

## **CHAPTER 5: TRAFFIC REGULATIONS**

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## **ARTICLE 1: DEFINITIONS**

### **§ 5-101 DEFINITIONS.**

The words and phrases used in this Chapter, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Chapter 60, Article 6 of the Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. *(Ref. 60-606 through 60-676 RS Neb.) (Amended by Ord. No. 583, 7/12/94)*

### **§ 5-102 DEFINITIONS; MOTOR VEHICLE.**

The definition of MOTOR VEHICLE is hereby revised as shown below:

**MOTOR VEHICLE.** Every self-propelled land vehicle, not operated upon rails, except bicycles, mopeds, self-propelled chairs used by persons who are disabled, and electric personal assistive mobility devices. *(Ref. 60-638 RS Neb.) (Ord. No. 5-102, 12/8/15)*

### **§ 5-102.1 DEFINITIONS; DEPARTMENT OF TRANSPORTATION.**

All references to the Department of Roads shall be updated to Department of Transportation. *(Ord. No. 942, 2/13/18)*



## **ARTICLE 2: MUNICIPAL TRAFFIC REGULATIONS**

### **§ 5-201 TRUCK ROUTES.**

The Governing Body 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 Governing Body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. *(Ref. 60-681 RS Neb.)*

### **§ 5-202 ONE-WAY TRAFFIC.**

The Governing Body may, by resolution, provide for one-way travel in any street, or alley located in the Municipality and shall provide for appropriate signs and markings when said streets have been so designated by resolution. *(Ref. 60-680 RS Neb.)*

### **§ 5-203 TRAFFIC LANE; DESIGNATION.**

The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. *(Ref. 60-680 RS Neb.)*

### **§ 5-204 ARTERIAL STREETS; DESIGNATION.**

The Governing Body may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated. *(Ref. 60-680 RS Neb.)*

### **§ 5-205 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.)*

**§ 5-206 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 the center of the intersection of the two (2) streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway, and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable 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 intersecting one another. *(Ref. 60-6,159 RS Neb.)*

**§ 5-207 RIGHT-OF-WAY.**

(1) 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, unless otherwise directed by a Municipal Policeman stationed at the intersection.

(2) 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.

(3) The driver of a vehicle on any street shall yield the right-of-way to a pedestrian crossing such street within any clearly marked crosswalk, or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than a pedestrian crossing, crosswalk, or intersection shall yield the right-of-way to vehicles upon the street.

(4) The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk.

(5) The driver of a vehicle entering a Municipal street from a private road or drive shall yield the right-of-way to all vehicles approaching on such streets.

(6) The driver of a vehicle upon a street 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.) (Amended by Ord. No. 584, 7/12/94)*

**§ 5-208 RIGHT-OF-WAY; EMERGENCY VEHICLES.**

Upon the approach of any 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, in which event, such vehicle shall drive clear of the 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 have passed; Provided, said vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals. *(Ref. 39-640 RS Neb.)*

**§ 5-209 POSITION OF VEHICLE ON HIGHWAY; GENERALLY.**

Upon all highways of sufficient width, one-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 ( $\frac{1}{2}$ ) of the main traveled portion of the roadway. *(Ref. 39-620 RS Neb.)*

**§ 5-210 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. 39-697 RS Neb.)*

**§ 5-211 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 39-609 thru 39-611, 39-697 RS Neb.)*

**§ 5-212 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 is indicated, then as near the right-of-way line of the intersecting roadway as possible. *(Ref. 39-609 thru 39-611, 39-697 RS Neb.)*

**§ 5-213 SCHOOL CROSSING ZONES; DESIGNATION.**

(1) Section 60-682.01 RS Neb. 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.

(2) Section 60-6,134.01 RS Neb. 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.

(3) The Governing Body 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 Governing Body 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. (*Ref. 60-658.01 RS Neb.*) (*Ord. No. 707, 8/11/98*)



## **ARTICLE 3: PROHIBITIONS AND ENFORCEMENT**

### **§ 5-301 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.)*

### **§ 5-302 GLASS; POINTED OBJECTS.**

No person shall throw, cast, lay, or place upon any street any thorns, nails, tacks, glass, bottles, window glass, or other articles made of, or containing, glass, and in case of an accident causing the breaking of any glass upon any street, the owner or person in charge of such glass, or the person responsible for such breakage, shall at once remove, or cause the same to be removed, from the street. *(Ref. 39-311 RS Neb.)*

### **§ 5-303 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.)*

### **§ 5-304 SIGNS; UNAUTHORIZED DISPLAY.**

It shall be unlawful for any person to maintain or display upon, or in view of any street, any unofficial sign, signal, or device which purports to be, is an imitation of, or resembles an official traffic sign or signal which attempts to direct the movement of traffic, or which hides from view, or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance, and any police officer is hereby empowered to remove the same, or cause it to be removed, without notice. *(Ref. 60-6, 127 RS Neb.)*

### **§ 5-305 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 residential district, and twenty (20) 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 greater than is reasonable and prudent

under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. *(Ref. 60-6,186, 60-6,190 RS Neb.)*

#### **§ 5-306 SPEED, 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 fifteen (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. *(Ref. 60-6,190 RS Neb.)*

#### **§ 5-307 DRUNKEN DRIVING.** *(Repealed by Ord. No. 591, 7/12/94)*

#### **§ 5-308 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 deemed to be guilty of reckless driving, and as such shall be punished as provided by statute. *(Ref. 60-6,213, 60-6,215, 60-4,182 RS Neb.)*

#### **§ 5-309 RECKLESS DRIVING; WILLFUL.**

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons, or property shall be deemed to be guilty of willful, reckless driving, and shall be punished as provided by statute. *(Ref. 60-6,214 through 60-6,218 RS Neb.)*

#### **§ 5-310 CARELESS DRIVING.**

Any person who drives any motor vehicle in this Municipality carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. *(Ref. 60-6,212 RS Neb.) (Amended by Ord. No. 337, 11/12/79)*

#### **§ 5-311 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 deemed guilty of negligent driving. *(Ref. 60-4,182 RS Neb.)*

**§ 5-312 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 (1½) lengths of the vehicle.

**§ 5-313 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 their vehicles.

**§ 5-314 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.*)

**§ 5-315 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.*)

**§ 5-316 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.*)

**§ 5-317 CROWDING; FRONT SEAT.**

No person shall drive a motor vehicle when it is so loaded, or when there is in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of such vehicle. (*Ref. 60-6,179 RS Neb.*)

**§ 5-318 DRIVING IN SIDEWALK SPACE.**

No motor vehicle or livestock shall be driven or ridden within any sidewalk space, except a permanent or temporary driveway. *(Ref. 60-6,178 RS Neb.)*

**§ 5-319 UNNECESSARY TIRE NOISE.**

Any person who drives, uses, operates, parks or stops any motor vehicle in such a manner as to cause unnecessary tire noise shall be deemed guilty of causing unnecessary tire noise.

**§ 5-320 VEHICLE; MUFFLER.**

Every motor vehicle operated within this Municipality shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; provided, the provisions of this section shall not apply to authorized emergency vehicles. *(Ref. 60-6,286, 60-2209 RS Neb.)*

**§ 5-321 MOTOR VEHICLE; WRONGFUL TAKING.**

Whoever wrongfully takes any automobile, or motorcycle from a garage, or any other place where the same may have been lawfully placed, without the consent of the owner, or who shall use any motor vehicle in bailment beyond that use which was originally intended or agreed upon, with intent to wrongfully use the automobile or motorcycle so taken, shall be guilty of wrongful taking of a motor vehicle and shall be punished as provided by law. *(Ref. 28-521 RS Neb.)*

**§ 5-322 EMERGENCY REGULATIONS.**

The Chief of Police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. *(Ref. 81-2005 RS Neb.)*

**§ 5-323 POLICE; ENFORCEMENTS.**

The Municipal Police are hereby authorized, empowered, and ordered to exercise all powers, and duties, with relation to the management of street traffic and to direct, control, stop, restrict, regulate, and, when necessary, temporarily divert, or exclude, in the interest of public safety, health, and

convenience the movement of pedestrian, animal, and vehicular traffic of every kind in streets, parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. (*Ref. 60-683 RS Neb.*)

**§ 5-324 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. (*Ref. 60-680 RS Neb.*)

**§ 5-325 POLICE; TRAFFIC OFFICERS.**

The Governing Body or the Municipal Police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order, or signal, of any such traffic officer notwithstanding the directive of a stop sign, or signal device, which may have been placed at any such intersection. (*Ref. 60-6,222, 60-680, 60-683 RS Neb.*)

**§ 5-326 VEHICLES; EQUIPMENT AND MAINTENANCE.**

Every motor vehicle, while in use on the streets, alleys, or highways of the Municipality shall be equipped with efficient brakes adequate to control the movement of, to stop, and to hold such vehicle, including two (2) separate means of applying the brakes, and shall be further equipped with a good and sufficient horn in good working order, or other efficient signal devices. From sunset to sunrise, and any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the street, alley, or highway at a distance of five hundred feet (500'), every motor vehicle shall be equipped with lighted headlights, and every motor vehicle and trailer shall be equipped with one or more taillights, at the rear of the motor vehicle or trailer, exhibiting a red light visible from a distance of at least five hundred feet (500') to the rear of such vehicle. No person shall operate any vehicle which is equipped with an electric light or lights that confuse travelers or pedestrians on streets or crosswalks within the Municipality. Every motor vehicle having a width of eighty inches (80") or more shall display clearance lights as required by State law. All vehicle brakes shall be maintained in good working order; provided, motorcycles need only be equipped with one (1) brake. All horns on motor vehicles shall be capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200'); provided, no vehicle except as herein provided, shall be equipped with, nor shall any person use upon a vehicle, any siren, or horn otherwise than as reasonable warning; nor shall any person use any horn or warning device upon a vehicle to make any unnecessary, loud, or harsh sound; and provided further that, every Police and Fire Department vehicle, ambulance, or other authorized emergency vehicle used for emergency calls shall be equipped with a bell, siren, or whistle of the type approved by the Governing Body. (*Ref. 60-6,219, 60-6,220, 60-6,224, 60-6,235, 60-6,244, 60-6,285 RS Neb.*) (*Ord. No. 643, 2/13/96*)

**§ 5-327 SCHOOL CROSSING ZONES; OVERTAKING AND PASSING.**

A person operating a motor vehicle may not overtake and pass another vehicle in any school crossing zone designated by the Governing Body in which the roadway has only one lane of traffic in each direction. (*Ref. 60-6,134.01 RS Neb.*) (*Ord. 708, 8/11/98*)

**§ 5-328 LOADS; SPILLING OR SHIFTING.**

(A) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle.

(B) No person shall transport any sand, gravel, rock less than two inches in diameter, or refuse in any vehicle on any hard-surfaced highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering.

(C) No person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be either tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle. (*Ref. 60-6,304 RS Neb.*) (*Ord. No. 795, 4/8/03*)

**§ 5-329 ENGINE BRAKING.**

It shall be unlawful for any person within the corporate limits of the Municipality to make, or cause to be made, loud or disturbing noises with any mechanical device used for the purposes of assisting braking on any vehicle, also known as engine braking. The Governing Body shall cause notices to be posted or erect signs indicating this prohibition. Any person who violates or refuses to comply with this section shall be deemed guilty of an offense and upon conviction shall be fined not more than five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed for every twenty-four (24) hours of such failure to comply. (*Ord. No. 842, 4/12/05*)

## **ARTICLE 4: BICYCLES**

### **§ 5-401 BICYCLE; 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 bicycle 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 (½) hour after sunset and one-half (½) hour before sunrise without a headlight, visible under normal atmospheric conditions, from the front thereof for not less than five hundred feet (500') 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 feet (500') 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. 60-6,315, 60-6,317, 60-6,318 RS Neb.*)

### **§ 5-402 CLINGING TO MOTOR VEHICLES.**

No person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall attach himself or the bicycle, coaster, roller skates, sled, skis, or toy vehicle to any vehicle upon a roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle to cling or attach himself or the bicycle to such vehicle driven and operated by him. (*Ref. 60-6,316 RS Neb.*) (*Amended by Ord. No. 585, 7/12/94*)





**ARTICLE 5: MINIBIKES, SNOWMOBILES, ALL-TERRAIN VEHICLES,  
UTILITY-TYPE VEHICLES AND GOLF CARS**

**§ 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 any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (*Ref. 60-2101.01, 60-2107 RS Neb.*) (*Amended by Ord. No. 381, 12/8/81*)

**§ 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. 60-2102 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. 60-2106 RS Neb.*)

**§ 5-504 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 head lamp, one 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. 60-2002, 60-2013 RS Neb.*)

**§ 5-505 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. 60-2013, 60-2015 RS Neb.*)

**§ 5-506 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. 60-2016 RS Neb.*)

**§ 5-507 ALL-TERRAIN VEHICLES; OPERATION, RESTRICTIONS.**

(1) For purposes of this section:

(a) ALL-TERRAIN VEHICLE means any motorized off-highway vehicle which:

1. Is fifty (50) inches or less in width;
2. Has a dry weight of nine hundred (900) pounds or less;
3. Travels on three (3) or more low-pressure tires;
4. Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one (1) passenger;

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.

(b) 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.

(2) An all-terrain vehicle may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

(3) An all-terrain vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of thirty (30) miles per hour. When operating an all-terrain vehicle as authorized in subsection (2) of this section, the headlight and taillight of the vehicle shall be on and the 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 of not less than thirty (30) square inches and shall be day-glow in color.

(4) Any person operating an all-terrain vehicle as authorized in subsection (2) of this section shall have:

(a) A valid Class O operator's license; and

(b) Liability insurance coverage for the all-terrain vehicle while operating the all-terrain vehicle on a street or highway. The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such a request.

(5) All-terrain vehicles may be operated without complying with subsections (3) and (4) 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.

(6) An all-terrain vehicle shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes, and the crossing of any controlled-access highway with more than two (2) marked traffic lanes shall not be permitted. Subsections (2) through (4) and (7) of this section authorize and apply to operation of an all-terrain vehicle only on a street or highway other than a controlled-access highway with more than two (2) marked traffic lanes.

(7) Subject to subsection (6) of this section, the crossing of a street or highway shall be permitted by an all-terrain vehicle without complying with subsections (3) and (4) of this section only if:

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

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

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

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

(e) Both the headlight and taillight of the vehicle are on when the crossing is made. (*Ref. 60-6,356 RS Neb.*)

(8) Specific local requirements:

(a) Any operation of an all-terrain vehicle within the City limits shall, in addition to the requirements above, obey all municipal traffic ordinances and regulations, including, but not limited to, posted speed limits and stop signs; and

(b) Any operator of an age of twenty (20) years or younger shall wear a D.O.T. certified motorcycle helmet at all times.

(9) A person who violates this section shall be punished as provided generally in Chapter 12 of this code. (*Ord. No. 864, 7/15/08*)

#### **§ 5-508 UTILITY-TYPE VEHICLES (UTVS); OPERATION, RESTRICTIONS.**

(1) For purposes of this section:

(a) UTILITY-TYPE VEHICLES means vehicles weighing between nine hundred (900) and two thousand (2,000) pounds with:

1. Widths between forty-eight (48) and seventy-four (74) inches;
2. Lengths no more than one hundred thirty-five (135) inches;
3. Four (4) or more low-pressure tires;
4. Steering wheels; and
5. Bench or bucket-type seating for at least two people to sit side-by-side.

This definition does not include golf carts or low speed vehicles as defined by Nebraska law.

(b) 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.

(2) Utility-type vehicles may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

(3) Utility-type vehicles must be titled under state law, may be operated only between the hours of sunrise and sunset, and shall not be operated at a speed in excess of thirty (30) miles per hour. When operating a utility-type vehicle as authorized in subsection (2) of this section, the headlight and taillight of the vehicle shall be on and the 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 of not less than thirty (30) square inches and shall be day-glow in color.

(4) Any person operating utility-type vehicles as authorized in subsection (2) of this section shall:

(a) Hold a valid Class O operator's license; and

(b) Have liability insurance coverage for the utility-type vehicles while operating the utility-type vehicle on a street or highway. The person operating the utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such a request.

(5) Utility-type vehicles may be operated without complying with subsections (3) and (4) 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.

(6) Utility-type vehicles shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes, and the crossing of any controlled-access highway with more than two (2) marked traffic lanes shall not be permitted. Subsections (2) through (4) and (7) of this section authorize and apply to operation of utility-type vehicles only on a street or highway other than a controlled-access highway with more than two (2) marked traffic lanes.

(7) Subject to subsection (6) of this section, the crossing of a street or highway shall be permitted by utility-type vehicles without complying with subsections (3) and (4) of this section only if:

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

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

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

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

(e) Both the headlight and taillight of the utility-type vehicle are on when the crossing is made. *(Ref. 60-6,356 RS Neb.)*

(8) Additional requirements:

(a) Any operation of utility-type vehicles within the City limits shall, in addition to the requirements above, obey all municipal traffic ordinances and regulations, including, but not limited to, posted speed limits and stop signs; and

(b) Any owner of utility-type vehicles who knowingly allows an unlicensed or otherwise unqualified rider to access or operate the owners utility-type vehicle may be cited for a violation hereunder.

(9) A person who violates this section shall be punished as provided generally in Chapter 12 of the municipal code. *(Ord. No. 888, 12/14/10)*

## **§ 5-509 GOLF CAR VEHICLES; OPERATION, RESTRICTIONS.**

(A) *Definition.*

### **GOLF CAR VEHICLE.**

(a) At least four (4) wheels;

(b) Maximum level ground speed of less than twenty miles (20) per hour;

(c) Maximum payload capacity of one thousand two hundred (1,200) pounds;

(d) Maximum gross vehicle weight of two thousand five hundred (2,500) pounds;

(e) Maximum passenger capacity of not more than four (4) persons; and

(f) Designed and manufactured for operation on a golf course for sporting and recreational purposes.

(B) Golf car vehicles may be operated on streets within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

(C) Golf car vehicles may be operated only between the hours of sunrise and sunset and on streets with a posted speed limit of thirty-five (35) miles per hour or less, and shall not be operated at a speed in excess of twenty (20) miles per hour.

(D) Any person operating golf car vehicles as authorized in division (B) above shall:

(1) Hold a valid Class O operator's license; and

(2) Have Liability insurance coverage for the golf car vehicle. The person operating the golf car vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such a request.

(3) Liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: Twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to such limit for one (1) person, fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one (1) accident.

(E) Golf car vehicles shall not be operated at any time on any state or federal highway.

(F) Subject to this section, the crossing of a street or highway shall be permitted by golf car vehicles only if:

(1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the 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 highway;

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

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(G) For purposes of this section:

(1) ROAD means a public way for the purposes of vehicular travel, including the entire area within the right-of-way;

(2) STREET means a public way for the purposes of vehicular travel in a city or village and includes the entire area within the right-of-way.

(H) Additional requirements:

(1) Any operation of golf car vehicles within the City limits shall, in addition to the requirements above, obey all municipal traffic ordinances and regulations, including, but not limited to, posted speed limits and stop signs; and

(2) Any owner of golf car vehicles who knowingly allows an unlicensed or otherwise unqualified rider to access or operate the owners' golf car vehicle may be cited for a violation hereunder.

(3) When operating a golf car vehicle as authorized in division (B) above, the 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 of not less than thirty (30) square inches and shall be day-glow in color.

(I) A person who violates this section shall be punished as provided generally in Chapter 12 of the Municipal Code. (*Ord. No. 925, 9/15/15*)



## **ARTICLE 6: PARKING**

### **§ 5-601 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 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. *(Ref. 39-674 RS Neb.)*

### **§ 5-602 PARKING; GENERALLY.**

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 twelve (12") inches of the curb or edge of the roadway, and so as to leave at least four (4') feet between the vehicle so parked and any other parked vehicles, except where the Governing Body 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. *(Ref. 39-673, 60-680 RS Neb.)*

### **§ 5-603 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. 39-673, 60-680 RS Neb.)*

### **§ 5-604 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.)*

**§ 5-605 PARKING; OBSTRUCTING ALLEY.**

No vehicle, while parked shall have any portion thereof projecting into any alley entrance. *(Ref. 60-680 RS Neb.)*

**§ 5-606 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 half (1/2) 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.)*

**§ 5-607 PARKING; FIRE HYDRANTS AND STATIONS.**

No vehicle shall be parked within fifteen (15') feet in either direction of any fire hydrant nor within twenty (20') feet of the driveway entrance to any fire station. The curb space within such area of fifteen (15') feet in either direction of such fire hydrant shall be painted red to indicate such prohibition. *(Ref. 39-672 RS Neb.)*

**§ 5-608 PARKING; 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 twenty-five (25') feet of the intersection of curb lines, or if none, then within fifteen (15') feet of the intersection of property lines, nor where said curb lines are painted red to indicate such prohibition. *(Ref. 39-672 RS Neb.)*

**§ 5-609 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. 60-680 RS Neb.)*

**§ 5-610 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. 39-673 RS Neb.)*

**§ 5-611 PARKING; CURBS, PAINTED.**

It shall be the duty of the City Administrator to cause the curb space to be painted and keep the same painted as provided in this Article. 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 Article. 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 Governing Body. *(Ref. 60-680 RS Neb.)*

**§ 5-612 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.)*

**§ 5-613 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.)*

**§ 5-614 PARKING; MAINTENANCE.**

The Municipal Police 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 Chapter, and such vehicle may be removed and parked, under the supervision of the Municipal Police, to a suitable nearby location without further notice to the owner or operator of such vehicle. *(Ref. 17-557 RS Neb.)*

**§ 5-615 PARKING; PRIVATE LOTS.**

Any person parking a motor vehicle in a properly posted, restricted parking lot without the consent of the owner or tenant authorized to give permission shall be guilty of an infraction and the vehicle shall be subject to being towed away at the request of such lot owner or tenant. Any person found guilty under this section shall be subject to the penalties provided for infractions. If the identity of the operator of a motor vehicle in violation of this section cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such infraction. When any law

enforcement officer observes or is advised that a motor vehicle may be in violation of this section, he or she shall make a determination as to whether a violation has in fact occurred and if so shall personally serve or attach to such motor vehicle a citation directed to the owner or operator of such vehicle, which shall set forth the nature of the violation. Any person who refuses to sign the citation or otherwise comply with the command of the citation shall be punished as provided by section 29-426 RS Neb.

Signs designating a restricted parking lot shall be readily visible and shall state the purpose or purposes for parking on the restricted parking lot, state the hours for restricted parking, and state who to contact for information regarding a towed vehicle. (*Ref. 60-2401, 60-2402 RS Neb.*) (*Ord. No. 382, 12/8/81*)

#### **§ 5-616 PARKING; REMOVAL OF ILLEGALLY PARKED VEHICLES.**

Whenever any Police Officer shall find a vehicle standing upon a street or alley in violation of any of the provisions 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 such vehicle may be charged with the reasonable cost for such removal and storage, payable before such vehicle is released. Any such towing or storage fee shall become a security interest in the vehicle prior to all other claims. This fee shall be in addition to any other fees or penalties owed the Municipality for such vehicle. (*Ref. 39-671, 60-680 RS Neb.*) (*Ord. No. 434, 9/11/84*)

#### **§ 5-617 PARKING; BUREAU OF VIOLATIONS.**

In the event that a traffic citation is issued for any parking violation, in lieu of the filing of charges in the County Court, the City Police shall designate on the citation the fine and cutoff date for settlement, and turn the citation over to the office of the City Clerk. If the fine is paid, according to the requirements set out in the citation, no further action shall be taken. If the fine is not paid within the time set out in the citation, then the citation shall be forwarded to the City Attorney for filing in the Pierce County Court. For purposes of this section, the fines shall be as follows:

\$8.00 for the offense

For purposes of this section, the cutoff date for the payment of said fine, and the avoidance of formal proceedings, shall be seven (7) days from the date the citation was issued. If the driver of the vehicle cannot be determined, the citation shall be issued to the registered owner of the vehicle, who shall be held responsible for the parking violation. (*Ref. 18-1729 RS Neb.*) (*Ord. No. 450, 10/8/85*)

**§ 5-618 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES AND ACCESS AISLES; DISPLAY OF PERMITS.**

(1) The Governing Body may designate parking spaces, including access aisles, for the exclusive use of:

(a) Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to section 60-3,113 RS Neb.,

(b) Handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state,

(c) Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality, whose motor vehicles display the permit specified in section 18-1739 RS Neb., and

(d) Such other motor vehicles, as certified by the Municipality, which display the permit specified in section 18-1739 RS Neb. All such permits shall be displayed by hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

(2) If the Governing Body so designates a parking space or access aisle, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space or access aisle a sign as described in section 18-1737 RS Neb. In addition to such sign, the space or access aisle may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space or access aisle. *(Ref. 18-1736 RS Neb.) (Ord. No. 515, 12/12/89) (Amended by Ord. Nos. 557, 2/9/93; 558, 2/9/93; 588, 7/12/94; 644, 2/13/96)*

**§ 5-619 PARKING; HANDICAPPED OR DISABLED PERSONS; HANDICAPPED PARKING INFRACTION; DEFINED.**

For purposes of sections 5-618 to 5-621, the following terms shall be defined to mean as follows:

(1) Access aisle means a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the federal Americans with Disabilities Act of 1990 and the federal rules and regulations adopted and promulgated in response to the Act, as the Act and rules and regulations existed on May 31, 2001.

(2) Handicapped or disabled person shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two

hundred feet (200') without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose mobility is limited as a result of respiratory problems, any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV, according to standards set by the American Heart Association, and any individual who has lost all or substantially all the use of one or more limbs;

(3) Temporarily handicapped or disabled person shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such a manner for no longer than one (1) year; and

(4) Handicapped parking infraction shall mean the violation of any section of this Article regulating (a) the use of parking spaces designated for use by handicapped or disabled persons or (b) the obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990.

*(Ref. 18-1738, 18-1741.01 RS Neb.) (Ord. No. 557, 2/9/93) (Amended by Ord. No. 645, 2/13/96)*

#### **§ 5-620 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE.**

(1) The Municipal Clerk may take an application from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces or access aisles provided for by this Article when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces or access aisles. For purposes of this section, the handicapped or disabled person or temporarily handicapped or disabled person shall be considered the holder of the permit.

(2) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to the provisions of section 18-1738.02 RS Neb.

(3) A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity, and shall submit a completed medical form containing the statutory criteria for qualification and signed by a physician, physician assistant, or advanced practice registered nurse practicing under and in accordance with his or her certification act, certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. No person applicant shall be required to provide his or her social security number. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or advanced practice registered nurse shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six (6) months, whichever is less.

(4) A person may hold only one permit under this section and may hold either a permit under this section or a permit under section 5-620.01, but not both.

(5) The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section. (*Ref. 18-1738, 18-1738.02 RS Neb.*) (*Ord. No. 550, 2/9/93*) (*Amended by Ord. Nos. 589, 7/12/94; 646, 2/13/96; 682, 8/12/97*)

**§ 5-620.01 PARKING; HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT ISSUANCE.**

(1) The Municipal Clerk shall take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided for by this Article if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces.

(2) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to section 18-1738.02 RS Neb.

(3) A person applying for a permit or for the renewal of a permit pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the Municipal Clerk by the Department of Motor Vehicles, and shall demonstrate to the Municipal Clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. A copy of the completed application form shall be given to each applicant.

(4) No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under section 5-620, but not both.

(5) The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section. (*Ref. 18-1738.01, 18-1738.02 RS Neb.*) (*Ord. No. 647, 2/13/96*) (*Amended by Ord. No. 683, 8/12/97*)

**§ 5-620.02 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS; PROHIBITED ISSUANCE; DUPLICATE PERMITS.**

(1) The permit issued for handicapped or disabled parking shall be constructed of a durable plastic designed to resist normal wear or fading for the term of the permit's issuance and printed so as to

minimize the possibility of alteration following issuance. The permit shall be of a design, size, configuration, color, and construction and contain such information as specified in the rules and regulations adopted and promulgated by the United States Department of Transportation in the Uniform System for Handicapped Parking, 23 C.F.R. part 1235.

(2) In addition to the requirements of subsection (1) of this section, the permit shall show such identifying information with regard to the handicapped or disabled person or temporarily handicapped or disabled person to whom it is issued as is necessary to the enforcement of this Article.

(3) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to section 5-620.04. At the expiration of such suspension, a permit may be renewed upon the payment of the permit fee.

(4) A duplicate permit may be provided without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the Municipal Clerk. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. (*Ref. 18-1739 RS Neb.*) (*Ord. No. 648, 2/13/96*) (*Amended by Ord. No. 684, 8/12/97*)

### **§ 5-620.03 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL.**

(1) Permanently issued permits for handicapped or disabled parking authorized by this Article issued prior to August 1, 2005, shall be valid for a period ending on September 30 of the third year after the date of issuance and shall expire on that date. Permanently issued permits issued on or after August 1, 2005, shall be valid for a period ending on the last day of the month of the applicant's birthday in the third year after issuance and shall expire on that day.

(2) All permits authorized under this Article for temporarily handicapped or disabled parking shall be issued for a period ending not more than six (6) months after the date of issuance but may be renewed one time for a period not to exceed six (6) months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability. (*Ref. 18-1740 RS Neb.*) (*Ord. No. 649, 2/13/96*) (*Amended by Ord. No. 685, 8/12/97*)



**§ 5-620.04 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS  
NONTRANSFERABLE; VIOLATION; SUSPENSION.**

Permits issued under this Article shall not be transferable, and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purposes for which it is issued. No person shall alter or re-produce in any manner a permit issued pursuant to this Article. Any violation of this section 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 payment of the permit fee. (*Ref. 18-1741 RS Neb.*) (*Ord. No. 650, 2/13/96*)

**§ 5-621 PARKING; HANDICAPPED OR DISABLED PERSONS; REMOVAL OF  
UNAUTHORIZED VEHICLE; PENALTY.**

(1) The owner or person in lawful possession of an offstreet parking facility, after notifying the Police or Sheriff's Department, and the Municipality providing onstreet parking or owning, operating, or providing an offstreet parking facility, may cause the removal, from a stall or space, including access aisles, designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying the proper permit or the distinguishing license plates specified in this Article if there is posted aboveground and immediately adjacent to and visible from such stall or space, including access aisles, a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(2) A person who parks in any onstreet parking space or access aisle which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons, or in any so exclusively designated parking space or access aisles in any offstreet parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space shall be guilty of a handicapped parking infraction as defined in section 5-619, and shall be subject to the procedures as set forth in section 5-621 and the penalty provided for in this Chapter. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in this Chapter.

(3) In the case of a privately owned offstreet parking facility, the owner or person in lawful possession of such facility shall not be required to inform the Municipality of a violation of this section prior to the Municipality issuing the violator a handicapped parking infraction citation. (*Ref. 18-1737 RS Neb.*)

(*Ord. No. 590, 7/12/94*) (*Amended by Ord. No. 651, 2/13/96*)

**§ 5-622 REGISTRATION; TRAILERS.**

No trailer, semi-trailer, or cabin trailer shall be operated or parked on any street, alley, or public highway within the Municipality without having first registered the same in accordance with Chapter 60, Article 3, RS Neb., and section 60-321 RS Neb., except as provided in this section. A person may pull such trailer, semitrailer, or cabin trailer without registration for a period not to exceed thirty (30) days from the date of purchase. Upon registration, such trailer, semitrailer, or cabin trailer shall have the required number plate displayed upon said trailer as provided for by section 60-311 RS Neb. If a citation is issued to an owner or operator of a vehicle for a violation of this section and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten (10) days after the issuance of the citation, no prosecution for the offense cited shall occur. (*Ref. 60-302, 60-320, 60-321 RS Neb.*) (*Ord. No. 587, 7/12/94*) (*Amended by Ord. No. 642, 2/13/96*)

**§ 5-623 REGISTRATION; OPERATOR AND VEHICLE LICENSE.**

(1) No person shall operate or park a motor vehicle upon any street, alley, or public highway within the Municipality without having first registered the same in accordance with Chapter 60, Article 3, RS Neb., and section 60-321 RS Neb., except as provided in this subsection. A person may operate a motor vehicle without registration for a period not to exceed thirty (30) days from the date of purchase. Upon registration, such vehicle shall have the required number plates displayed upon said vehicle in the manner and places provided for by section 60-323 RS Neb. If a citation is issued to an owner or operator of a vehicle for a violation of this subsection and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten (10) days after the issuance of the citation, no prosecution for the offense cited shall occur.

(2) No person shall operate a motor vehicle upon any street, alley, or public highway without having obtained a motor vehicle operator's license in accordance with Chapter 60, Article 4, RS Neb. It shall be unlawful for any person to operate a motor vehicle upon any street, alley, or public highway during the period that his or her operator's license has been revoked or canceled. (*Ref. 60-302, 60-320, 60-320.01, 60-321, 60-323, 60-4, 186 RS Neb.*) (*Ord. No. 586, 7/12/94*) (*Amended by Ord. No. 641, 2/13/96*)

## **ARTICLE 7: SNOW EMERGENCY**

### **§ 5-701 SNOW EMERGENCY; DEFINITIONS.**

The following definitions shall apply in the interpretation and enforcement of this Article.

**ROADWAY** means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**SECONDARY STREETS** are any streets which are not marked "Snow Emergency Routes."

**SNOW EMERGENCY ROUTES** are those streets marked as such in accordance with the provisions of this Article.

**STREET OR HIGHWAY** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (*Ord. No. 344, 12/12/79*)

### **§ 5-702 SNOW EMERGENCY; PARKING.**

A parking prohibition shall automatically go into effect when declared by the Mayor, or City Administrator, or Police Chief on any part of any Snow Emergency Route on which there has been an accumulation of two (2) inches or more of snow or freezing rain or ice conditions that cause a hazard to traffic. This prohibition shall continue on a street until said street is cleared of snow, or the hazardous conditions have been remedied.

While the emergency route prohibition is in effect, no person shall park or allow to remain parked, any vehicle on any snow emergency route. Parking shall be limited on secondary streets, as noted below:

1. Vehicles may be parked on the North and East side of the street on days with even numbers.
2. Vehicles may be parked on the South and West side of the street on days with odd numbers.

However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law. (*Ord. No. 344, 12/12/79*) (*Amended by Ord. No. 810, 2/10/04*)

**§ 5-703 SNOW EMERGENCY; PROVISIONS TEMPORARILY EFFECTIVE TO TAKE PRECEDENCE.**

Any provision of this Article which becomes effective by the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel or authorized emergency vehicles, or emergency traffic directions by a Police Officer. (*Ord. No. 344, 12/12/79*)

**§ 5-704 SNOW EMERGENCY; SIGNS.**

On each street designated by this Article as a Snow Emergency Route, the City shall post special signs at intervals not exceeding one (1) sign per block with the wording: "Snow Emergency Route. No Parking During Emergency. Tow Away Zone." These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway. (*Ord. No. 344, 12/12/79*)

**§ 5-705 SNOW EMERGENCY; REMOVAL, IMPOUNDING, AND RETURN OF VEHICLES.**

Members of the Police Department are hereby authorized to remove or have removed a vehicle from a street to the nearest garage or other place of safety (including another place on the street), or to a garage designated or maintained by the Police Department, or otherwise maintained by this City, when:

1. The vehicle is parked on a part of a Snow Emergency Route on which a parking prohibition is in effect.
2. The vehicle is stalled on a part of a Snow Emergency Route on which there is a covering of snow, sleet, or ice or on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this Article.
3. The vehicle is parked in violation of any parking ordinance or provision of law and is interfering or about to interfere with snow removal operations.

Whenever an Officer removes or has removed a vehicle from a street as authorized in this section and the Officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing

to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

Whenever an Officer removed or has removed a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the Officer shall immediately send or cause to be sent a written report of such removal by mail to the State Department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the Police Department evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, shall pay the cost of removal, and shall pay any cost of storage accrued, not to exceed twenty-five (\$25.00) dollars for the first (1st) day or portion thereof, and five (\$5.00) dollars for each additional day or portion thereof, and thereafter. Until paid, these charges constitute a lien on the vehicle which may be enforced in the same manner as a garage keeper's lien.

It shall be the duty of the Police Department to keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final disposition, and the parking violation involved.

This section shall be supplemental to any other provisions of law granting members of the Police Department authority to remove vehicles. (*Ord. No. 344, 12/12/79*)

#### **§ 5-706 SNOW EMERGENCY; CITATION.**

Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this Article, and IS NOT REMOVED and impounded as provided for in this Article, the Officer finding such vehicle shall take its registration number or any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation. (*Ord. No. 344, 12/12/79*)

**§ 5-707 SNOW EMERGENCY; EVIDENCE.**

In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this Article, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Article, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this Article. (*Ord. No. 344, 12/12/79*)

**§ 5-708 SNOW EMERGENCY; ROUTES DESIGNATED.**

The following streets or portions of streets within the City are hereby designated as Snow Emergency Routes:

ROUTES SHALL BE DESIGNATED FROM TIME TO TIME BY RESOLUTION OF THE COUNCIL, AND SHALL BE ENFORCED AS SUCH IMMEDIATELY UPON THE POSTING OF SIGNS.

(*Ord. No. 344, 12/12/79*)

**§ 5-709 SNOW EMERGENCY; SEPARABILITY.**

If any section, subsection, sentence, clause, phrase, or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof. (*Ord. No. 344, 12/12/79*)

**ARTICLE 8: PENAL PROVISION**

**§ 5-801 VIOLATION; PENALTY.**

*(Repealed by Ord. No. 744, 7/11/00)*

*For penalty provisions, see section 12-101 of Chapter 12.*





