

TRAFFIC REGULATIONS

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 statute, the word or phrase shall have its common meaning. (Ref. 60-6,312 RS Neb.)(Amended by Ord. No. 49-94, 8/16/94)

ALLEY. The term "alley" shall mean a highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (Ref. 39-602 (2) RS Neb.)

ARTERIAL STREET. The term "arterial street" shall mean a street designated as such by resolution of the Governing Body. (Ref. 39-602 (4) RS Neb.)

AUTHORIZED EMERGENCY VEHICLE. The term "authorized emergency vehicle" shall mean vehicles of the Fire Department and of the Police Department of the Municipality and ambulances. (Ref. 39-602 (5) RS Neb.)

BUSINESS DISTRICT. The term "business district" shall include that portion of the Municipality embraced within, and the area of public streets enumerated as follows.

Jackson Avenue, from 4th Street to 8th Street.
4th Street from Jackson Avenue to South Street.
South Street from 4th Street to 8th Street.
8th Street from South Street to Jackson Avenue.

CROSSWALKS. The term "crosswalk" shall mean that portion of a roadway included within the prolongation or connection of the lateral lines of sidewalks at intersections or any other portion of the roadway distinctly indicated as a pedestrian crosswalk. (Ref. 39-602 (13) RS Neb.)

DRIVER. The term "driver" shall mean every person who drives or is in the actual physical control of a vehicle. (Ref. 39-602 (59) RS Neb.)

FOUR LANE STREET. The term "four (4) lane street" shall mean a street constructed to provide for four (4) driving lanes, two (2) on one half (1/2) of the street for vehicular traffic moving in the same direction in said two (2) lanes and also two (2) lanes on the opposite one half (1/2) of the highway for vehicular traffic moving in the same direction in said two (2) lanes with vehicular traffic in one half (1/2) of said street but traveling in a direction opposite to vehicles traveling in the other one half (1/2) of said street. (Ref. 10-4-14 Code 1964)

HIGHWAY. The term "highway" shall mean the entire width between the boundary limits of any street, avenue, or way which is publicly maintained and open for public vehicular traffic. (Ref. 39-602 (32) RS Neb.)

INTERSECTION OR STREET INTERSECTION. The terms "intersection" or "street intersection" shall mean the space occupied by two (2) streets at the point where they cross each other, bounded by the lot lines extended and shall include the sidewalk space as well as the roadway. (Ref. 39-602 (37) RS Neb.)

MEDIAN. The term "median" shall mean a raised portion of concrete varied in width, constructed at or near the center of a four (4) lane street.

MOTOR VEHICLES. The term "motor vehicles" shall mean every land vehicle which is self-propelled and not operated upon rails except self-propelled invalid chairs. (Ref. 39-602 (52) RS Neb.)

MUFFLER. The term "muffler" shall mean a device consisting of a series of chamber or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

OFFICIAL TRAFFIC SIGNS OR DEVICES. The term "official traffic signs or devices" shall mean all official traffic signs, markings, and devices, other than mechanical or electrical signals, not inconsistent with this Chapter, placed or erected by authority of the Governing Body for the purpose of directing, warning, or regulating traffic. (Ref. 39-602 (104) RS Neb.)

OPERATOR. The term "operator" shall mean every person who drives or is in actual physical control of a vehicle. (Ref. 39-602 (59) RS Neb.)

OWNER. Owner shall mean a person other than a lienholder, having the property in or title to a vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excluding a lessee under a lease not intended as security. (Ref. 39-602 (61) RS Neb.) (Amended by Ord. No. 24-84, 9/4/84)

PARK. The terms "park," "parked," and "parking" shall refer to any vehicle waiting or standing in any street or alley except when such vehicle is waiting in compliance with the direction of a traffic officer, traffic sign or signal, or driving emergencies, and except when actually engaged in loading or unloading merchandise or passengers. (Ref. 39-602 (62) RS Neb.; 10-1-1 Code 1964)

PEDESTRIAN. The term "pedestrian" shall mean any person on foot. (Ref. 39-602 (64) RS Neb.) 10-13-1 Code 1964)

POLICE OFFICER. The term "police officer" or "traffic officer" shall mean every officer of the Police Department of the Municipality or any officer authorized to direct or regulate traffic or make arrests for the violation of traffic regulation. (Ref. 39-602 (70) RS Neb.)

RESIDENTIAL DISTRICT. The term "residential district" shall include the residential districts as adopted by ordinance and as appears upon the zoning map of the City of Seward.

RIGHT-OF-WAY. The term "right-of-way" shall mean the privilege of the immediate use of the roadway of one vehicle or pedestrian over another vehicle or pedestrian. (Ref. 39-602 (81) RS Neb.)

SIDEWALK. The term "sidewalk" shall mean that portion of a street between the curb lines and the adjacent property lines intended for pedestrian use. (Ref. 39-602 (92) RS Neb.)

STOP. The term "stop" shall mean to cause complete cessation of movement. (Ref. 39-602 (100) RS Neb.)

STORAGE, OR TURNING LANE. The term "storage or turning lane" shall mean a lane at or near the center of a four (4) lane street as it approaches an intersection in addition to the two (2) lanes provided for moving traffic and to the left thereof providing sufficient space for entry of one (1) or more vehicles for the purpose of turning left from any said storage lane at any intersection which said storage lane approaches. (Ref. 10-4-14 Code 1964)

STREET. The term "street" shall mean the entire width between the boundary limits of any street, avenue, or way which is publicly maintained and open for public vehicular traffic. (Ref. 39-602 (58) RS Neb.)

VEHICLE. The term "vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively on stationary rails or tracks. (Ref. 39-602 (113) RS Neb.)

§5-201

Traffic Regulations

§5-233

Article 2. Municipal Traffic Regulations

§5-201 AUTOMATIC LIGHTS AND SIGNALS. No vehicle shall turn at any intersection where an automatic signal system is in operation except when such signal system is displaying a green light; provided, vehicles may turn on a red signal when in compliance with the provisions of this Article governing such turns. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal system is in operation. (Ref. 39-609 thru 39-611, 39-614 RS Neb.)

§5-202 AUTOMATIC SIGNAL SYSTEM. At each intersection where an automatic signal system is in operation, all vehicular and pedestrian traffic crossing such street intersection shall be governed by such automatic signal system. The display of the red signal light shall be a signal for traffic to stop outside of the street intersection. The

display of the yellow signal light shall announce that traffic be at attention to stop when the red light is displayed, and the green signal light shall be a signal for traffic to promptly move forward. It shall be unlawful for any person to violate any such signal. (Ref. 39-609 thru 39-611, 39-614 RS Neb.)

§5-203 RIGHT TURN ON RED. Except where a traffic-control device is in place prohibiting a turn, vehicles facing a steady red signal may cautiously enter the intersection to make a right turn after stopping. Such turning vehicle shall yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other vehicular traffic lawfully using the intersection. The Governing Body of the Municipality has the authority to prohibit turning right on red at any intersection within the Municipality where it deems such a prohibition necessary; provided, those intersections where turning right on red is prohibited shall bear signs to that effect placed and printed in such a manner so as to be conspicuous from a vehicle about to enter the intersection. (Ref. 39-614, 39-697 RS Neb.)

§5-204 LOADING ZONES; DESIGNATION. The Governing Body may, by resolution, designate any portion of a street as a loading zone and shall provide for appropriate signs or markings when such street has been so designated. (Ref. 39-697 RS Neb.; 10-5-13 Code 1964)

§5-205 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. 16-209, 39-6,189 RS Neb.; 10-8-1 Code 1964)

§5-206 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. 39-697 RS Neb.)

§5-207 EMERGENCY SNOW ROUTES; DESIGNATION. The Governing Body may, by resolution, designate any street as a snow route and shall provide for appropriate signs or markings when such street has been so designated. (Ref. 39-697 RS Neb.)

§5-208 TRAFFIC LANES; DESIGNATION. The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. (Ref. 39-697 RS Neb.)

§5-209 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. 39-

697 RS Neb.)

§5-210 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. 39-697 RS Neb.; 10-4-13, 10-4-14, 10-11-1 Code 1964)

§5-211 TURNING; HAND SIGNALS. A signal of intention to turn right or left shall be given continuously during not less than the last one hundred (100') feet traveled by the vehicle before turning. The signals herein required shall be given either by means of the hand and arm, or by a signal device of a type approved by the Department of Roads. The hand and arm signals herein required shall be given from the left side of the vehicle in the following manner: STOP or decreased speed, hand and arm extended downward; LEFT TURN, hand and arm extended horizontally; RIGHT TURN, hand and arm extended upward. (Ref. 39-652 thru 39-654 RS Neb.; 10-11-2 Code 1964)

§5-212 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. 39-650 RS Neb.; 10-4-1, 10-4-13 Code 1964)

§5-213 TURNING; CAUTIOUS. The operator of a vehicle shall, before stopping, turning, or changing the course of such vehicle, see that there is sufficient space to make such movement in safety. If any pedestrian might be affected by such movement, the operator shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, he shall give some unmistakable signal to the driver of all other vehicles of his intention to make such movement. (Ref. 39-644, 39-652, 39-697 RS Neb.)

§5-214 CROSSING MEDIAN. No person or vehicle shall use or travel over or on any medians for any purpose. No vehicle shall enter or traverse any opening provided in any median for a railroad track crossing. (Ref. 10-4-16 Code 1964)

§5-215 PARKING PROHIBITED; FOUR (4) LANE STREET. No vehicle shall park or stop for any purpose whatsoever upon a four (4) lane street, or upon the right-of-way of such street. (Ref. 10-4-17 Code 1964)

§5-216 LEFT TURN PROHIBITED. No vehicle shall turn left from the right traveling lane of either half of the traveling portions of a four (4) lane street. (Ref. 10-4-18 Code

1964)

§5-217 TURNING; PROPER LANE. No vehicle shall make a left turn at any intersection on a four (4) lane street without first entering the storage or turning lane where a storage or turning lane is provided at any such intersection. (Ref. 10-4-19 Code 1964)

§5-218 CHANGING LANES; SIGNAL. All traffic entering a four (4) lane street shall travel on either of the right two (2) lanes provided for travel. Before movement of a vehicle from one (1) lane to the other lane for any purpose, including passing, the operator of such vehicle shall give adequate signal of such movement. Adequate signal may be given by use of an automatic turn signal indicating left or right turn, or by arm signal indicating left or right turn. (Ref. 10-4-20 Code 1964)

§5-219 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. 36-94, 7/25/94)

§5-220 RIGHT-OF-WAY; OVERTAKING VEHICLES. The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle. (Ref. 60-6,133 RS Neb.; 10-59 Code 1964)

§5-221 RIGHT-OF-WAY; SLOW MOVING VEHICLES. Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage to their left. Vehicles in motion shall be kept between the curb at the right

and the center of the street. (Ref. 60-6,133, 60-680 RS Neb., 10-4-7 Code 1964)

§5-222 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. 60-6,151 RS Neb.; 10-4-10 Code 1964)

§5-223 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 (1/2) of the main traveled portion of the roadway. (Ref. 60-6,131 RS Neb.; 10-4-4 1964)

§5-224 CHANGE OF DIRECTION. No vehicle shall cross from one (1) side of the street to the other except at a street intersection; provided, upon appropriate hand signal given indicating a change of direction, vehicles may cross from one (1) side of the street to another when entering or departing from alley entrance, filling station or garage. Vehicles moving in opposite directions must pass each other by keeping to the right, each giving to the other an equal portion of the street. (Ref.10-4-6 Code 1064)

§5-225 POSITION OF VEHICLE ON HIGHWAY; PASSING. A vehicle shall not be driven to the left of the center line of the highway in overtaking or passing another vehicle proceeding in the same direction, unless such left side is clearly visible and free from oncoming traffic for a sufficient distance to permit such overtaking and passing to be made in safety. (Ref. 60-6,136 RS Neb.; 10-4-2 Code 1964)

§5-226 POSITION OF VEHICLE ON HIGHWAY; SLOW VEHICLES. Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage on the left. (Ref. 60-6,133, 60-680 RS Neb.)

§5-227 BACKING. Before backing, ample warning shall be given and while backing, unceasing vigilance must be exercised not to injure those behind. The driver of a parked vehicle about to back shall give moving vehicles the right-of-way. (Ref. 60-6,169, 60-680 RS Neb.; 10-4-12 Code 1964)

§5-228 CROSSWALKS. The Governing Body may, by resolution, establish and maintain, by appropriate devices, markers, or lines upon the street, crosswalks, at intersections where there is particular danger to pedestrians crossing the street, and at such other places as they may deem necessary. (Ref. 60-680 RS Neb.; 10-13-6 Code 1964)

§5-229 SIGNS, SIGNALS. The Governing Body may, by resolution, provide for the placing of stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the Municipality's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulation, or prohibition. (Ref. 60-6,119 through 60-6,121, 60-680 RS Neb.; 10-7-1 Code 1964)

§5-230 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. 60-6,119 through 60-6,121, 60-680 RS Neb.)

§5-231 SIGNS, TRAFFIC CONTROL DEVICES, TRAFFIC SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH. It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (Ref. 60-6,129, 60-6,130 RS Neb.) (Ord. No. 45-89, 12/19/89)

§5-232 EMERGENCY ROUTES. (1) That the following streets located within the City are hereby designated as emergency routes:

- a) Highway 34 - Blue River Bridge to Plum Creek Bridge
- b) Highway 15 - Burlington Northern Railroad tracks to Pinewood Avenue
- c) Seward Street - Plum Creek Bridge to 14th Street
- d) 14th Street - Highway 34 to Seward Street
- e) Moffitt Street - Locust Avenue to 10th Street
- f) Hillcrest Drive - 1/2 block west of 12th Street to 1/2 block east of Eastridge Drive
- g) Pinewood Avenue - Karol Kay Boulevard to Highway 15
- h) Columbia Avenue - Dike at W/WWTW Plant to 1285 north of Pinewood Avenue
- i) Karol Kay Boulevard - Pinewood Avenue to north property line of Plum Creek Park
- j) Ash Street - Columbia Avenue to Highway 15
- k) 2nd Street - Blue River Bridge to Pinewood Avenue

(2) It shall be unlawful for any person to park or allow to remain parked any motor vehicle at any time on an emergency route as designated under section (1) after an emergency has been declared by the Mayor or his/her designated representative.

(3) Streets which are emergency routes shall be designated by ordinance.

The City shall place appropriate signs or other traffic control devices indicating the existence of such emergency routes. A designation of any street, avenue, road or highway, or portion thereof as an emergency route shall in no way affect any previous designation of that street, avenue, road or highway for any other purposes.

(4) Whenever the Mayor, or his/her designated representative, shall find, on the basis of falling snow, sleet or freezing rain, or on the basis of an official forecast by the U.S. Weather Bureau, of snow, sleet, or freezing rain, or that other weather conditions, such as tornado or violent electrical storms, will make it necessary that motor vehicle traffic be expedited and that parking on City emergency routes be prohibited or restricted for snow plowing, and/or other purposes, the Mayor or his/her designated representative may place into effect a parking prohibition on all emergency routes by declaring that an emergency condition exists. In such declaration of emergency conditions, the Mayor or his/her designated representative shall state the time that said emergency shall be in effect and from the time so designated, it shall be unlawful to park or allow to remain parked any motor vehicle on emergency routes. Once in effect, such parking prohibition imposed shall remain in effect until terminated by declaration of the Mayor or his/her designated representative; provided 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.

(5) Whenever the Mayor or his/her designated representative shall find on the basis of accumulated snow, falling snow, sleet, freezing rain, on the basis of an official forecast by the U.S. Weather Bureau, of snow, sleet or freezing rain, or by other weather conditions such as tornado or violent electrical storms, that conditions make it necessary that parking on local and residential streets, be prohibited or restricted for snow plowing and/or other purposes, he or she may put into effect a parking prohibition on parts of or on all local and residential streets by declaring that parking be prohibited on one side of the local and residential streets, designating either the odd or even address numbered side, at his or her discretion, and, by declaring that parking be prohibited within the turnaround area of a circular area of a cul-de-sac. In such declaration, the Mayor or his/her designated representative shall state the date and time on which such parking prohibition shall take effect. The prohibition shall remain in effect until terminated by announcement of the Mayor or his/her designated representative, who may then declare that there shall be in effect a parking prohibition on the opposite side of those local and residential streets designated above, which prohibition shall remain in effect until terminated by announcement of the Mayor or his/her designated representative while the prohibition is in effect, it shall be unlawful for any person to park or allow to remain parked any vehicle on any side of a street whereon parking is prohibited.

(6) Whenever any emergency has been declared pursuant to this Article, it shall be unlawful for any person operating a motor vehicle on an emergency route to allow such vehicle to become stalled or stuck for any reason. Whenever a motor vehicle becomes stalled or stuck for any reason whether or not in violation of this Article, on any emergency route on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such emergency route, either onto the nearest cross street which is not a emergency route, or other appropriate location. No person shall abandon or leave his vehicle in the roadway of an emergency route, except for the purpose of securing

assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay.

(7) A) All members of the Police Department are hereby authorized to remove or have removed a vehicle from a street to another place or location on a street or to a lot, garage, storage yard, or other similar facility designated by the Police Department when:

- 1) The vehicle is parked on an emergency route on which a parking prohibition is in effect.
- 2) The vehicle is stalled on an emergency route on which there is a parking prohibition in effect and the person who is operating said vehicle does not appear to be removing it in accordance with the provisions of this Article.
- 3) The vehicle is parked on any street in violation of any parking prohibition or provision of law contained in this Article and is interfering or about to interfere with snow removal operations or any other weather conditions.

B) The Police Department may cause such vehicles to be removed to a private lot, garage, storage yard, or other similar facility, and such vehicle shall not be released there from except upon payment by the owner of the vehicle to the person or persons in charge of the lot, garage, storage yard or other similar facility for the cost of towing, and a receipt for such fees shall be issued to the owner of the vehicle. It shall be the duty of the person or persons in charge of the lot, garage, storage yard or other similar facility designed by the Police Department to keep a record of the name of the owner of all vehicles towed in under the provisions hereof, together with the registration number of each vehicle, and the nature and circumstances of each violation, and the amount of fees collected hereunder, and to deliver a report of each transaction to the Chief of Police weekly.

(8) The Mayor or his/her designated representative shall cause, each declaration of an emergency made by him/her, to be publicly announced by means of broadcast or telecast from broadcasting stations with a normal operating range covering the City, and he/she may cause such declaration to be further announced in newspapers of general circulation whenever feasible. Each announcement shall describe the action taken by the Mayor or his/her designated representative, including the time it became or will become effective, and shall specify the streets or areas affected. The Mayor or his/her designated representative shall make or cause to be made a record of each time and date when any declaration is announced to the public by issuing an executive order as soon after the declaration of an emergency as is feasible. Whenever the Mayor or his/her designated representative shall find that some or all of the conditions which gave rise to a parking prohibition placed in effect pursuant to the provisions of this Article no longer exist, he/she may declare the prohibition terminated, in whole or in part, effective immediately upon announcement or at a later specified time.

(9) Any provision of this Article which becomes effective by declaration of the Mayor or his/her designated representative upon the occurrence of an emergency, while temporarily in effect, takes 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 vehicles, or emergency traffic directions by a Police Officer. (Ord.

No. 38-93, 10/19/93)

§ 5-233 ENGINE COMPRESSION BRAKES; USE UNLAWFUL; PENALTY FOR USE.
It shall be unlawful for anyone to use engine compression brakes within the City Limits of the City of Seward. In the event that anyone violates this section and is convicted of the same; he or she shall be fined in an amount not more than the sum of \$100. Signs shall be posted on each of the highways entering the City Limits giving notice that Engine Braking is prohibited. (Ord. No 47-98, 11-17-98, Amended by Ord. No. 1-01,01-16-2001)

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. 39-683 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. 39-683 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. 39-619 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. 39-618 RS Neb.)

§5-305 SIREN SIGNALING DEVICES. Siren signaling devices shall not be used on any vehicle except those operated by the Police Department, Fire Department, the Sheriff, and authorized utility vehicles when on emergency calls. No person shall make or cause to be made any unnecessary noise with any signal device or use the same except as a road signal. (Ref. 10-11-3 Code 1964)

§5-306 DISPLAY OF MERCHANDISE IN PARKING ZONE. It shall be unlawful for any person to use any parking stall, lane, or space for the display of merchandise, goods, or wares, or for any purpose whatsoever, except the parking of motor vehicles; and no parking stall, lane, or space shall be blocked, or barricaded by any person; provided, however, parking areas may be temporarily blocked, used, or barricaded for construction and other necessary purposes, by obtaining special permission therefor from the Municipal Police. (Ref. 10-5-22 Code 1964)

§5-307 INTERSECTIONS; OBSTRUCTING PROHIBITED. It shall be unlawful for any person to erect, plant, construct, maintain or permit to exist any hedge, tree, bush, sign, fence, building or any other natural or artificial obstruction to vision of drivers of motor

vehicles approaching on intersecting streets, whether said obstruction be on the street, the street parking, or on the private property of such person. When such obstruction is found to exist, the Municipal Police shall notify the owner or occupant of said premises to forthwith remove the same, and in the event the owner or occupant shall fail to remove the same within five (5) days of such notice, the City may remove the obstruction at the expense of the owner or occupant of said premises. (Ref. 10-5-23 Code 1964)

§5-308 SERVICE CHARGE. A charge shall be made upon the owners, renter, lessee or the person otherwise having possession or in charge of a trailer or vehicle designed and used for camping and camping living quarters for parking in the City Park in the amount of one (\$1.00) dollar for each day such trailer or vehicle is parked in the City Park after the first seven (7) days. For the purpose of said service charge a day shall consist of one twenty-four (24) hour period and the first seven (7) days need not be consecutive. The Mayor and Council may by resolution increase or decrease the service charge and increase or decrease the number of days after which a service charge shall be made. (Ref. 10-5-25 Code 1964)

§5-309 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. 39-662, 39-663 RS Neb.)

§5-310 SPEED, NEAR SCHOOLS. It shall be unlawful for the driver of any vehicle, when passing premises on which school grounds 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 said vehicle at a rate of speed in excess of twenty (20) miles per hour past said premises, unless a greater speed is allowed by resolution of the Governing Body, 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. 39-663 RS Neb.) (Amended by Ord. Nos. 1-82, 1/19/82; 38-89, 10/17/89)

§5-311 SPEED; ELECTRONIC DETECTION. Determinations made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement officer may be corroborated by the use of radio microwaves or other electronic device. The results of such radio microwave or other electronic speed measurement may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the Municipality may offer in evidence the results of such radio microwave or other electronic speed measurement for the purpose of establishing the speed of any motor vehicle, the, Municipality shall prove the following:

- A. The measuring device was in proper working order at the time of conducting the measurement;
- B. The measuring device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;
- C. The person operating such device and interpreting such measurement was qualified by training and experience to properly test and operate the device; and
- D. The operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, and the measuring device was found to be in proper working order.

The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his or her badge of authority; provided, that such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves, or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded, and must include a description of the vehicle and the recorded speed. (Ref. 39-664 RS Neb.) (Amended by Ord. No. 2-8-83, 10/18/83)

§5-312 DRUNKEN DRIVING; PENALTY. It shall be unlawful for any person to operate, or be in actual physical control of, any motor vehicle while under the influence of alcoholic liquor, or of any drug or when that person has ten-hundredths of one per cent (0. 10%) or more by weight of alcohol in his or her body fluid as shown by chemical analysis of his or her blood, breath, or urine. Any person who operates or has in his or her actual physical control a motor vehicle upon a public highway shall be deemed to have given his or her consent to submit to a chemical test of his or her blood, breath, or urine, for the purpose of determining the amount of alcoholic content in his or her body fluid. Any duly authorized law enforcement officer may require such person to submit to said chemical test when such person has been arrested:

- (a) For any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle if the officer has reasonable grounds to believe that such person was under the influence of alcoholic liquor at the time of the offense; or
- (b) For refusing to submit to a preliminary test of his or her breath for alcohol content if the officer has reasonable grounds to believe that such person has alcohol in his or her body; or
- (c) When such preliminary breath test results indicate an alcohol content of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.

Any person who refuses to submit to such preliminary breath test shall be guilty of a misdemeanor. Any person who refuses to submit to a chemical blood, breath, or urine

test as required above or who shall operate or be in actual physical control of any motor vehicle while under the influence of alcoholic liquor or of any drug or while in a condition described in subdivisions 1, 2, 3 or 4 of this Section shall be deemed guilty of a crime. Upon conviction of any person for the violation of this Section, there shall be assessed as part of the court costs, the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Section 39-669.11 RRS, for the tests administered and the analysis thereof if such test was actually made. (Ref. 39-669.07 thru 39-669.13 RS Neb.) (Amended by Ord. Nos. 1139, 9/19/78; 2682, 9/21/82; 27-87, 11/3/87)

§5-313 NEGLIGENT DRIVING. It shall be unlawful for any person to operate a motor vehicle in such a manner as to cause unnecessary noise, spinning or squealing of tires, skids, slides, abrupt turns or sways or in any other manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances. (Ref. 39-669.26 RS Neb.)

§5-314 BACKING. It shall be unlawful for any person to back a motor vehicle on the Municipal streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety and in no case shall the distance of the backing exceed one and one half (1-1/2) lengths of the vehicle. (Ref. 39-675, 39-697 RS Neb.)

§5-315 UNNECESSARY STOPPING. It shall be unlawful for any person to stop any vehicle on any public street or alley, other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right-of-way to pedestrians or to other vehicles. (Ref. 39-672, 39-697 RS Neb.; 10-5-24 Code 1964)

§5-316 PASSING; INTERSECTIONS. The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction, while traversing a street intersection, if such passing requires such overtaking vehicle to drive to the left of the center of the street. (Ref. 39-625 RS Neb.; 10-4-11 Code 1964)

§5-317 PASSING; HINDRANCE. The driver of a vehicle about to be overtaken and passed by another vehicle shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Ref. 39-622 RS Neb.)

§5-318 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. 39-628, 39-694 RS Neb., 10-48 Code 1964)

§5-319 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. 39-629 RS Neb.; 10-4-3

Code 1964)

§5-320 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. 39-681 RS Neb.)

§5-321 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. 39-677 RS Neb.; 10-9-6 Code 1964)

§5-322 DRAGGING; ROPE, CHAIN. No person shall permit any rope, strap, chain or other article to drop behind any vehicle while in use on the streets, except persons operating vehicles transporting gasoline, benzene or other flammable materials. (Ref. 39-697 RS Neb.; 10-9-21 Code 1964)

§5-323 NEW PAVEMENT, DRIVING OVER. No person shall drive any vehicle over or across any newly laid pavement in any public street, across or around which pavement there is a barrier or over or near which there is a person or a sign warning persons not to drive over or across such pavement. No person shall drive a vehicle over, against or upon any traffic barrier or sign stating that the street or alley is closed. (Ref. 10-9-13 Code 1964)

§5-324 RIDING OUTSIDE VEHICLE. No person shall permit any other person to ride on the running board, hood, top, or fenders of any motor vehicle. Nor shall any person ride on the running board, hood, top, or fenders of any motor vehicle. (Ref. 39-677, 39-697 RS Neb.; 10-9-8 Code 1964)

§5-325 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. 16-210, 39-676 RS Neb.; 10-9-20 Code 1964)

§5-326 EMERGING FROM ALLEY OR DRIVEWAY. All vehicles before crossing a sidewalk when emerging from a garage, alley, filling station or other place within the Business District shall come to a complete stop, and, after giving sufficient warning, shall proceed slowly while crossing such sidewalk or leaving such garage, alley, filling station or other place. The term slowly shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and the condition of the street and the traffic thereon.

Every driver of any vehicle when approaching or about to drive over any sidewalk or sidewalk space, except at a street intersection or at an alley intersection shall bring such vehicle to a complete stop and shall then proceed in a careful and cautious manner, having due regard for the use of such sidewalk or sidewalk space by pedestrians. (Ref. 10-4-9 Code 1964)

§5-327 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 cutout" on any motor vehicle upon any streets; provided, the provisions of this Section shall not apply to authorized emergency vehicles. (Ref. 39-6,137, 60-2209 RS Neb.; 10-6-4 Code 1964)

§5-328 SOLICITING RIDES. It shall be unlawful for any person to stand on the traveled portion of any street or alley for the purpose of soliciting rides from the driver of a vehicle. (Ref. 10-9-19 Code 1964)

§5-329 ABANDONED VEHICLES. The person in charge of any garage or repair shop at which has been left a motor vehicle of unknown ownership for a period of fifteen (15) consecutive days without being removed by its owner or any other person duly authorized to remove the same, shall report to the Police Department, giving the name, engine number, manufacturer's serial number, registration plate number, and the name and address of the person abandoning same, if known. (Ref. 10-9-22 Code 1964)

§5-330 ADVERTISING VEHICLES. No advertising vehicle shall be allowed in any street or alley in the City. Nothing herein contained shall prevent the putting of business notices upon ordinary business vehicles, so long as such business vehicle is engaged in the usual business or regular work of the owner and not used merely or primarily for advertisement. No motor vehicle shall have any poster, sign, picture or advertising material on the windshield or glass of the side or rear window thereof and no person shall, by himself or through his agent, place or post any poster, sign, picture or advertising material on the windshield or glass of either his own motor vehicle or that of any other person. (Ref. 10-9-23 Code 1964)

§5-331 ACCIDENT; DRIVER'S DUTY. The driver of any vehicle involved in an accident upon a public highway, private road, or private drive, resulting in injury or death to any person shall:

1. Immediately stop such vehicle at the scene of the accident.
2. Give his name, address, and the registration number of his vehicle, and exhibit his operator's, or chauffeur's license, to the person struck, or the driver, or occupants, of any vehicle collided with.
3. Render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary, or is requested by the injured person.

The driver of any vehicle involved in an accident, whether upon the public highway, private road, or private drive, resulting in damage to property shall:

1. Immediately stop such vehicle at the scene of the accident.
2. Give his name, address, and the registration number of his vehicle, and exhibit his operator's, or chauffeur's license to the owner of the property struck, or the driver, or occupants of any other vehicle involved in the collision. (Ref. 39-6,104.01, 39-6,104.02 RS Neb.; 10-9-14 Code 1964)

§5-332 ACCIDENT; PENALTY. Every person convicted of violating the provisions of this Article relative to the duty to stop in the event of certain accidents shall be punished by a fine of not more than one hundred (\$100.00) dollars. (Ref. 39-6,104.02, 39-6,104.03 RS Neb.)

§5-333 EMERGENCY, REGULATIONS. The Chief of Police and Police Officers shall direct all traffic in conformity with the law, or in event of a fire or other emergency, or to expedite traffic or to insure safety as conditions may require, notwithstanding the provisions of law. (Ref. 60-435 RS Neb.; 10-2-4 Code 1964)

§5-334 POLICE; ENFORCEMENT. 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. 16-132, 39-6,192 RS Neb.; 10-2-1 Code 1964)

§5-335 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. 10-2-3 Code 1964)

§5-336 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. 39-669.21, 39-697, 39-6,192 RS Neb.; 10-2-2 Code 1964)

§5-337 LOADS; PROJECTING. When any vehicle shall be loaded in such a manner that any portion of the load extends more than four feet (4') beyond the rear of the bed or the body of such vehicle, a red flag of not less than twelve inches (12") both in length and width shall be carried by day, and red light after sunset at the extreme rear end of such load. (Ref. 39-6,130 RS Neb.)

§5-338 LOADS; SPILLING. All vehicles used for carrying coal, earth, cinders, sand, gravel, rock, asphalt, tar, or any similar substance shall be so constructed as to prevent the sifting or spilling of any of the contents. (Ref. 39-6,129 RS Neb.)

§5-339 RADAR DEVICE; PROHIBITED. It shall be unlawful for any person to operate or possess any radar transmission device while operating a motor vehicle on any road, street, highway, or interstate highway in this Municipality; except that this section shall not apply to any such device which has been lawfully licensed by the Federal Communications Commission or is being used by law enforcement officials in their official duties.

For purposes of this section unless the context otherwise requires:

- (1) Radar transmission device shall mean any mechanism designed to interfere with the reception of radio microwaves in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles;
- (2) Possession shall mean to have a device defined above in a motor vehicle if such device is not:
 - (a) Disconnected from all power sources and
 - (b) In the rear trunk, which shall include the spare tire compartment, or any other compartment which is not accessible to the driver or any other person in the vehicle while such vehicle is in operation. If no such compartment exists in a vehicle, then such device must be disconnected from all power sources and be placed in a position not readily accessible to the driver or any other person in the vehicle, and
- (3) Transceiver shall mean an apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver. (Ref. 39-6,205 through 39-6,207 RS Neb.) (Ord. No. 25-82, 9/21/82)

§5-340 CHILD PASSENGER RESTRAINT SYSTEM.

1. Any person who drives any motor vehicle which has or is required to have an occupant protection system shall ensure that:
 - (a) All children under the age of five and weighing less than forty pounds being transported in such vehicle use a child restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the Highway Safety Administration as of July 10, 1990, and which is correctly installed in such vehicle; and
 - (b) All children under the age of sixteen and weighing forty or more pounds being transported in such vehicle use an occupant protection system.

This subsection shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle safety Standard 208 except taxicabs, mopeds, motorcycles, and any other motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped an occupant protection system. (Neb. RS 60-6,267(1))
 - (c) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child

would be harmful by reason of the child's weight, physical condition or other medical reason, the provisions of subsection (1) of this section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physical identifying the child and stating the grounds for such waiver.(Neb. RS 60-6, 267(2))

(d) The drivers of authorized emergency vehicles shall not be subject to the requirements of subsection (1) of this section when operating such authorized emergency vehicles pursuant to their employment. (Neb. RS 60-6, 267(3))

(e) Enforcement of subdivision (1) (b) of this section shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation or some other offense. (Ref. 39-6,103.01 RS Neb., Neb. RS 60-6, 268 (3)) [Ord. No. 23-85, 10/15/85, Amended by Ord. 8-01, 3-20-2001]

§5-341 SPEED LIMITS ESTABLISHED; U.S. HIGHWAY 34 AND NEBRASKA HIGHWAY 15.

A. Speed Limits on U.S. Highway No. 34. No person shall operate a motor vehicle within the City on U.S. Highway No.34 at a rate in excess of the following limits:

1. Beginning at the west corporate limits, 50 miles per hour to 500 feet west of 14th Street.
2. 40 miles per hour from 500 feet west of 14th Street to the BNSF railroad crossing.
3. 35 miles per hour from the BNSF railroad crossing to 8th Street.
4. 25 miles per hour from 8th Street to 4th Street.
5. 35 miles per hour from 4th Street to 100 feet east of Bemis Drive.
6. 45 miles per hour from 100 feet east of Bemis Drive to 1320 feet east of the east end of the Plum Creek Bridge.

B. Speed Limits on Nebraska State Highway No. 15. No person shall operate a motor vehicle within said city on Nebraska State highway No. 15 at a rate of speed in excess of the following limits:

1. 55 miles per hour from 600 feet north of Fletcher road to 1000 feet south of Izaak Walton Road.
2. 50 miles per hour from 1000 feet south of Izaak Walton road to 400 feet south of Ash Street.
3. 30 miles per hour from 400 feet south of Ash Street to Main Street
4. 25 miles per hour from Main Street to Roberts Street.
5. 35 miles per hour from Roberts Street to 290 feet north of Hillcrest Drive.
6. 40 miles per hour from 290 feet north of Hillcrest Drive to 300 feet north of Pinewood Avenue.

7. 55 miles per hour from 300 feet north of Pinewood Avenue to 500 feet north of Graham Park Drive. (Ord. No. 15-92, 7/7/92, Amended by Ord. 16-07. 8-7-2007, Amended by Ord 7-08, 4-15-2008)

§5-401

Traffic Regulations

§5-434

Article 4. Parking

§5-401 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. 60-6,168 RS Neb.; 10-5-16 Code 1964)

§5-402 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 inches (12") of the curb or edge of the roadway, and so as to leave at least four feet (4') 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. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (Ref. 60-680, 60-6,167 RS Neb.) (Amended by Ord. No. 59-94, 9/20/94)

§5-403 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, or in such other manner as the Governing Body may designate. (Ref. 60-6,167, 60-680 RS Neb.; 10-5-1 Code 1964, Amended by Ord. 15-99, 7-6-1999)

§5-404 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.; 10-5-5 Code 1964)

§5-405 PARKING; FARM MACHINERY PROHIBITED. No farm machinery shall be parked within the corporate residential limits of the City; provided, farm machinery may be parked in an enclosed structure for that purpose within such limits, or upon any area of land actually farmed, and provided further, this section shall not be construed to include machinery used for gardening purposes for consumption of products raised by the person or persons engaged in such gardening. (Ref. 10-9-28 Code 1964)

§5-406 PARKING; "NO PARKING" SIGNS. No vehicle shall be parked at any place designated by the sign, NO PARKING. (Ref. 10-5-5 Code 1964)

§5-407 PARKING; OBSTRUCTING ALLEY. No vehicle while parked shall have any portion thereof projecting into any alley entrance. (Ref. 60-680 RS Neb.)

§5-408 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.)

§5-409 PARKING; ZONES. Parking zones and areas shall be indicated by the use of red, yellow or orange, green and white paint. The parking color legend shall be as follows:

RED: The use of red paint upon the curb of any street shall indicate that parking and stopping of vehicles is entirely prohibited within such area.

YELLOW OR ORANGE: The use of yellow or orange paint upon the curb of any street shall indicate that such space has been set aside for a bus stop zone.

GREEN: The use of green paint upon the curb of any street shall indicate that such space has been set aside for a loading zone.

WHITE: The use of white paint upon the curb of any street shall indicate that such portion of the street has been restricted to fifteen (15) minute parking. White paint upon the surface of the street at crosswalks shall indicate pedestrian lanes and the location of crosswalks.

Parking lanes and stalls shall be indicated on the streets or sidewalks or both, by use of white or yellow paint or both. (Ref. 10-5-12 Code 1964)

§5-410 PARKING; LOADING OR UNLOADING. It shall be unlawful for the driver of any vehicle to stop, park or stand such vehicle at any designated loading or unloading zone for a period of time longer than is necessary for the expeditious loading or unloading of passengers, merchandise, or materials, and in no event shall the operator of a vehicle into or from which merchandise or material is being loaded or unloaded, stop, park, or stand such vehicle in any loading zone for a period longer than thirty (30) minutes, nor shall the operator of any passenger vehicle stop, park, or stand such vehicle at any such loading or unloading zone for a period of time longer than five (5) minutes, and then only when the operator thereof remains in said vehicle. (Ref. 10-5-13 Code 1964)

§5-411 PARKING; TRUCKS OTHER THAN PICKUPS; IMPOUNDMENT AND FEE THEREFORE. It shall be unlawful for the operator of any truck with an overall length of more than twenty (20') feet to stop or park any such vehicle on a street which the Governing Body has designated to be within the "Central Business Zone," (see zoning map) except to load or unload, and then only when loading or unloading in an alley is impossible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload. In those cases where a vehicle, as defined above, must park on a street within the Central Business Zone to load or unload, the owner or driver thereof shall first obtain permission from the Police Department. Permission must be obtained each time parking within the Central Business Zone is necessary. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway, or on a sidewalk. The Governing Body may, by resolution, provide truck parking areas adjoining or adjacent to the Central Business Zone, and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes. No truck, truck tractor or semi-trailer (except pickup trucks 3/4 ton or less), including oil tankers, shall park or stop for any period of time, within the limits of any streets within a residential district (see zoning map) except for the purpose of loading, unloading the cargo thereof or performing a service in the area in the ordinary course of business, unless otherwise posted, and except when parking in special truck park areas provided by the Governing Body by resolution. Trucks may park on the streets in the industrial zones (see zoning map) for a period not to exceed twenty-four (24) hours unless the street is otherwise restricted.

Such trucks which are parked in violation of this Section or any resolution of the Governing Body adopted pursuant to authority of this Section, shall be impounded by the Police Department by the application to such truck of a mechanism, the effect of which is to prevent the movement of such vehicles from the place where parked, by attachment of such mechanism to the wheels or wheel thereof. The owner or operator of such truck may cause the release and removal of such impoundment and by paying to the City an impoundment fee of twenty-five (\$25.00) dollars to defray costs and extra work and time required for such impoundment and removal thereof and any other costs of administration and shall in addition thereto pay such parking fee or fees due the Bureau of Violations of the City for such parking violation. The impoundment fee provided for herein shall be paid over to the Treasurer of the City and credited to the General Fund of the City. When such truck has been so impounded so as to prevent its movement, written notice shall be placed on said truck visible to the operator thereof,

giving notice that said vehicle has been impounded and rendered immobile by the attachment of the immobilizing mechanism authorized herein and that said impoundment will be released and discharged upon payment of impoundment fee of twenty-five (\$25.00) dollars in addition to any parking fee due the Bureau of Violations of the City for such parking violation. In addition thereto, where possible and practicable, similar notice shall be given the owner or lessor of the truck so impounded. Within thirty (30) days after payment of such impoundment fee, the operator, owner or lessor may request a hearing before the City Council to contest said fee and request refund thereof; setting forth the reasons and grounds upon which such contest is based. (Ref. 39-697 RS Neb.; 10-5-2, 10-5-7, 10-5-13, 10-5-15 Code 1964)(Amended by Ord. Nos. 1073, 2/15/77; 10-84, 5/1/84)

§5-412 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. (Ref. 39-672 RS Neb.; 10-5-4 Code 1964)(Amended by Ord. No. 30-81, 9/15/81)

§5-413 PARKING; SCHOOLS, THEATERS. The Governing Body 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. (Ref. 39-697 RS Neb.)

§5-414 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 (20) feet of the intersection of curb lines, nor where said curb lines are painted red to indicate such prohibition. (Ref. 39-672 RS Neb.; 10-5-3 Code 1964) (Amended by Ord. No. 1147, 11/7/78)

§5-415 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. 39-697 RS Neb.; 10-5-8, 10-9-11 Code 1964)

§5-416 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. 39-672 RS Neb.)

§5-417 PARKING; CURBS, PAINTED. It shall be the duty of the Street Commissioner 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. 39-697 RS Neb.; 10-5-17 Code 1964)

§5-418 PARKING; DISPLAY OR REPAIR. It shall be unlawful for any person to park upon any street, alley, or public place within this Municipality any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this Municipality, excepting in case of breakdown or 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, (Ref. 39697 RS Neb.; 10-5-10, 10-5-11 Code 1964)

§5-419 PARKING; SIDEWALK SPACE. It shall be unlawful for any person to park or place, or to cause to be parked or placed any motor vehicle upon the space between the curb and the sidewalk of any street, as dedicated, in the City unless the owner or occupant of the real estate abutting such space shall obtain a permit to use that area for parking purposes. (Ref. 10-5-19 Code 1964) (Amended by Ord. No. 2788, 12/6/88)

§5-420 PARKING PERMIT. The Council may issue a permit upon application by the owner or occupant of real property abutting the space between the sidewalk and the curb for use of such space by the public for parking purposes, and such permit may be issued within the discretion of the Council, taking into consideration the character of the neighborhood, traffic conditions, and other matters pertaining to the public health, welfare and safety. Vehicles may be parked and displayed for sale in such spaces. (Ref. 10-5-20 Code 1964)

§5-421 PARKING; CURRENT LICENSE REQUIRED. Every vehicle parked or left standing upon any street, alley, public road or public property shall have license plates attached thereto which are issued to the vehicle to which said license plates are attached and registered in the name of the owner of the vehicles in accordance with the laws of the State of Nebraska, or the state wherein the license is issued. If any vehicle is found upon any street or alley in violation of any of the provisions of the ordinances and resolutions of the City regulating the stopping, standing or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

§5-422 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. 39-697 RS Neb.; 10-5-1 Code 1964)

§5-423 PARKING; MAXIMUM TIME LIMIT. The parking of a motor vehicle or of a vehicle as defined by this Chapter of the City Code, on a public street, alley, or on any

off-street parking areas located on city right of way for over (24) consecutive hours is unlawful, except where a different maximum time limit is posted. (Ref. 39-671, 39-697 RS Neb.; 10-5-2 Code 1964) (Amended by Ord. Nos. 1152, 12/5/78; 31-84, 9/18/84)

§5-424 PARKING; SNOW REMOVAL AND MAINTENANCE. (Repealed by Ordinance No. 15-83, 6/7/83)

§5-425 PARKING; EMERGENCY VEHICLES. The provisions of this Article regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. (Ref. 39-608 RS Neb.)

§5-426 PARKING; BUREAU OF VIOLATIONS. There is hereby created the Bureau of Violations within the powers and duties of the office of the Police Department. A copy of each citation issued for non-moving traffic violations shall be deposited with the Municipal Police Dispatcher, whose duty it shall be to collect all parking fees and to maintain appropriate and accurate records of all such fees paid to him. Parking fees shall be payable at the Police Department. Such fees shall be in the amount of ten (\$10.00) dollars for each violation if paid within five (5) working days from the date of issuance. After five (5) days the fee shall be twenty (\$20.00) dollars. Should any such fee not be paid within thirty (30) days from date of issuance, the Police Department shall ask the Municipal Attorney to file a complaint in the appropriate court. All money collected by the Police Department under this section shall be transferred to the Municipal Treasurer who shall in turn transfer said money to the school district in which the Municipality lies; provided, five dollars (\$5.00) of each parking fee collected shall be retained by the Treasurer and credited to the Police Department to partially defray the costs of administration.(Ref. 18-1729 RS Neb.; 10-12-1 through 10-12-3 Code 1964) (Amended by Ord. No. 29-81, 7/21/81, Amended by Ord 28-06, 11-21-2006)

§5-427 PARKING; 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 five (5) days;
- B. The amount of the fine if not paid within five (5) days;
- C. The location where payment may be made; and
- D. The fact that a complaint will be filed after thirty (30) days if the fine is not paid in that time. (Ref. 18-1729 RS Neb.)

§5-428 SUMMONS; DESTRUCTION. It shall be unlawful for any person to tear up, or destroy, a parking tag placed upon any vehicle by the Municipal Police, or to disregard the summons contained on such tag, and fail to appear in court as directed by said tag. (Ref. 10-9-4 Code 1964)

[Editor's Note: Sections 5-429 through 5-429.08 were enacted in their entirety by the

passage of Ordinance No. 9-92, 3/17/92]

§5-429 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES; DISPLAY OF PERMITS. (1) The Governing Body may designate parking spaces 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 60-311.14 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, and (d) such other motor vehicles, as certified by the Municipality, which display such permit. All such permits shall be displayed by attaching the permit to the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. When there is no rearview mirror, the permit shall be displayed on the dashboard.

(2) If the Governing Body so designates a parking space, it shall be indicated by posting above-ground and immediately adjacent to and visible from each space a sign which is in conformance with the Manual on Uniform Traffic Control Devices. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. (Ref. 18-1736, 18-1737 RS Neb.) (Amended by Ord. Nos. 54-94, 9/6/94; 4-96, 1/16/96, 2-98, 1-6-98)

§5-429.01 PARKING; HANDICAPPED OR DISABLED PERSONS, DESIGNATION OF OFFSTREET PARKING STALLS OR SPACES. The Governing Body and any person in lawful possession of any offstreet parking facility may designate stalls or spaces in such facility for the exclusive use of (a) handicapped or disabled persons whose vehicles display the distinguishing license plates issued to such individuals pursuant to section 60-311.14 RS Neb., (b) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality, whose vehicles display the permit specified in section 18-1739 RS Neb., and (c) such other motor vehicles, as certified by the Municipality, which display such permit. Such designation shall be made by posting aboveground immediately adjacent to and visible from each stall or space a sign which is in conformance with the Manual on Uniform Traffic Control Devices. (Ref. 18-1737 RS Neb.) (Amended by Ord. No. 55-94, 9/6/94, Amended by Ord. No. 3-98, 1-6-98)

§5-429.02 PARKING; HANDICAPPED OR DISABLED PERSONS; HANDICAPPED PARKING INFRACTION; DEFINED. For purposes of this Article:

(1) 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 personal 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 permanently lost all or substantially all the use of one or more limbs;

(2) 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

(3) 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.) (Amended by Ord. Nos. 52-94, 9/6/94, 5-96, 1/16/96, 4-98, 1-6-98)

§5-429.03 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT

ISSUANCE. (1) The Municipal Clerk shall 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 provided for by this Article when the holder of the permit will enter or exit the motor vehicle while it is parked in such areas. 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 signed by a physician, physician assistant, or nurse practitioner certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or nurse practitioner 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 5-429.04, 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 RS Neb.) (Amended by Ord. No. 6-96, 1/16/96, Ord. No. 5-98, 1-6-98)

§5-429.04 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 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 5-429.03, 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 RS Neb.) (Amended by Ord. No. 7-96, 1/16/96 Amended by Ord. No. 6-98, 1-6-98)

§5-429.05 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 if such permit has been suspended pursuant to section 5-429.07. 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 14-96, 3/5/96, Amended by Ord. No. 7-98, 1-6-98)

§5-429.06 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD

VALID; RENEWAL; FEE.

(1) From and after this date, all permanently issued permits for handicapped or disabled parking 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. All permits issued thereafter shall expire on the last day of the month of the applicant's birthday and every three years thereafter. (Ref. 18-1740 RS Neb.) (Amended by Ord. No. 53-94, 9/6/94; Amended Ord 13-96, 3/5/96, Amended by Ord. No. 8-98, 1-6-98, Amended by Ord. 19-07, 8-7-2007)

§5-429.07 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS NONTRANSFERABLE; VIOLATION; SUSPENSIONS. 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 purpose for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to this Article. No person shall knowingly hold more than one permit or knowingly provide false information on an application for a permit. Any violation of this section shall be cause for suspension of such permit for a period of six (6) months. In addition, the trial court shall impose a fine of not more than two hundred fifty dollars (\$250.00) which may be waived by the court if, at the time of sentencing, all handicapped parking permits issued to or in the possession of the offender are returned to the court. At the expiration of such six-month period, a suspended permit may be renewed upon payment of the permit fee. (Ref 18-1741 RS Neb, Amended by Ord. No 9-98, 1-6-98)

§5-429.08 PARKING; HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY. The owner or person in lawful possession of an off-street parking facility, after notifying the police or sheriff's department, and the Municipality providing on-street parking or owning, operating, or providing an off-street parking facility, may cause the removal, from a stall or space designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons, of motor vehicles for the transportation of such 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 a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(2) Anyone who parks a vehicle in any on-street parking space 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 in any off-street 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 5-429.02 and shall be subject to the procedures set forth in Section 5-429.09 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 off-street 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, Amended by Ord. No. 11-98, 1-6-98)

§5-429.09 PARKING; HANDICAPPED OR DISABLED PERSONS; CITATION, ISSUANCE; COMPLAINT; TRIAL; DISMISSAL.

(1) For any offense classified as a handicapped parking infraction, a handicapped parking citation may be issued by any peace officer or by any person designated by ordinance by ordinance by the Governing Body to exercise the authority to issue a citation for any handicapped parking infraction.

(2) When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the handicapped parking citation shall enter thereon all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicle, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three (3) days after the issuance of the handicapped parking citation. One (1) copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

(3) At least twenty-four (24) hours before the time set for the appearance of the cited person, either the Municipal Attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such person shall be released from the obligation to appear as specified.

(4) The trial of any person for a handicapped parking infraction shall be by the court without a jury. A person cited for a handicapped parking violation may waive his or her right to trial.

(5) For any handicapped parking citation issued for a handicapped parking infraction by reason of the failure of a vehicle to display a handicapped parking permit issued pursuant to Section 18-1738 or 18-1738.01 RS Neb., the complaint shall be dismissed if, within seven (7) business days after the date of issuance of the citation, the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit issued under section 18-1738 or 18-1738.01 RS Neb. and that the peace officer has personally viewed the permit. (Ref. 18-1741.01, 18-1741.04, 18-1741.06 RS Neb.) (Amended by Ord. No. 10-98, 1-6-98)

§5-430 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. 33-81, 10/6/81)

§5-431 PARKING; REMOVAL OF ILLEGALLY PARKED VEHICLES. Whenever any Police Officer shall find a vehicle standing upon a street or alley or upon the space between the curb and sidewalk of any street in the City, as dedicated, 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 such space between the curb and the sidewalk, from such street or alley or location.

The owner or other person lawfully entitled to the possession of such vehicle may be charged with the reasonable cost of 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. 60-6,165, 60-680 RS Neb.) (Ord. No. 30-84, 9/18/84) (Amended by Ord. Nos. 25-88, 11/1/88; 26-88, 12/6/88)

§5-432 PARKING; TRAILERS. It shall be unlawful for any person to park any trailer on any public street within the City for any period of time longer than is reasonable necessary to load or unload the contents of said trailer. This section shall not apply to major recreational equipment which is defined and regulated by Section 11.340 of the City of Seward Zoning and Subdivision Regulations. (Ord 13-05, 2-15-2005, Amended by Ord 36-05, 6-21-2005)

§5-433 PARKING; DRIVEWAYS. It shall be unlawful for the owner or occupant of any residential property within the city, or their guests or invitees, to park any motor vehicle on said residential property in a location other than a paved, graveled, or rocked driveway located on said residential property. It shall not be a violation of this section if the motor vehicle is parked in a location other than a paved, graveled, or rocked driveway but is in the process of being washed or said vehicle is in the process of being loaded or unloaded.

§5-434 PARKING; PERMITS. The City Clerk shall issue a permit, upon application by any person residing in an apartment in the downtown business district, authorizing the person obtaining the permit to park the motor vehicle designated in the permit within the downtown business district between the hours of 1:00 A.M. and 6:00 A.M. The applicant for said permit shall pay a fee of \$50.00 (Fifty Dollars) for the issuance of said permit, which shall be valid for a period of one year from the date of issuance. All such permits shall be displayed by attaching the permit to the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. When there is no rearview mirror, the permit shall be displayed on the dashboard. No more than one permit shall be issued for each motor vehicle. Said permit shall not authorize the holder to park said motor vehicle on the public street during times when the City is conducting street cleaning and/or snow removal operations, or at such other times as it is determined necessary to clear the streets by the Mayor, City Administrator or appropriate authority.

(Ord. 17-05, 3-15-2005)

Article 5. Operator and Vehicle Qualifications

§5-501 REGISTRATION; OPERATOR AND VEHICLE LICENSES. (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.) (Amended by Ord. Nos. 41-94, 8/2/94; 1-96, 1/16/96)

§5-502 REGISTRATION; TRAILERS. No trailer, semitrailer, 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.) (Amended by Ord. Nos. 40-94, 8/2/94; 2-96, 1/16/96)

§5-503 LICENSE PLATES. The license plates, required on every motor vehicle by laws of the State of Nebraska, or by laws of any other state while such vehicle is operated within the corporate limits, shall be kept clear and free from grease, dust, or other blurring matter so they will be plainly visible at all times, and shall be attached in such manner as to be clearly readable at a distance of one hundred feet (100') and under no circumstances shall they be obstructed by any portion of the vehicle. (Ref. 60-324, 60-325 RS Neb.; 10-9-5 Code 1964)

§5-504 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 a 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.) (Amended by Ord. Nos. 39-94, 8/2/94; 3-96, 1/16/96)

§5-505 VEHICLES; UNOBSTRUCTED VIEW. No person shall drive on a street any motor vehicle constructed or loaded in such a way as to prevent the driver from obtaining a view of the street to the rear unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the street for a distance of at least two hundred feet (200') to the rear of such vehicle. It shall be unlawful for any person to drive upon a street, any vehicle with a sign, poster, or other nontransparent material upon the front windshield, side windows, or rear windows of such motor vehicle other than a certificate, or paper required to be so displayed by law. Every windshield on a motor vehicle shall be equipped with a device for removing rain, snow, or other moisture from the windshield, which device shall be so constructed as to be operated by the driver within the vehicle. (Ref. 60-6,254, 60-6,255, 60-6,256 RS Neb.; 10-6-3 Code 1964)

Article 6. Bicycles and Mopeds

§5-601 BICYCLE; LICENSE. Anyone wishing to operate a bicycle within the corporate limits shall make an application to the Municipal Police before the first (1st) day of August of every even numbered year. Each application shall set forth the name of the applicant, his address, a description of the bicycle and such other information as the Police Department may require. A license tag shall then be issued by the Municipal Police. Said tag shall then be attached to the frame of the bicycle in a substantial manner. The removal of such tag, except by the proper authorities, shall be unlawful. (Ref. 60-6,317, 60-680 (h) RS Neb.; 9-12-1 through 9-12-4, 9-12-6 Code 1964)

§5-602 BICYCLES; INSPECTION. The Police Department shall inspect each bicycle presented to it for licensing, and shall refuse to issue a license tag for any bicycle found to be in an unsafe mechanical condition. (Ref. 9-12-9 Code 1964)

§5-603 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 (1/2) hour after sunset and one-half (1/2) hour before sunrise without a headlight, visible under normal atmospheric conditions, from the front thereof for not less than five hundred 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.

No person shall ride a bicycle on the sidewalks within the Business District. (Ref. 60-6,315, 60-6,317, 60-6,318 RS Neb.; 9-12-8, 9-12-10 through 9-12-13, 9-12-15, 10-9-9 Code 1964)

§5-604 CLINGING TO MOTOR VEHICLE. 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. 35-94, 7/25/94)

§5-605 MOPEDS; DEFINED. For the purposes of this Article, moped shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50cc) cubic centimeters, which produces no more than two (2) brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty (30 m.p.h.) miles per hour on level ground. Mopeds, their owners, and their operators, shall be subject to Chapter 60, Article 4, R.R.S. of Nebraska, 1943, and amendments thereto, but shall be exempt from the requirements of Chapter 60, Articles 1, 3, 5, and 17, R.R.S. of Nebraska, 1943 and amendments thereto. (Ref. 60-6,309 RS Neb.) (Ord. No. 1195, 9/18/79)

§5-606 MOPEDS; OPERATOR'S LICENSE REQUIRED. No person shall operate a moped upon the streets, alleys, or highways within the Municipality unless such person has (1) a valid Class 0 operator's license or (2) a valid school or learner's permit. (Ref. 60-6,310 RS Neb.) (Ord. No. 1195, 9/18/79) (Amended by Ord. No. 48-94, 8/16/94)

§5-607 MOPEDS; TRAFFIC REGULATIONS APPLICABLE. Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under Chapter 5 of this Code and sections 39-601 to 39-6,122 R.R.S. of Nebraska 1943, and amendments thereto, except for those provisions of such sections which by their nature can have no application. Such regulations applicable to mopeds shall apply whenever a moped shall be operated upon any street, alley, or public highway within the Municipality or upon any path set aside by the Department of Roads or local authority for the use of mopeds. Notwithstanding any established maximum speed limits in excess of twenty-five (25 m.p.h.) miles per hour, no person shall operate any moped at a speed in excess of thirty (30 m.p.h.) miles per hour. (Ref. 60-6,311 RS Neb.) (Ord. No. 1195, 9/18/79)

§5-608 MOPEDS; OPERATION. (1) Any person who operates a moped shall ride only upon a permanent and regular seat attached to the moped. A person operating a moped shall not carry any other person nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one (1) person.

(2) A person shall ride upon a moped only while sitting astride the seat, facing forward.

(3) No person shall operate a moped while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that interferes with the operation or control of the moped or the view of the operator.

(5) Any moped which carries a passenger shall be equipped with footrests for such passenger. (Ref. 60-6,312 RS Neb.) (Ord. No. 1195, 9/18/79) (Amended by Ord. No. 46-94, 8/16/94)

§5-609 MOPEDS; USE OF TRAFFIC LANES. (1) A moped shall be entitled to full use of a traffic lane or any of any highway with an authorized speed limit of forty-five (45) miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two abreast in a single lane.

(2) No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.

(3) Mopeds shall not be operated more than two (2) abreast in a single lane.

(4) Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five (45) miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.

(5) No person who rides upon a moped shall attach himself, herself, or the moped to any other vehicle on a roadway.

(6) Mopeds shall not be operated on the sidewalks. (Ref. 60-6,313 RS Neb.) (Ord. No. 1195, 9/18/79) (Amended by Ord. No. 47-94, 8/16/94)

§5-610 MOPEDS; EQUIPMENT. Any moped which carries a passenger shall be equipped with footrests for such passenger. No person shall operate any moped with handlebars more than fifteen inches (15") above the mounting point of the handlebars. (Ord. No. 1195, 9/18/79)

§5-611 SKATEBOARDING; RESTRICTIONS. No person shall ride upon, or in any other manner use, a skateboard on any sidewalk, parking lot, or driveway within one hundred feet of any church or school, or within one hundred feet of any retail, professional, service, or manufacturing business, or in the parking lot or within one hundred feet of any government-owned building in the City of Seward. No person shall ride upon or in any other manner use a skateboard in any City Park, except in any areas of said City Park specifically designed and/or approved for the use of skateboards. The use of skateboards within the City of Seward is hereby restricted to the following zoning districts within the City:

RR Rural Residential
R-1 Urban Residential Single-Family District
R-2 Urban Residential Moderate Density District
R-3 Urban Residential Mixed Density District
R-4 Urban Residential Multi-family District
RM Mobile Home Residential District

Any person found violating the terms of this section shall, upon conviction,

have his or her skateboard confiscated for a period of one week and be fined \$25.00 for a first offense, \$50.00 for a second offense, and \$100.00 for any third or subsequent offense.(Ord. 15-05,3-15-2005)

§5-701

Traffic Regulations

§5-704

Article 7. Pedestrians

§5-701 PEDESTRIANS; RIGHTS AND DUTIES; RIGHT-OF-WAY.

- A. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- B. Any pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- C. The driver of any vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any crosswalk, except at intersections where the movement of traffic is being regulated by police officers.
- D. Whenever any vehicle has been stopped at a crosswalk or at an intersection to permit a pedestrian to cross the roadway, it shall be unlawful for the driver of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.
- E. It shall be unlawful for pedestrians to walk in the roadway of any street or highway, except at crosswalks. Pedestrians shall use the side walk, if one is provided, when walking between intersections. Where no sidewalk is provided, pedestrians shall at all times walk on the left side of the roadway facing oncoming traffic and shall yield the right-of-way to oncoming vehicular traffic.
- F. Pedestrians shall not stand, sit or otherwise place themselves in the roadway except when making emergency repairs on a vehicle to render it

- operable or when under the direction of a police officer.
- G. Notwithstanding the provisions heretofore made in this Chapter and this section, every driver shall exercise due care to avoid colliding with any pedestrian upon a roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or handicapped person upon the roadway. (Ref. 10-13-3 Code 1964)

§5-702 PEDESTRIANS; RIGHTS AND DUTIES AT CONTROLLED INTERSECTIONS.

- A. Colored Signals: At intersections where traffic is controlled by traffic control signals, pedestrians shall not cross a street against a red signal and shall not cross at any place except in a crosswalk. A pedestrian crossing or starting to cross any such crosswalk on a green signal shall have the right-of-way over all vehicles, including those making turns, until such pedestrian has reached the opposite curb or a safety zone. It shall be unlawful for the operator of any vehicle to fail to yield the right-of-way to any such pedestrian.
- B. Pedestrian "Walk" and "Don't Walk" Signals: Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals shall indicate as follows:

Walk: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

Don't Walk: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing. (Ref. 10-13-4 Code 1964)

§5-703 PEDESTRIANS USE RIGHT HALF OF CROSSWALKS. Pedestrians shall move whenever practicable upon the right half of a crosswalk. (Ref. 10-13-5 Code 1964)

§5-704 PARADE OR MARCH. It shall be unlawful to conduct a parade or march in or on any public street, alley or other public way or place in the City, unless a permit therefor is first obtained from the Chief of Police. Application for such permit shall be filed with the Clerk on forms provided for that purpose. Such application shall set forth the suggested route, the date such parade or march is to be conducted, the time of such parade or march, including preparation therefor, for which the street, alley public way or other place may be used, shall begin, the approximate duration of such parade or march, the name of the person or persons or organization or organizations sponsoring or conducting such parade or march, any unusual equipment to be used, and such other information as may be required. The application shall be brought before the Chief of

Police who may grant or deny such application, may alter or change the suggested route, may establish conditions and restrictions as to time and any other matters relating thereto, and may, in his discretion, require a bond of not more than five thousand dollars (\$5,000.00), with good and sufficient personal sureties, as a condition to the granting of such permit, conditioned to indemnify the City for any loss, damage or liability incurred or caused by the conduct of such parade or march. If the application is approved by the Chief of Police, the Clerk shall issue a permit which shall include the conditions or restrictions or alterations, if any, made by the Chief of Police. In lieu of a personal surety bond, a corporate surety bond may be furnished. If bond is required by the Chief of Police, such permits shall not be issued until said bond and the sureties thereon are approved by the Clerk. Such permit shall be valid only for the time and date set forth therein. In the event that the Chief of Police denies said application, such denial may be appealed to the City Council for further action. (Ref. 10-13-7 Code 1964, Amended by Ord. 33-03 10-07-2003)

§5-705 PARADE OR SPECIAL EVENT USING STATE HIGHWAY SYSTEM. In addition to satisfying the requirements of Section 5-704, any Applicant for Parade or March Permit which will involve the temporary use of any portion of the State highway system, and any special event which will involve the temporary use of any portion of the State highway system, shall comply with the Section 39-1359 of the Nebraska statutes.

Section 39-1359 provides that any parade, march, or special event approved by the City which will involve the temporary use of any portion of the State highway system shall require formal action by the governing body of the City acknowledging that the City accepts any statutory or common law duty of the State to protect the public from damage, injury, or death and that the State shall not have such statutory or common law duty during the time the City is in control of the portion of the State highway system being used for the parade, march, or special event. The City shall, by official governing body action, acknowledge that it accepts the foregoing duties and, if a claim is made against the state, the City shall indemnify, defend, and hold harmless the state from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event. The City shall further provide thirty days' advanced notice of the parade, march, or special event to the Nebraska Department of Roads (NDOR) prior to proceeding with the use of the state highway system. The notice shall specify the date and time the City will assume control of the State highway property and relinquish control of such State highway property to the state, as well as the beginning and ending locations for the highway closure, including sufficient area for the placement of advance warning and/or detour signing.

In the event of failure to provide a specific acknowledgment as defined above from the City's official governing body, as well as thirty days' advance written notice now required by law, the State highway system cannot be used for the event. (Ord. 23-11, 9-20-2011)

Article 8. Snowmobiles and Minibikes

§5-801 SNOWMOBILES; DEFINITION. A snowmobile is hereby defined as a self-propelled motor vehicle designed to travel on snow or ice or natural terrain steered by wheels, skis or runners and propelled by a belt-driven track with or without steel cleats. (Ord. No. 7-80, 4/1/80)

§5-802 SNOWMOBILES; UNLAWFUL OPERATION. It shall be unlawful for any person to operate a snowmobile upon any street or highway within the corporate limits, or upon any public land owned by the municipality, except in an emergency. An emergency is defined as an unforeseen combination of circumstances and the resulting state that calls for immediate action. (Ref. 60-2002, 60-2013 RS Neb.) (Ord. No. 7-80, 4/1/80, Amended by Ord 3-10, 2-2-2010)

§5-803 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. At a rate of speed greater than reasonable or proper under the surrounding circumstances.
2. In a careless, reckless or negligent manner so as to endanger person or property.
3. Without a lighted headlight and tail light when such would be required by conditions.
4. In any tree nursery or planting in a manner which damages or destroys growing stock.
5. 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.) (Ord. No. 7-80, 4/1/80)

§5-804 SNOWMOBILES; FIREARMS PROHIBITED. It shall be unlawful for any person to carry or possess any firearm, bow and arrow, or projectile device while operating or riding a snowmobile, unless such bow and arrow is enclosed in a carrying case, or such firearm or projectile device is unloaded and enclosed in a carrying case. Provided, this provision shall not apply to law enforcement officers in the performance of their duties. (Ord. No. 7-80, 4/1/80)

§5-805 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.) (Ord. No. 7-80, 4/1/80)

§5-806 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 inches (14") 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.) (Ord. No. 34-81, 10/6/81)

§5-901

Traffic Regulations

§5-909

Article 9. All-Terrain Vehicles

[Editor's Note: Article 9 was adopted in its entirety by Ordinance No. 23-87, passed October 6, 1987]

§5-901 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINED. As used in this Article, unless the context otherwise requires:

1. "All-terrain vehicle" means any motorized off-highway vehicle which (a) is fifty (50) inches or less in width, (b) has a dry weight of nine hundred (900) pounds or less, (c) travels on three or more low-pressure tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (e) has a seat or saddle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control.

2. "Utility-type vehicle" means any motorized off-highway vehicle which (a) is not less than forty-eight (48) inches nor more than seventy-four (74) inches in width, (b) is not more than one hundred thirty-five (135) inches, including the bumper, in length, (c) has a dry weight of not less than nine hundred pounds (900) nor more than two thousand (2,000) pounds, (d) travels on four or more low-pressure tires, and (e) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side. "Utility-type vehicle" does not include golf carts or low-speed vehicles.

3. All-terrain vehicles and utility-type vehicles which have been modified to include additional equipment not required by Neb. Rev. Stat. §60-6,357 and 60-6,358 shall not be required to be registered under the Motor Vehicle Registration Act.

(Ref. 60-6,355 RS Neb., Amended by Ord 7-12, 03-20-2012)

§5-902 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION.

(1) An all-terrain vehicle or a utility-type vehicle may be operated when such operation occurs only between the hours of sunrise and sunset. Any person operating an all-terrain vehicle or a utility-type vehicle shall have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126, shall have liability insurance coverage for the all-terrain vehicle or utility-type vehicle while operating the vehicle on a highway, and shall not operate such vehicle at a speed in excess of thirty (30) miles per hour. The person operating the all-terrain vehicle or utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request. When operating an all-terrain vehicle or a utility-type vehicle, 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 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.

(2) All-terrain vehicles and utility-type vehicles may be operated without complying with subsection (1) of this section on highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(Ref. 60-6,356 RS Neb., Amended by Ord. Nos. 2-90, 1/2/90; 51-94, 9/6/94, Amended by Ord 41-07, 12-04-2007, Amended by Ord 8-12, 03-20-2012)

§5-903 ALL-TERRAIN VEHICLES; HEADLIGHTS. SECTION 1. Repeal. That Section 5-903 be and hereby repealed in its entirety.

Section 2. Pamphlet form; publication, when operative. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication as required by law and city ordinance. (Ref. 60-2803 RS Neb., Amended by Ord 9-12, 03-20-2012)

§5-904 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; EQUIPMENT, REQUIREMENT. Every all-terrain vehicle and utility-type vehicle shall be equipped with: (1) a brake system maintained in good operating condition; (2) an adequate muffler system in good working condition; and (3) a United States Forest Service-qualified spark arrester. (Ref. 60-2804 RS Neb.) (Ref. 60-6,358 RS Neb. Amended by Ord 10-12, 03-20-2012)

§5-905 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PROHIBITIONS. No person shall: (1) equip the exhaust system of an all-terrain vehicle or a utility-type vehicle with a cutout, bypass, or similar device; (2) operate an all-terrain vehicle or a utility-type vehicle with an exhaust system so modified; or (3) operate an all-terrain vehicle or a utility-type vehicle with the spark arrester removed or modified except for use in closed-course competition events. (Ref. 60-2805RS Neb.)(Ref. 60-6,359 RS Neb. Amended by Ord 11-12, 03-20-2012)

§5-906 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; COMPETITION. All-terrain and utility-type vehicles participating in competitive events may be exempted from sections 5-903 to 5-905 herein at the discretion of the Director of Motor Vehicles. (Ref.60-2806 RS Neb.) (Ref. 60-6,360 RS Neb., Amended by Ord 12-12, 03-20-2012)

§5-907 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; ACCIDENT REPORT. If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain or utility-type vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-505. (Ref. 60-2807 RS Neb.)(Ref. 60-6,361 RS Neb., Amended by Ord 13-17, 03-20-2012)

§5-908 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PENALTY. Any violations of sections 5-902 to 5-907 shall be guilty of a Class III misdemeanor, except that if such person is convicted of a second or subsequent offense within any period of one year, he or she shall be guilty of a Class II misdemeanor.(Ref. 60-2808 RS Neb.) (Ref. 60-6,362 RS Neb., Amended by Ord 14-12, 03-20-2012)

§5-909 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; ENFORCEMENT. Any peace officer of the State or of any political subdivision, including conservation officers of the Game and Parks Commission shall be charged with the enforcement of the provisions of sections 5-902 to 5-907 of this Article. (Amended by Ord 15.12, 03-20-2012)

§ 5-1000

TRAFFIC REGULATIONS
§5-1001

Article 10. Parks and Bike Trails

§ 5-1000 GOLF CARTS; OPERATION. It shall be unlawful for any person to operate a golf cart upon any street or highway within the corporate limits, or upon any public land owned by the municipality, except as follows and under the following terms:

(a) the operator shall have a valid Class O operator's license issued by the State of Nebraska;

(b) the operator shall drive the golf cart only for the purpose of traveling to and from a golf course located within the corporate limits of the city and must use the most direct route to and from the location where the golf cart is garaged or otherwise stored by its owner;

(c) a golf cart may only be operated when such operation occurs between the hours of sunrise and sunset, unless equipped with both operable headlights and tail-lights designed or authorized by the original manufacturer;

(d) a golf cart may not be driven on Highway 34 or Highway 15, except to cross said highways; Highway 15 may only be crossed at the intersection of North Avenue and Highway 15; and

(e) the operator must obtain a special use permit to operate a golf cart on the city streets. (Ord 2-10, 2-2-2010)

§5-1001 HORSES AND MOTORIZED VEHICLES IN CITY PARKS; REGULATION. It shall be unlawful for any person to drive, ride, or lead any horse in or through any park except upon roadways or streets designated for motor vehicle traffic. It shall also be unlawful for any person to drive any motor vehicle upon any bicycle or hiking path within the City.

The following shall be permitted in the parks, and on the bicycle or hiking paths within the City:

1. Motorized wheelchairs;

2. Golf carts for use by the elderly or handicapped, with special permission obtained from the Public Works Department of the City;
3. The use of motor vehicles or horses in city parks, or on the bicycle or hiking paths within the City , when such uses are necessary for participation in events sanctioned or permitted by the City.(Ord 17-06, 8-15-2006)