

BUSINES REGULATIONS

§10-601

Article 6. Railroads

§10-604

§10-601 RAILROAD COMPANIES; SAFE CROSSING. It shall be the duty of every railroad company doing business in, or traveling through, the Municipality to keep in a suitable, and safe condition the crossings and right-of-way in the Municipality. If any such crossing shall at any time fall into disrepair and become unsafe, or inconvenient for public travel, the Governing Body may, by resolution, call upon the said company to make whatever repairs that it may deem necessary to correct the dangerous condition. Notice of the said resolution shall be served upon the local agent of the said company. In the event that the railroad shall fail, or neglect to repair, and correct the said condition as aforesaid within thirty (30) days, neglect for each day thereafter shall be deemed, and is hereby made a separate, and distinct offense against the provisions herein. (Ref. 16-211, 16-212 RS Neb. ;)

§10-602 RAILROAD COMPANIES; SPEED. It shall be unlawful for any railroad company, its employees, agents, or servants to operate a railroad engine, locomotive, or other vehicle on its tracks within or through the Municipality at a speed in excess of thirty (30) miles per hour. (Ref. 16-612)

§10-603 RAILROAD COMPANIES; LIGHTING. It shall be the duty of all railroad companies owning, operating, and maintaining a railroad through the Municipality to sufficiently light all crossings and to install as many signal systems as the Governing Body shall deem necessary at the expense of the said company. Said lighting shall be of not less than six hundred (600) candlepower which said electric light shall be kept lighted at all times between one (1) hour after sunset in the evening until one (1) hour before sunrise in the morning following. (Ref. 16-212 RS Neb.)

§10-604 RAILROAD COMPANIES; OBSTRUCTING TRAFFIC. It shall be unlawful for any railroad company, its employees, agents, or servants operating a railroad through the Municipality to obstruct traffic on any public street, except in the event of an emergency, for a longer period at one time than ten (10) minutes. (Ref. 16-212 RS Neb.)

§10-605 RAILROADS; SPEED LIMIT ORDINANCE, PROCEDURE. No speed limitation ordinance, which would directly affect the operations of an interstate railroad, shall be valid or enforceable unless its adoption is in compliance with this Section. Before the first (1st) reading of the proposed ordinance, the railroad whose operations would be directly affected by the ordinance shall be given written notice by United States mail of the proposed ordinance and the date, time and place of such reading. Such notice shall be given at least ten (10) days prior to the reading. The affected railroad or railroads shall have an opportunity to be heard at the first (1st) reading. After enactment, the railroad or railroads whose operations would be directly affected shall be provided a written or printed copy of the ordinance by United States mail.

§10-606 RAILROADS; DRAINAGE. It shall be the duty of any railroad company owning, maintaining, or operating a railroad within or through the corporate limits of the City to construct and keep in repair ditches, drains, and culverts, along and under their railroad tracks at all places within the limits of the City, where the same may be necessary for the escape of water and the proper draining of the territory on either side of said railroads.

When any such drains, ditches, or culverts may be necessary for the escape of water and the proper drainage of the territory on either side of any such railroad track, the Mayor and Council may, by resolution, call upon the proper railroad company to construct or repair the said drain, ditch, or culvert and to place the same in a proper condition for the escape of water for the proper drainage of the territory on either side of said railroads. A copy of every such resolution shall be served upon the local agent of the railroad company, whose duty it is to construct or keep in repair any such drain, ditch, or culvert; and for a failure or refusal to comply with any such resolution within fourteen (14) days after the service thereof as aforesaid, such railroad company shall be deemed guilty of a misdemeanor.

§10-607 RAILROADS; FLYING SWITCHES. No running or flying switches shall be made across any street opened and in public use.

§10-608 RAILROAD COMPANIES; OBSTRUCTING VIEW AT CROSSINGS PROHIBITED. It shall be unlawful for any railroad company to obstruct or obscure the public's view by storing or parking any railroad car on a railroad track within fifty (50') feet of the crossing of any such railroad track and a public road within the corporate limits of the Municipality; provided, however, in no instance shall any person who is authorized to control the movement of such railroad car or cars within such distance be prevented from reasonably conducting his or her business. (Ref. 74-1323 RS Neb.)