECTION 173.03: GOLF CART VEHICLE.**

(A) "Golf cart vehicle" means a vehicle that has at least four wheels, has a maximum level ground speed of less than 20 miles per hour, has a maximum payload capacity of 1,200 pounds, has a maximum gross vehicle weight of 2,500 pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes. (Neb. Rev. Stat. §60-116.01, 60-329.01, 60-622.01)

(B) A golf cart vehicle may be operated on any highway on which the speed limit is not more than 35 miles per hour and may cross a highway on which the speed limit is more than 35 miles per hour. A golf cart vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed to exceed 25 miles per hour under any circumstance. Any person operating a golf cart as authorized under this section shall have:

(1) A valid Class O operator's license, farm permit as provided in Neb. Rev. Stat. §60-4,126, learner's permit as provided in Neb. Rev. Stat. §60-4,123; and

(2) Liability insurance coverage for the golf cart vehicle while being operated on a street or highway. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such request.

(C) A golf cart vehicle must have a safety flag attached to the cart. A golf cart vehicle must have its Original Equipment Manufacturer muffler system or an adequate muffler system to reduce noise. If a golf cart vehicle is equipped with brake lights, the brake lights must be operable.

(D) The crossing of a street or highway shall be permitted by a golf cart vehicle without complying with subsections (B) and (C) of this section only if:

(1) The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

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

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

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

(5) All lights equipped on the vehicle must be on when the crossing is made.

(F) Any person violating the provisions of this section shall be guilty of an offense. Penalty, see §10.99.

(Neb. Rev. Stat. §60-6,356)

SECTION 2. This Ordinance shall be in full force and effect immediately from the date of its passage, approval and publication or posting as provided by law and upon proclamation of the Chairperson of the Village Board and the Chairperson of the Village Board is hereby authorized and directed to so proclaim.

SECTION 3. Any other ordinance or section passed and approved prior to passage, approval, and publication of this Ordinance and in conflict with its provisions is hereby repealed.

Passed and approved this 13th day of September, 2021.

Cody D. Nuss, Chairperson

ATTEST:

Joan M. Eastman, Village Clerk

(SEAL)

## SUSPENSION OF RULES

Whereupon it was moved by Trustee Jim Smith and seconded by Trustee Tom Lambert that the statutory rules in regard to the passage and adoption of ordinances be suspended so that said Ordinance might be introduced, read, approved and passed at the same meeting. Chairperson Nuss instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion.

Yeas: Lambert, Smith, Nuss
Nays:
Absent: Antle, Spotts
Motion: Approved

## MOVED FOR FINAL PASSAGE

Read Ordinance by title and Trustee Jim Smith moved for final passage of Ordinance No. 2021-03. The Clerk called the roll and the following was the vote on Ordinance No. 2021-03.

Yeas: Smith, Lambert, Nuss
Nays:
Absent: Antle, Spotts
Motion: Approved

Trustees of the Village Board, having voted in the affirmative for the passage and approval of said Ordinance No. 2021-03, the Chairperson said Ordinance No. 2021-03 duly passed and adopted as an ordinance of the Village of Giltner, Nebraska.

## CERTIFICATE OF PASSAGE AND POSTING OF ORDINANCE NO. 2021-03

STATE OF NEBRASKA )
)
COUNTY OF HAMILTON ) ss.
)
VILLAGE OF GILTNER )

I, the undersigned, duly elected, qualified and acting Clerk of the Village of Giltner, County of Hamilton, State of Nebraska, do hereby certify:

That the annexed and foregoing is a full, true and correct copy of Ordinance No. 2021-03 of said Village; the same appears of record in the journal and ordinance book of said Village; that said Ordinance was duly passed by the Board of Trustees of said Village on the 13th day of September, 2021; that said Ordinance was signed and approved by the Chairperson of said Village Board on the 13th day of September, 2021; and there being no newspaper published in said Village, three (3) copies

of said Ordinance were duly posted by me on the 14th day of September, 2021, one in each of three (3) public places in said Village as follows:

Village Office, Giltner, Nebraska

Giltner Public Library

U.S. Post Office, Giltner, Nebraska

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of said Village this 14th day of September, 2021.

Joan M Eastman

Joan M. Eastman, Village Clerk

(SEAL)

VILLAGE OF GILTNER
CORPORATE
SEAL
HAMILTON COUNTY NEBRASKA

(C) The Board of Trustees may, by resolution, designate to the public any area of a roadway, other than a freeway, as a school crossing zone through the use of a sign or traffic control device as specified by the Board of Trustees in conformity with the *Manual on Uniform Traffic Control Devices*. Any school crossing zone so designated starts at the location of the first sign or traffic control device identifying the school crossing zone and continues until a sign or traffic control device indicates that the school crossing zone has ended.
(Neb. RS 60-658.01) Penalty, see § 10.99

## § 71.07 ENGINE BRAKING PROHIBITED.

It shall be unlawful within the village limits for any operator of a motor vehicle with a total gross vehicle weight rating of 7,000 pounds or more, including its towed unit or units, to attempt to retard the forward movement of said vehicles by initiating a device to contain the engine's compression, thus rapidly slowing the engine's revolutions per minute.
(Ord. 140, passed 10-6-97) Penalty, see § 10.99

## *SPEED LIMITS*

## § 71.20 NEAR SCHOOLS.

It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located, and which are used for school purposes, during school recess, or while children are going to, or leaving school during the opening or closing hours to drive such vehicle at a rate of speed in excess of 15 miles per hour past such premises, and such driver shall stop at all stop signs located at, or near, such school premises, and it shall be unlawful for such driver to make a U-turn at any intersection where such stop signs are located at, or near, such school premise.
Penalty, see § 10.99
***Statutory reference:***
*State, county, and local authority, see Neb. RS 60-6,190*

# CHAPTER 72: PARKING REGULATIONS

Section

*General Provisions*


72.01 Brakes and turned wheels required
72.02 Parallel parking required; exceptions
72.03 Designation of type of parking
72.04 Areas of prohibited parking
72.05 Alleys; restrictions
72.06 Unloading; freight vehicles
72.07 Fire hydrants and stations
72.08 Schools, theaters
72.09 Street intersections
72.10 Obstructing traffic
72.11 Curb parking; painting of curbs
72.12 Display or repair
72.13 Current registration
72.14 Time limit
72.15 Snow removal and maintenance
72.16 Emergency vehicles
72.17 Trucks, semi-trailers, common carriers, and the like
72.18 Trucks transporting flammable liquids


*Administration and Enforcement*


72.30 Tickets
72.31 Removal of illegally parked vehicles

*GENERAL PROVISIONS*

## § 72.01 BRAKES AND TURNED WHEELS REQUIRED.

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon 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.

## § 72.02 PARALLEL PARKING REQUIRED; EXCEPTIONS.

No person shall park any vehicle or approach the curb with a vehicle, except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least four feet between the vehicle so parked and any other parked vehicles, except where the Board of Trustees designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.
Penalty, see § 10.99

## § 72.03 DESIGNATION OF TYPE OF PARKING.

The Board of Trustees may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb.

## § 72.04 AREAS OF PROHIBITED PARKING.

The Board of Trustees may, by resolution, set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of the street, alley, public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers.
Penalty, see § 10.99

## § 72.05 ALLEYS; RESTRICTIONS.

(A) No vehicle, while parked, shall have any portion thereof projecting into any alley entrance.

(B) No vehicle shall be parked in any alley, except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of ½ hour. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley.
Penalty, see § 10.99

## § 72.06 UNLOADING; FREIGHT VEHICLES.

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

## § 72.07 FIRE HYDRANTS AND STATIONS.

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

## § 72.08 SCHOOLS, THEATERS.

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

## § 72.09 STREET INTERSECTIONS.

Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection or curb lines or, if none, then within 15 feet of the intersection of property lines, nor where the curb lines are painted red to indicate such prohibition.
Penalty, see § 10.99
***Statutory reference:***
*Authority, see Neb. RS 60-6,166*

## § 72.10 OBSTRUCTING TRAFFIC.

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

## § 72.11 CURB PARKING; PAINTING OF CURBS.

(A) No vehicle shall park on any street with its left side to the curb, unless the street has been designated to be a "one-way" street by the Board of Trustees. 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.

(B) It shall be the duty of the Board of Trustees or its agent to cause the curb space to be painted and keep the same painted as provided in this chapter. No person, firm, or corporation shall paint the curb of any street or in any manner set aside or attempt to prevent the parking of vehicles in any street, or part thereof, except at such places where the parking of vehicles is prohibited by the provisions of this chapter. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the municipality through its proper officers, at the direction of the Board of Trustees.
Penalty, see § 10.99

## § 72.12 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, except in case of breakdown or other 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.
Penalty, see § 10.99

## § 72.13 CURRENT REGISTRATION.

It shall be unlawful to park or place on the streets, alleys, or other public property any vehicle without first securing a current registration as provided by law.
Penalty, see § 10.99

## § 72.14 TIME LIMIT.

(A) The Board of Trustees may, by resolution, entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by 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 chapter.

(B) The parking of a motor vehicle on a public street for over 24 consecutive hours is unlawful, except where a different maximum time limit is posted.
Penalty, see § 10.99

## § 72.15 SNOW REMOVAL AND MAINTENANCE.

(A) It shall be unlawful to park or stand any vehicle on any street or alley in the municipality at any time within 12 hours after a snowfall of three inches or more has occurred within a 24 hour period unless the snow has been removed within that time.

(B) The Board of Trustees or the County Sheriff 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 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 for violation of this chapter, and such vehicle may be removed and parked, under the supervision of the County Sheriff, to a suitable nearby location without further notice to the owner or operator of such vehicle.
Penalty, see § 10.99
***Statutory reference:***
*Authority to regulate during snow emergencies, see Neb. RS 17-557*

## § 72.16 EMERGENCY VEHICLES.

The provisions of this chapter regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this title, while the driver of the vehicle is operating the same in an emergency in the necessary performance of public duties.
***Statutory reference:***
*Privileges of and conditions on authorized emergency vehicles, see Neb. RS 60-6,114*

## § 72.17 TRUCKS, SEMI-TRAILERS, COMMON CARRIERS, AND THE LIKE.

(A) It shall be unlawful for the operator of any truck, truck-tractor or semi-trailer or for the operator of any automobile with attached trailer of an overall length of more than 18 feet including load, to stop or park such vehicle for more than eight hours during the hours of 7:00 a.m. to 6:00 p.m. and any such vehicle shall be not parked within the village limits or for any period of time after 6:00 p.m. of any one day or before 7:00 a.m. of the succeeding day.

(B) It shall be unlawful for the owner or operator of any truck, truck-tractor or semi-trailer to dolly or to leave such semi-trailer unhooked from the tractor for any length of time within the village limits.

(C) The operator of any vehicle described in division (B) may stop, stand or park in alley adjoining or adjacent to premisses abutting streets for the purposes of loading or unloading goods, wares, merchandise or other commodities consigned to or by merchants or others on said premisses for such period of time as is necessary, but in no case longer than ½ hour; provided, if stopping or parking for loading or unloading cargo and said alley requires a longer time than ½ hour, then the consignee or consignor of the cargo may, upon oral application which satisfies the Village Marshal or Municipal Clerk, be granted and allowed such additional time for such loading or unloading, as is reasonably necessary. If the consignor or consignee has no alley entrance to his premises or if loading or unloading the cargo while standing in the alley is inconvenient, then such consignor may be permitted or allowed to load or unload cargo from certain designated street space abutting the premises of such periods of time, not longer than ½ hour, upon oral application to and oral permission from the Village Marshal or Municipal Clerk and who may extend the ½ hour period in necessary cases.

(D) No motor carrier, common carrier or contract carrier of property, as defined by the laws of Nebraska, as now existing or as hereafter amended, shall stop or park in any street or alley within the residential district during the hours of 6:00 p.m. any one day and 7:00 a.m. of the succeeding day; and no such carrier shall use or employ any portion of the parking space in a residential district for any commercial purpose. No livestock truck, loaded with livestock or otherwise shall stand or park for any period of time in any street or alley in the village except in some truck parking lot.
(Ord. 140, passed 10-6-97) Penalty, see § 10.99

## § 72.18 TRUCKS TRANSPORTING FLAMMABLE LIQUIDS.

No oil tanker, gasoline transport or tank truck, for transporting inflammable liquids, whether the same be loaded or empty, shall park or stop for any period of time within any truck parking lot or within the limits of any other street or alley of the village except to load or unload its cargo in a safe and expeditious manner. Drivers of oil tankers, gasoline transports or tank trucks may stop or park vehicles one time while enroute through the village within the village limits of any truck parking lot designated by this section for a period of time not more than 30 minutes for rest and meals. In case of breakdown or stalling on account of exhaustion of its motor fuel on any of said streets, the stopping of the disabled vehicle for the reasonable time necessary to remove the same to the next point where repairs can be made or to meet the emergency shall not be a violation of this section. No oil tanker, gasoline transport or tank truck, whether containing any inflammable materials or not, shall park or stop for any period of time on any private premises within the corporate limits of the village, save and except for purpose of loading or unloading, or breakdowns, unless said private premises be used and employed exclusively for the conduct of the wholesale or retail petroleum business with ample facilities for parking oil tankers and gasoline transports or tank trucks.
(Ord. 140, passed 10-6-97) Penalty, see § 10.99

*ADMINISTRATION AND ENFORCEMENT*

## § 72.30 TICKETS.

All tickets issued for violations of nonmoving traffic regulations contained in this chapter shall, in addition to information normally stated on such tickets, carry the following information:

(A) The amount of the fine if paid within 30 days;

(B) The amount of the fine if not paid within 30 days;

(C) The location where payment may be made; and

(D) The fact that a complaint will be filed after 30 days if the fine is not paid in that time.

## § 72.31 REMOVAL OF ILLEGALLY PARKED VEHICLES.

(A) Whenever any police officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of the chapter, 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.

(B) The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any 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 charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles.
(Neb. 60-6,165)

# ORDINANCE NO. 2025-01

**AN ORDINANCE TO AMENDING THE VILLAGE CODE OF ORDINANCES TO ADD NEWS SECTIONS RELATED TO UNAUTHORIZED CONNECTION OR EXTENSION OF MUNICIPAL WATER OR SEWER SERVICES, PARKING ON RESIDENTIAL LOTS, PARKING OF BOATS AND BOAT TRAILERS, PARKING OF RECREATIONAL VEHICLES (RVS), AND OCCUPANCY OF RECREATIONAL VEHICLES (RVS); TO PROVIDE FOR PENALTIES; TO PROVIDE FOR THE EFFECTIVE DATE; AND TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.**

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA, AS FOLLOWS:

SECTION 1. That a new Section 50.07 be added to the Village Code of Ordinances of the Village of Giltner, Nebraska, to read as follows:

**§ 50.07 UNAUTHORIZED CONNECTION OR EXTENSION OF MUNICIPAL WATER OR SEWER SERVICES.**

(A) No person shall connect, extend, or otherwise modify any water or sewer service to the municipal system without prior authorization from the Village. This includes, but is not limited to, any connection providing service to a secondary structure, recreational vehicle, outbuilding, or any other fixture not originally authorized for connection to municipal service.

(B) The existence of an unauthorized connection or extension to the municipal water or sewer system, including any plumbing installed to serve a secondary structure or recreational vehicle, shall constitute prima facie evidence that the person in possession of the property at the time of discovery made or caused the unauthorized connection or extension.

(C) Any person found to be in violation of this section shall be subject to the penalties provided in § 10.99.

SECTION 2. That new Sections 72.19, 72.20, and 72.21 be added to the Village Code of Ordinances of the Village of Giltner, Nebraska, to read as follows:

**§ 72.19 PARKING ON RESIDENTIAL LOTS.**

(A) It shall be unlawful for any person to allow any vehicle or trailer to be parked within the front yard of a residential lot, unless said vehicle or trailer is parked on a driveway.

(B) It shall be unlawful for any person to construct a parking pad or parking area in the front yard of a residential lot.

(C) Parking pads and parking areas in front yards of residential lots, that were in place prior to the adoption of this Ordinance, may continue to be used for parking.

(D) Driveways constructed of gravel or crushed rock that were in place prior to the adoption of this Ordinance may continue to be considered a driveway.

(E) Vehicles may not be parked on vacant lots unless said lot is immediately adjacent and under the same ownership as an abutting lot that is developed.

(F) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*DRIVEWAY.* A private, solid concrete or asphalt roadway or as a flat surface, solidly constructed of brick, concrete block or pavers, gravel or crushed rock, so as to create a surface that does not collect and hold water, and does not allow vegetation to grow on or through the parking surface, and which serves the garage or the rear or side yard of the property or provides access from one point of public right-of-way to another point of public right-of-way.

*FRONT YARD.* The open space extending across the full width of the residence between the front lot line adjoining a public street and the nearest line of the residence.

*PARKING PAD* or *PARKING AREA.* A concrete or asphalt area other than a driveway.

*RESIDENTIAL LOT.* Any lot used primarily for residential purposes, even if said lot or structures on said lot or structures on said lot have commercial or industrial uses.

*TRAILER.* A wheeled cart, wagon or platform, designed to be towed behind a vehicle as defined herein.

*VEHICLE.* Every self-propelled land vehicle, passenger vehicle, watercraft, motor home and camper, except self-propelled chairs used by persons who are disabled and electric personal assistive mobility devices.

## § 72.20 PARKING OF BOATS AND BOAT TRAILERS.

During the months of October, November, December, January, February and March of every calendar year, it shall be unlawful for any person owning or being in custody or control of the boat or trailer to park or leave standing on the streets of the village any boat, boat trailer, pontoon or pontoon trailer, except for the purposes of loading and unloading, and then only for the length of time necessary to load or unload the boat or trailer.

**§ 72.21 PARKING OF RECREATIONAL VEHICLES (RVS).**

It shall be unlawful for any person owning or being in custody or control of a recreational vehicle to park or leave standing on the streets of the village any recreational vehicle, except for the purposes of loading and unloading, and then only for the length of time necessary to load or unload the recreational vehicle.

SECTION 3. That a new Section 133.08 be added to the Village Code of Ordinances of the Village of Giltner, Nebraska, to read as follows:

**§ 133.08 OCCUPANCY OF RECREATIONAL VEHICLES (RVS).**

At no time shall parked or stored recreational vehicles, as defined herein, be occupied or used for living, sleeping, or housekeeping purposes, except as provided herein.

For purposes of this section, recreational vehicles shall mean any vehicular unit less than forty feet in overall length, eight feet in width, or twelve feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle shall include campers, camping trailers, fifth wheels, motor homes, pickup campers, travel trailers and similar vehicles.

It shall be lawful for only nonpaying guests at a residence in a residential district to occupy one recreational vehicle parked or stored on a residential property, subject to the provisions of this chapter, for sleeping purposes only for a period not exceeding three (3) consecutive days, and not exceeding fifteen (15) cumulative days in a calendar year.

SECTION 4. That any other Ordinance or Section passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict with its provisions, is hereby repealed.

SECTION 5. This Ordinance shall be effective from the date of its passage, approval and publication or posting as required by law.

Passed and approved this 18th day of April, 2025.

Cody Nuss, Chairperson

Joan Fruit, Village Clerk

# ORDINANCE NO. 2025-02

**AN ORDINANCE CREATING A COMMUNITY DEVELOPMENT AGENCY; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; AND PROVIDING FOR AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA, AS FOLLOWS:

**SECTION 1.** The Chairperson and Board of Trustees of the Village of Giltner, Nebraska hereby find and determine that it is necessary and desirable for the purpose of providing for the redevelopment and general welfare of the Village that a community development agency be created pursuant to Neb. Rev. Stat. §§ 18-2101 to 18-2157, known as the Community Development Law, as now existing, and as hereafter amended in the future.

**SECTION 2. ADOPTION OF NEW SECTION:** That a new section of the Code of Ordinances for the Village of Giltner, Nebraska, creating a Community Development Agency be adopted to provide as follows:

Community Development Agency; Creation.

A Community Development Agency is hereby created pursuant to Neb. Rev. Stat. § 18-2101.01. The Agency shall be known as the "Community Development Agency of the Village of Giltner, Nebraska."

Members.

In accordance with Neb. Rev. Stat. § 18-2101.01, this Agency shall consist of the elected members of the Board of Trustees for the Village of Giltner, Nebraska.

Officers.

The Chairperson of the Board of Trustees for the Village of Giltner shall serve as the Chairperson of the Community Development Agency. The Community Development Agency shall elect one of the members as Vice Chairperson. The Village Clerk/Treasurer shall serve as Ex Officio Secretary and Treasurer of the Community Development Agency.

Powers and Authority.

The Community Development Agency shall function in the manner prescribed herein or otherwise by Ordinance and have all powers and authority granted by applicable law, including, but not limited to Neb. Rev. Stat. §§ 18-2101 to 18-2157, as now existing, and as hereafter amended in the future.

**SECTION 3. REPEAL:** Any conflicting provision of any previously enacted Ordinance is hereby repealed.

**SECTION 4. PUBLICATION AND EFFECTIVE DATE:** This ordinance is adopted and approved for publishing in pamphlet form, and shall be in full force and effect from and after 15 days after its passage, approval, and publication or posting as provided by law. The provisions of this Ordinance shall become and be made part of the Code of Ordinances for the Village of Giltner, Nebraska and sections of this Ordinance may be renumbered to accomplish such intention.

Passed and approved this 11th day of August, 2025.

Cody D. Nuss, Chairperson

ATTEST:

Joan M. Fruit, Village Clerk

## SUSPENSION OF RULES

Whereupon it was moved by Trustee Logan Eastman and seconded by Trustee John Eastman that the statutory rules in regard to the passage and adoption of ordinances be suspended so that said Ordinance No. 2025-02 might be introduced, read, approved and passed at the same meeting. Chairperson instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion.

Yeas: K. Spotts, L. Eastman, J. Eastman, and C. Nuss
Nays: 0
Absent: K. Greathouse
Motion: Approved

## MOVED FOR FINAL PASSAGE

Read Ordinance by title and Trustee Kyle Spotts moved for final passage of Ordinance No. 2025-02. Seconded by Trustee John Eastman. The Clerk was then instructed by the Chairperson to call the roll for the vote on final passage of said Ordinance. The Clerk called the roll and the following was the vote on said Ordinance.

Yeas: L. Eastman, J. Eastman, K. Spotts, and C. Nuss
Nays: 0
Absent: K. Greathouse
Motion: Approved

The Trustees of the Village Board, having voted in the affirmative for the passage and approval of Ordinance No. 2025-02, the Chairperson declared said Ordinance duly passed and adopted as an Ordinance of the Village of Giltner, Nebraska.

## APPROVAL

Whereupon the Chairperson approved said Ordinance No. 2025-02 of the Village of Giltner, Nebraska, by subscribing her name thereto, and the Clerk attested said signature of the Chairperson by subscribing her name thereto and affixing thereon the seal of the Village of Giltner, Nebraska.

The above proceedings of the Chairperson and the Board of Trustees of this Village with reference to the Ordinance aforesaid, were had on the 11th day of August, 2025.

Joan M. Fruit

Joan M. Fruit, Village Clerk

CERTIFICATE OF PASSAGE AND POSTING
OF ORDINANCE NO. 2025-02

STATE OF NEBRASKA )
)
COUNTY OF HAMILTON ) ss.
)
VILLAGE OF GILTNER )

I, the undersigned, duly elected, qualified and acting Clerk of the Village of Giltner, in the County of Hamilton, State of Nebraska, do hereby certify:

That the annexed and foregoing is a full, true and correct copy of Ordinance No. 2025-02 of said Village; the same appears of record in the journal and ordinance book of said Village; and that said Ordinance was duly passed by the Board of Trustees of said Village on the 11th day of August, 2025; and was signed and approved by the Chairperson of said Village Board on the 11th day of August, 2025; there being no newspaper published in said Village, three (3) copies of said Ordinance were duly posted by me on the 12th day of August, 2025, one in each of three (3) public places in said Village as follows:

- Community Center
- Giltner Post Office
- Giltner Maintenance

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of said Village this 12th day of August, 2025.

Joan M. Fruit

Joan M. Fruit, Village Clerk

(SEAL)

# ORDINANCE NO. 2017-1

AN ORDINANCE DEFINING CARGO CONTAINERS; DEFINING THE PERMITTED LOCATIONS AND RELATED PROHIBITIONS ON THE LOCATION OF CARGO CONTAINERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND DETERMINING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON AND THE BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA, as follows:

1. Section 150.80 of the Code of Giltner shall read as follows:

§ 150.80 CARGO CONTAINER RESTRICTIONS.

(A) *Definition.* A Cargo Container is an industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, good or commodities by commercial trucks, trains and/or ships. Cargo containers, as defined, are not railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than storage of goods and materials.

(B) *Permitted Locations and Prohibitions.*

(1) It shall be unlawful to place, use, allow or maintain Cargo Containers on residential property zoned Residential (R); unless specifically exempted by this provision:

(i) One (1) Cargo Container shall be permitted on residential property zoned Residential (R) for a period not to exceed six (6) months for the limited purpose of loading and unloading household contents and related items.

(ii) Licensed contractors may use Cargo Containers for the temporary location of an office, equipment and/or materials storage during construction which is taking place on the property where the Cargo Container is located, if the use of the Cargo Container is authorized pursuant to a building permit.

(2) It shall be unlawful to place, use, allow or maintain more than two (2) Cargo Containers on properties zoned either Business (B) or Industrial Moderate Hazard (IM). Any Cargo Container placed, used, allowed or maintained on a property zoned either Business (B) or Industrial Moderate Hazard (IM) shall meet the following conditions:

(i) Cargo Containers shall not be stored in a manner that impedes access to public right-of-ways, public utility or drainage easements or adjacent structures and buildings.

(ii) Cargo Containers may be used for storage only and shall not be used for human habitation.

(iii) Cargo Containers shall not be used to store hazardous materials in violation of any local, state or federal law or requirements.

(iv) No signage shall be allowed on any permanent cargo container, and all permanent Cargo Containers shall be painted a non-reflective neutral color that is compatible with the primary structure or to blend in with the surrounding environment.

(v) Cargo Containers shall not be stacked on top of each other or on another structure.

(vi) All Cargo Containers shall be operated in a safe manner, and be structurally sound, stable and in good repair. The container shall not contain any holes, peeling paint, rust, damage or structural modifications.

(vii) Cargo Containers used for long-term storage shall not be visible from the portion of any public or private road that abuts the lot or property. Acceptable screening features for a Cargo Container include landscaping, fencing, terrain, existing structures, or a combination of these features.

(viii) Cargo Containers used for temporary storage must be placed to the rear of the business.

2. This Ordinance shall be in full force and effect immediately from the date of its passage, approval and publication or posting as provided by law and upon

proclamation of the Chairperson of the Village Board and the Chairperson of the Village Board is hereby authorized and directed to so proclaim.

3. All ordinances and parts of ordinances passed and approved prior to the passage and approval of this Ordinance and in conflict therewith are hereby repealed.

Passed and approved this 9th day of October, 2017.

Chairperson

ATTEST:

Joan Eastman, Village Clerk

(SEAL)

**CERTIFICATE OF PASSAGE AND POSTING OF ORDINANCE NO. 2017-1**

STATE OF NEBRASKA )
)
County of Hamilton ) ss.
)
Village of Giltner )

I, the undersigned, duly elected, qualified and acting Clerk of the Village of Giltner, County of Hamilton, State of Nebraska, do hereby certify:

That the annexed and foregoing is a full, true and correct copy of Ordinance No. 2017-1 of said Village; the same appears of record in the journal and ordinance book of said Village; that said Ordinance was duly passed by the Board of Trustees of said Village on the 9th day of October, 2017; that said Ordinance was signed and approved by the Chairperson of said Village Board on the 9th day of October, 2017; and there being

no newspaper published in said Village, three (3) copies of said Ordinance were duly posted by me on the 10th day of October, 2017, one in each of three (3) public places in said Village as follows:

Village Office, Giltner, Nebraska

Community Center, Library

Post Office

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of said Village this 10th day of October, 2017.

Joan M. Eastman

Joan Eastman, Village Clerk

(SEAL)