

Chapter 5

TRAFFIC

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 39 of the Reissued Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statute, the word or phrase shall have its common meaning. (*Ref. 39-741 RS Neb.*)

Article 2. Municipal Traffic Regulations

§5-201 TRUCK ROUTES. The Governing Body may, by resolution, designate certain streets in the Municipality that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through, or about the Municipality. The Governing Body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. (*Ref. 60-681 RS Neb.*)

§5-202 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. 60-680 RS Neb.*)

§5-203 ARTERIAL STREETS; DESIGNATION. The Governing Body may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated. (*Ref. 60-680 RS Neb.*)

§5-204 TURNING; "U" TURNS. No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation, or where a sign is posted indicating that U-turns are prohibited. (*Ref. 60-680 RS Neb.*)

§5-205 TURNING; GENERALLY. Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right hand side of the highway and must turn the corner as near the right hand curb as possible to keep between the curb to the right and the center of the intersection of the two (2) streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway, and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, the center of the intersection shall mean the meeting point of the medial lines of the highways intersecting one another. (*Ref. 60-6,159 RS Neb.*)

§5-206 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. 60-6,163 RS Neb.*)

§5-207 RIGHT-OF-WAY; GENERALLY. When two (2) vehicles approach, or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a Municipal Policeman stationed at the intersection. The

driver of a vehicle intending to turn to the left within an intersection, or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver of a vehicle on any street shall yield the right-of-way to a pedestrian crossing 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. 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. 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 60-6,150 RS Neb.)*

§5-208 RIGHT-OF-WAY; EMERGENCY VEHICLES. Upon the approach of any authorized emergency vehicle, every vehicle within one (1) block of the route of such emergency vehicle shall immediately stop, except at the time they are on or crossing a street intersection, in which event, such vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right hand curb as possible and remain there until such authorized emergency vehicle or vehicles have passed; provided, said vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals. *(Ref. 60-6,151 RS Neb.)*

§5-209 POSITION OF VEHICLE ON HIGHWAY; GENERALLY. Upon all highways of sufficient width, one-way streets excepted, the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least one-half (½) of the main traveled portion of the roadway. *(Ref. 60-6,133, 60-680 RS Neb.)*

§5-210 CROSSWALKS. The Governing Body may, by resolution, establish and maintain, by appropriate devices, markers, or lines upon the street, crosswalks, at intersections where there is particular danger to pedestrians crossing the street, and at such other places as they may deem necessary. *(Ref. 60-680 RS Neb.)*

§5-211 SIGNS, SIGNALS. The Governing Body may, by resolution, provide for the placing of stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the Municipality's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulation, or prohibition. *(Ref. 60-6,119 through 60-6,121, 60-680 RS Neb.)*

§5-212 STOP SIGNS. Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line, or, if there is no stop line, before entering the crosswalk; but if neither is indicated, then as near the right-of-way line of the intersecting roadway as possible. (*Ref. 60-6,119 through 60-6,121, 60-680 RS Neb.*)

§5-213 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. 320, 3/13/90*)

§5-214 SCHOOL CROSSING ZONES; DESIGNATION.

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

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

(3) The Governing Body may, by resolution, designate to the public any area of a roadway, other than a freeway, as a school crossing zone through the use of a sign or traffic control device as specified by the Governing Body in conformity with the Manual on Uniform Traffic Control Devices. Any school crossing zone so designated starts at the location of the first sign or traffic control device identifying the school crossing zone and continues until a sign or traffic control device indicates that the school crossing zone has ended. (*Ref. 60-658.01 RS Neb.*) (*Ord. No. 457, 8/4/98*)

Article 3. Prohibitions and Enforcement

§5-301 LITTERING. It shall be unlawful for any person to drop, or cause to be left, upon any municipal highway, street, or alley, except at places designated by the Governing Body, any rubbish, debris, or waste, and whosoever shall be guilty of such littering will be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). (*Ref. 39-311 RS Neb.*)

§5-302 SIGNS; DEFACING OR INTERFERING WITH. It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal. (*Ref. 60-6,129 RS Neb.*)

§5-303 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) m.p.h. within the residential district, and twenty (20) m.p.h. within the business district, and twenty (20) m.p.h. in the school district unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. (*Ref. 60-6,185, 60-6,186, 60-6,190 RS Neb.*) (*Amended by Ord. No. 282, 8/6/85*)

§5-304 DRUNKEN DRIVING; PENALTY. It shall be unlawful for any person to operate, or be in actual physical control of, any motor vehicle while under the influence of alcoholic liquor, or of any drug. Any person who shall operate or be in actual physical control of any motor vehicle while under the influence of alcoholic liquor, or of any drug, shall be deemed guilty of a crime, and upon conviction thereof, such person shall be punished as provided by State law. For purposes of this section the determination of whether an individual is under the influence of either alcohol or drugs shall be as prescribed in the Statutes of Nebraska.

Upon the 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 test administered and the analysis thereof if such test was actually made. (*Ref. 60-6,212.07 through 60-6,212.13 RS Neb.*) (*Amended by Ord. No. 203, 11/6/79*)

§5-305 RECKLESS DRIVING. Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving, and as such shall be punished as provided by statute. (*Ref. 60-6,213, 60-6,215, 60-4,182 RS Neb.*)

§5-306 CARELESS DRIVING. Any person who drives any motor vehicle in this Municipality carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. (*Ref. 60-6,212 RS Neb.*) (*Amended by Ord. No. 213, 4/1/80*)

§5-307 DRIVING ABREAST. Two (2) or more vehicles shall not be driven abreast except when

passing; provided, motorcycles may be driven no more than two (2) abreast in a single lane. (Ref. 60-6,139, 60-6,308 RS Neb.)

§5-308 DRIVING IN SIDEWALK SPACE. No vehicle shall be driven within any sidewalk space, except a permanent or temporary driveway. (Ref. 60-6,178 RS Neb.)

§5-309 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. 60-6,169, 60-680 RS Neb.)

§5-310 UNNECESSARY STOPPING. It shall be unlawful for any person to stop any vehicle on any public street or alley, other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right-of-way to pedestrians or to other vehicles. (Ref. 60-6,166, 60-680 RS Neb.)

§5-311 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. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; provided, the provisions of this section shall not apply to authorized emergency vehicles. (Ref. 60-6,286, 60-2209 RS Neb.)

§5-312 EMERGENCY; REGULATIONS. The Chief of Police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Amended by Ord. Nos. 169, 9/2/75; 202, 11/6/79)

§5-313 POLICE; REFUSAL TO OBEY. It shall be unlawful for any person to refuse, or fail to comply with, any lawful order, signal, or direction of a police officer. (Ref. 60-680 RS Neb.)

§5-314 TRAFFIC CITATIONS; FORM. The Municipal Clerk shall provide, in appropriate form, traffic citations containing notices to appear which shall be issued in books with citations in duplicate.

The Municipal Clerk shall be responsible for the issuance of such books, and shall maintain a record of every such book, and each citation number therein issued to the Municipal Police. The Clerk shall require and retain a receipt for every book so issued. (Ref. 60-680 RS Neb.)

§5-315 TRAFFIC CITATIONS; DISPOSITION AND RECORDS. (A) When a citation is used by a peace officer or when a citation is used by an official or inspector pursuant to section 18-1757 RS Neb., he or she shall enter thereon all required information, including the name and address of the cited person, 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 citation. One (1) copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person, giving his or her promise to appear at the time and place stated therein. Such person thereupon shall be released from custody. As soon as practicable, the copy signed by the person shall be delivered to the prosecuting attorney.

(B) At least twenty-four (24) hours before the time set for the appearance of the cited person, either the prosecuting 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 an offense or such person shall be released from the obligation to appear as specified. A person cited pursuant to sections 29-422 and 29-429 RS Neb. may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers.

(C) Anyone may use a credit card authorized by the court in which the person is cited as a means of payment of his or her fine and costs. (*Ref. 29-424 RS Neb.*)

§5-316 TRAFFIC CITATION; ILLEGAL CANCELLATION. Any person who cancels, or solicits the cancellation of any traffic citation in any manner other than as provided herein, shall be guilty of a misdemeanor. (*Ref. 60-680 RS Neb.*)

§5-317 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. 60-680 RS Neb.*)

§5-318 CHILD PASSENGERS; USE OF RESTRAINT SYSTEM OR OCCUPANT PROTECTION SYSTEM. (A) For purposes of this section, occupant protection system has the meaning provided in section 60-6,265 RS Neb.

(B) (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 up to six (6) years of age being transported by such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on January 1, 2006, and which is correctly installed in such vehicle; and

(b) All children six (6) years of age and less than eighteen (18) years of age being transported by such vehicle use an occupant protection system.

(2) Division (B)(1) 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, as such standard existed on January 1, 2006, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(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 division (B) 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 physician identifying the child and stating the grounds for such waiver.

(D) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (B) when operating such authorized emergency vehicles pursuant to their employment.

(E) A driver of a motor vehicle shall not be subject to the requirements of division (B) if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.

(F) All persons being transported by a motor vehicle operated by the holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system. (*Ref. 60-6,267 RS Neb.*)

(G) (1) A person violating any provision of division (B) is guilty of an offense. The failure to provide a child restraint system for more than one (1) child in the same vehicle at the same time, as required in division (B), shall not be treated as a separate offense.

(2) Enforcement of division (B)(1)(b) shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation of some other offense unless the violation involves a person under the age of eighteen (18) years riding in or on any portion of the vehicle not designed or intended for the use of passengers when the vehicle is in motion. (*Ref. 60-6,268 RS Neb.*)

(*Ord. No. 333, 1/8/91*) (*Amended by Ord. Nos. 507, 3/20/01; 611, 4/1/03; 654, 11/2/04*)

§5-319 HIGHWAY SPEED LIMITS. No person shall operate a motor vehicle on any portion of Nebraska Highway 50 adjacent to the corporate limits of Springfield, Nebraska in excess of the following maximum limits:

(1) On Nebraska Highway 50 from 600 feet south of Main Street to 1,300 feet north of Main Street - 50 miles per hour. (*Ord. No. 338, 4/2/91*)

§5-320 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 or payment of a fine to the court by the person to whom such vehicle, including two (2) separate means of applying the brakes, and shall be further equipped with a good and sufficient horn in good working order, or other efficient signal devices. From sunset to sunrise, and any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the street, alley, or highway at a distance of five hundred feet (500'), every motor vehicle shall be equipped with lighted headlights, and every motor vehicle and trailer shall be equipped with one or more taillights, at the rear of the motor vehicle or trailer, exhibiting a red light visible from a distance of at least five hundred feet (500') to the rear of such vehicle. No person shall operate any vehicle which is equipped with an electric light or lights that confuse travelers or pedestrians on streets or crosswalks within the Municipality. Every motor vehicle having a width of eighty inches (80") or more shall display clearance lights as required by State law. All vehicle brakes shall be maintained in good working order; provided, motorcycles need only be equipped with one (1) brake. All horns on motor vehicles shall be capable of emitting sound audible under normal conditions from a distance of not

less than two hundred feet (200'); provided, no vehicle except as herein provided, shall be equipped with, nor shall any person use upon a vehicle, any siren, or horn otherwise than as reasonable warning; nor shall any person use any horn or warning device upon a vehicle to make any unnecessary, loud, or harsh sound; and provided further that, every Police and Fire Department vehicle, ambulance, or other authorized emergency vehicle used for emergency calls shall be equipped with a bell, siren, or whistle of the type approved by the Governing Body. (*Ref. 60-6,219, 60-6,220, 60-6,224, 60-6,235, 60-6,244, 60-6,285 RS Neb.*) (*Ord. No. 396, 2/20/96*)

§5-321 REGISTRATION; OPERATOR AND VEHICLE LICENSE. (1) No person shall operate or park a motor vehicle upon any street, alley, or public highway within the Municipality without having first registered the same in accordance with Chapter 60, Article 3, RS Neb., and section 60-321 RS Neb., except as provided in this subsection. A person may operate a motor vehicle without registration for a period not to exceed thirty (30) days from the date of purchase. Upon registration, such vehicle shall have the required number plates displayed upon said vehicle in the manner and places provided for by section 60-323 RS Neb. If a citation is issued to an owner or operator of a vehicle for a violation of this subsection and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten (10) days after the issuance of the citation, no prosecution for the offense cited shall occur.

(2) No person shall operate a motor vehicle upon any street, alley, or public highway without having obtained a motor vehicle operator's license in accordance with Chapter 60, Article 4, RS Neb. It shall be unlawful for any person to operate a motor vehicle upon any street, alley, or public highway during the period that his or her operator's license has been revoked or canceled. (*Ref. 60-302, 60-320, 60-320.01, 60-321, 60-323, 60-4,186 RS Neb.*) (*Ord. No. 394, 2/20/96*)

§5-322 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.*) (*Ord. No. 395, 2/20/96*)

§5-323 SCHOOL CROSSING ZONES; OVERTAKING AND PASSING. A person operating a motor vehicle may not overtake and pass another vehicle in any school crossing zone designated by the Governing Body in which the roadway has only one lane of traffic in each direction. (*Ref. 60-6,134.01 RS Neb.*) (*Ord. No. 458, 8/4/98*)

§5-324 ENGINE BRAKING; PROHIBITED. It shall be unlawful within the corporate limits of the City for any operator of a motor vehicle with a total gross vehicle weight rating of seven thousand (7,000) pounds or more, including its towed unit or units, to attempt to retard the forward movement of said vehicle by initiating any engine braking device or system to contain the engine's compression, thus rapidly slowing the engine's revolutions per minute. (*Ref. 18-1720 RS Neb.*) (*Ord. No. 569, 9/3/02*)

Article 4. Bicycles, Minibikes, and Mopeds

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

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

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

No bicycle shall be permitted on any street or other public highway from one-half (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 (500') feet indicating the approach or presence of the bicycle, firmly attached to such bicycle, and properly lighted, or without a yellow, or red light reflector attached to, and visible five hundred (500') feet from the rear thereof. The said headlight shall give a clear, white light.

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

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

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.*)

§5-402 MINIBIKES; UNLAWFUL OPERATION. It shall be unlawful for any person to operate a minibike upon any street or highway within the corporate limits of the Municipality. For purposes of this Article, "minibike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen (14") inches or an engine rated capacity of less than forty-five (45) cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (*Ref. 60-2101.01, 60-2107 RS Neb.*) (*Amended by Ord. No. 235, 4/5/83*)

§5-403 MINIBIKES; TRAFFIC LAWS INAPPLICABLE. Minibikes, their owners, and their operators shall be exempt from the requirements of the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act and the Motor Vehicle Safety Responsibility Act. (*Ref. 60-6,347 RS Neb.*) (*Amended by Ord. No. 655, 11/2/04*)

§5-404 MOPEDES; 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 cubic centimeters (50cc), which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more

than thirty miles per hour (30 m.p.h.) on level ground. Mopeds, their owners, and their operators, shall be subject to the Motor Vehicle Operator's License Act, but shall be exempt from the requirements of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Motor Vehicle Safety Responsibility Act. (*Ref. 60-6,309 RS Neb.*) (*Ord. No. 214, 4/1/80*)

§5-404.01 MOPEDS; OPERATOR'S LICENSE REQUIRED. No person shall operate a moped upon the streets, alleys, or public highways of the Municipality unless such person has a valid motor vehicle operator's license or a valid school or learner's permit. (*Ref. 60-6,310 RS Neb.*) (*Ord. No. 214, 4/1/80*)

§5-404.02 MOPEDS; TRAFFIC REGULATIONS APPLIC-ABLE. 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 30-601 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 miles per hour (25 m.p.h.), no person shall operate any moped at a speed in excess of thirty miles per hour (30 m.p.h.). (*Ref. 60-6,311 RS Neb.*) (*Ord. No. 214, 4/1/80*)

§5-404.03 MOPEDS; OPERATION. Any person who operates a moped shall ride only upon a permanent and regular seat attached thereto, and shall not carry any other person nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one (1) person.

Any person shall ride a moped only while sitting astride the seat, facing forward. Further, no person shall operate a moped while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars. No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the moped or the view of the operator. No person who rides upon a moped shall attach him or her self or the moped to any other vehicle on a roadway. (*Ref. 60-6,312 RS Neb.*) (*Ord. No. 214, 4/1/80*)

§5-404.04 MOPEDS; USE OF TRAFFIC LANES. A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of forty-five (45 m.p.h.) 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. This section shall not apply to mopeds or motorcycles operated two (2) abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. Mopeds shall not be operated more than two (2) abreast in a single lane. Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five (45 m.p.h.) miles per hour shall ride as near to the right side of the roadway as practicable, and shall not ride more than single file. (*Ref. 60-6,313 RS Neb.*) (*Ord. No. 214, 4/1/80*)

§5-404.05 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 (15") inches above the mounting point of the handlebars. (*Ord. No. 214, 4/1/80*)

§5-405 SKATEBOARDS; DEFINED; UNLAWFUL OPERA-TION. It shall be unlawful to operate any skateboard upon any street or highway. For the purpose of this section, "skateboard" shall be defined as any device made of wood, plastic or other material with wheels attached on the bottom which is designed to be ridden by standing or sitting on the wooden, plastic or other surface. (*Ord. No. 329, 12/4/90*)

§5-406 UTILITY-TYPE VEHICLES AND MINITRUCKS.

(1) For purposes of this section:

MINITRUCK. A foreign-manufactured import vehicle or domestic-manufactured vehicle which:

1. Is powered by an internal combustion engine with a piston or rotor displacement of one thousand (1,000) cubic centimeters or less;
2. Is sixty-seven (67) inches or less in width;
3. Has a dry weight of four thousand two hundred (4,200) pounds or less;
4. Travels on four (4) or more tires;
5. Has a top speed of approximately fifty-five (55) miles per hour;
6. Is equipped with a bed or compartment for hauling;
7. Has an enclosed passenger cab;
8. Is equipped with headlights, tail lights, turn signals, windshield wipers, a rearview mirror, and an occupant protections system; and
9. Has a four (4)-speed, five (5)-speed, or automatic transmission. (*Ref. 60-121.01, 60-337.01, 60-363.01 RS Neb.*)

STREET OR HIGHWAY. The entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

UTILITY-TYPE VEHICLE. Any motorized off-highway vehicle which:

1. Is not less than forty-eight (48) inches nor more than seventy-four (74) inches in width;
2. Is not more than one hundred thirty-five (135) inches, including the bumper, in length;
3. Has a dry weight of not less than nine hundred (900) pounds nor more than two thousand (2,000) pounds;
4. Travels on four (4) or more low-pressure tires; and
5. Is equipped with a steering wheel and bench or bucket-type seating designed for at least two (2) people to sit side-by-side.

UTILITY-TYPE VEHICLE or MINITRUCK. Does not include golf carts or low-speed vehicles. (*Ref. 60-135.01, 60-358.01*)

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

(3) A utility-type vehicle or minitruck may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of thirty (30) miles per hour or the posted speed limit, whichever is lower. When operating a utility-type vehicle or minitruck as authorized in subsection (2) of this section, the headlight and taillight of the vehicle or minitruck shall be on and the vehicle or minitruck shall be equipped with a bicycle safety flag which extends not less than five (5) feet above ground attached to the rear of such vehicle or minitruck. 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. (*Ref. 60-6,356 RS Neb.*)

(4) Any person operating a utility-type vehicle or minitruck as authorized in subsection (2) of this section shall have:

(a) A valid Class O operator's license or a farm permit as provided in section 60-4,126 RS Neb; and

(b) Liability insurance coverage for the utility-type vehicle or minitruck while operating the utility-type vehicle or minitruck on a street or highway. The person operating the utility-type vehicle or minitruck shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such a request. (*Ref. 60-6,356 RS Neb.*)

(5) Every utility-type vehicle or minitruck shall be equipped with:

(a) A brake system maintained in good operating condition;

(b) An adequate muffler system in good working condition; and

(c) A United States Forest Service qualified spark arrester. (*Ref. 60-6,358 RS Neb.*)

(6) No person shall:

(a) Equip the exhaust system of a utility-type vehicle or minitruck with a cutout, bypass, or similar device;

(b) Operate a utility-type vehicle or minitruck with an exhaust system so modified; or

(c) Operate a utility-type vehicle or minitruck with the spark arrester removed or modified except for use in closed-course competition events. (*Ref. 60-6,359 RS Neb.*)

(7) Utility-type vehicles or minitrucks may be operated without complying with subsections (3), (4), (5) and (6) of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the State. (*Ref. 60-6,356 RS Neb.*)

(8) A utility-type or minitruck vehicle shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes, and the crossing of any controlled-access highway with more than two (2) marked traffic lanes shall not be permitted. Subsections (2) through (6) and (9) of this section authorize and apply to operation of a utility-type vehicle or minitruck only on a street or highway other than a controlled-access highway with more than two (2) marked traffic lanes.

(9) Subject to subsection (8) of this section, the crossing of a street or highway shall be

permitted by a utility-type vehicle or minitruck without complying with subsections (3) and (4) of this section only if:

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

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

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

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

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

(10) 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 utility-type vehicle or minitruck involved in the accident shall give notice of the accident in the same manner as provide in section 60-699 RS Neb. (*Ord. No. 787, 5/3/11*)

Article 5. Parking

§5-501 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 in such manner as to have both right wheels within twelve (12") inches of the curb, except where the Governing Body designates that vehicles shall be parked so as to have the front right wheel at the curb. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. *(Ref. 60-6,167, 60-680 RS Neb.)*

§5-502 PARKING; DESIGNATION. The Governing Body may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. *(Ref. 60-6,167, 60-680 RS Neb.)*

§5-503 PARKING; AREAS. The Governing Body may, by resolution, set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers. *(Ref. 60-680 RS Neb.)*

§5-504 UNLOADING; FREIGHT VEHICLES. Vehicles while loading or unloading freight may back to the curb, but shall occupy as little of the street as possible. *(Ref. 39-697 RS Neb.)*

§5-505 PARKING; BUSINESS DISTRICT UNLOADING. 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 "business district," 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 thirty (30) minutes. 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 business district, 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. *(Ref. 60-680 RS Neb.)*

§5-506 PARKING; OBSTRUCTING TRAFFIC. No person shall, except in case of an accident or emergency, stop any vehicle in any location where such stopping will obstruct any street, intersection, or entrance to an alley or public or private drive. *(Ref. 60-680 RS Neb.)*

§5-507 PARKING; CURBS, PAINTED. It shall be the duty of the Utilities Superintendent to cause the curb space to be painted and keep the same painted as provided in this Article. No person, firm, or corporation shall paint the curb of any street, or in any manner set aside, or attempt to prevent the parking of vehicles in any street, or part thereof, except at such places where the parking

of vehicles is prohibited by the provisions of this Article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the Municipality through its proper officers, at the direction of the Governing Body. (*Ref. 60-680 RS Neb.*)

§5-508 PARKING; REPAIR. 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. 60-680 RS Neb.*)

§5-509 PARKING; CURRENT LICENSE. It shall be unlawful to park, or place on the streets, alleys, or other public property any motor vehicle without first securing a current license as provided by law, and no such licensed motor vehicle shall be allowed to stand for a longer period than twenty-four (24) hours. (*Ref. 60-323 RS Neb.*)

§5-510 PARKING; INOPERATIVE VEHICLES. It shall be unlawful to park on any street, alley, or other public place within the Municipality any vehicle that is not operative and in running condition so that it may be moved under its own power.

§5-511 PARKING; TIME LIMIT. The Governing Body may, by resolution, entirely prohibit, or fix a time limit for, the parking and stopping of vehicles on any street, streets, or district designated by such resolution, and the parking, or stopping, of any vehicle in any such street, streets, or district, for a period of time longer than fixed in such resolution shall constitute a violation of this Article. (*Ref. 60-680 RS Neb.*)

§5-511.01 PARKING PROHIBITED. (1) It shall be unlawful to park any motor vehicle upon the following streets:

(a) On either side of Railroad Street from the intersection of Main Street and Railroad Street to 150 feet south of said intersection.

(b) On either side of Main Street from the intersection of Main Street and Railroad Street west to the intersection of Main Street and State Highway 50.

(c) On either side of Railroad Street from intersection of Main Street and Railroad Street north to the intersection of Railroad Street and Cedar Street.

(2) It shall be unlawful to park any motor vehicle upon the East side of North 6th Street from Elm Street North to the north corporate limits of the City. (*Ord. No. 490, 4/4/00*)

§5-512 PARKING; MAXIMUM TIME LIMIT. The parking of a motor vehicle on a public street for over forty-eight (48) consecutive hours is unlawful, except where a different maximum time limit is posted. (*Ref. 60-680 RS Neb.*)

§5-513 PARKING; SNOW REMOVAL AND MAINTENANCE. The Municipal Police may

order any street or alley, or portion thereof, vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this Chapter, and such vehicle may be removed and parked, under the supervision of the Municipal Police, in a suitable nearby location without further notice to the owner or operator of such vehicle. (*Ref. 17-557 RS Neb.*)

§5-514 PARKING; EMERGENCY VEHICLES. The provisions of this Article regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this Article, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. (*Ref. 39-753 RS Neb.*)

§5-515 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. 236, 4/5/83*)

§5-516 PARKING; VIOLATIONS; OWNER'S RESPONSIBILITY. If any vehicle is found upon any street or alley or other area where parking is regulated in accordance with Chapter 5, Article 5, section 5-511 or by any other section of this Code or in violation of any provision of this Code regulating the stopping, standing or parking of vehicles, the owner or person in whose name the vehicle is registered shall be prima facie responsible for such violation. (*Ref. 60-6,165, 60-680 RS Neb.*) (*Ord. No. 275, 12/4/84*) (*Amended by Ord. No. 344, 5/5/92*)

§5-517 PARKING; RESERVED FOR HANDICAPPED. (*Repealed by Ord. No. 426, 6/17/97*)

§5-518 PARKING; VIOLATION. If any vehicle is found upon any street or alley or other area where parking is regulated in accordance with Chapter 5, Article 5, section 5-511 or by any other section of this Code or in violation of any provision of this Code regulating the stopping, standing or parking of vehicles, the owner or person in whose name the vehicle is registered shall be prima facie

responsible for such violation. (*Ord. No. 344, 5/5/92*)

§5-519 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES AND ACCESS AISLES; DISPLAY OF PERMITS.

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

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

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

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

(4) Such other motor vehicles, as certified by the Municipality, which display the permit specified in section 18-1739 RS Neb.

All such permits shall be displayed by hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

(B) If the Governing Body so designates a parking space or access aisle, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space or access aisle a sign as described in section 18-1737 RS Neb. In addition to such sign, the space or access aisle may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space or access aisle. (*Ref. 18-1736 RS Neb.*) (*Ord. No. 397, 2/20/96*) (*Amended by Ord. Nos. 427, 6/17/97; 482, 4/7/99; 546, 4/2/02*)

§5-519.01 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING STALLS, SPACES AND ACCESS AISLES.

The Municipality and any person in lawful possession of any offstreet parking facility may designate stalls or spaces, including access aisles, in such facility owned or operated by the Municipality or person for the exclusive use of:

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

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

(3) Such other motor vehicles, as certified by the Municipality, which display such permit. Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space, including access aisles, a sign which is in conformance with the Manual on Uniform Traffic Control Devices adopted pursuant to section 60-6,118 and the federal Americans With Disabilities Act of 1990 and the federal rules and regulations adopted and promulgated in response to the act, as the act and the rules and regulations existed on May 31, 2001.

(Ref. 18-1737 RS Neb.) (Ord. No. 428, 6/17/97) (Amended by Ord. No. 547, 4/2/02)

§5-520 PARKING; HANDICAPPED OR DISABLED PERSONS; DEFINITIONS. For purposes of this Article:

(A) ACCESS AISLE means a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the federal Americans with Disabilities Act of 1990 and the federal rules and regulations adopted and promulgated in response to the act, as the act and rules and regulations existed on May 31, 2001. *(Ref. 18-1736 RS Neb.)*

(B) (1) HANDICAPPED OR DISABLED PERSON means any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than 200 feet 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 means any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one year. *(Ref. 18-1738 RS Neb.)*

(C) HANDICAPPED PARKING INFRACTION means the violation of any section of this Article regulating:

(1) The use of parking spaces, including access aisles, designated for use by handicapped or disabled persons,

(2) The unauthorized possession, use, or display of handicapped or disabled parking permits, or

(3) The obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990. *(Ref. 18-1741.01 RS Neb.) (Ord. No. 398, 2/20/96) (Amended by Ord. Nos. 429, 6/17/97; 545, 4/2/02)*

§5-521 PARKING; HANDICAPPED OR DISABLED PERSONS; PERSONAL PERMIT; ISSUANCE; RENEWAL.

(A) 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 or access aisles provided for by this Article when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces or access aisles. For purposes of this section, the handicapped or disabled person or temporarily handicapped or disabled person shall be considered the holder of the permit.

(B) A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity, and shall submit a completed medical form containing the statutory criteria for qualification and signed by a physician, a physician assistant, or an advanced

practice registered nurse practicing under and in accordance with his or her certification act certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. No applicant shall be required to provide his or her social security number. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or advanced practice registered nurse shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less.

(C) A person may hold only one (1) permit under this section and may hold either a permit under this section or a permit under section 5-522 (Motor Vehicle Permit; Issuance), but not both. The Department of Motor Vehicles shall provide applications and medical forms to the City Clerk. The application form shall contain information listing the legal uses of the permit and that the permit is not transferable, is to be used by the party to whom issued or for the motor vehicle for which it is issued, is not to be altered or reproduced, and is to be used only when a handicapped or disabled person or a temporarily handicapped or disabled person will enter or exit the motor vehicle while it is parked in a designated parking space or access aisle. The application form shall provide space for the applicant to sign a statement that he or she is aware of his or her rights, duties and responsibilities with regard to the use and possession of a handicapped or disabled parking permit and the penalties provided by law for handicapped parking infractions. The application form shall also indicate that those convicted of handicapped parking infractions shall be subject to suspension of the permit for six (6) months.

(D) A copy of the completed application form shall be given to each applicant. Before a permit is issued, the Department shall enter all information required in the manner prescribed by section 18-1739 RS Neb. The 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.

(E) An application for the renewal of a permit under this section may be filed within thirty (30) days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit. Following the receipt of the application and its processing, the Department of Motor Vehicles shall deliver each individual renewed permit to the applicant in person or by first-class United States mail, postage prepaid, as circumstances permit, except that renewed permits shall not be issued sooner than ten (10) days prior to the date of expiration. (*Ref. 18-1738 RS Neb.*)

(F) 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. (*Ref. 18-1738.02 RS Neb.*) (*Ord. No. 399, 2/20/96*) (*Amended by Ord. Nos. 430, 6/17/97; 548, 4/2/02*)

§5-522 PARKING; HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT; ISSUANCE; RENEWAL.

(A) 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 or access aisles provided for by this Article if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for

which it was issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces or access aisles.

(B) 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.

(C) No more than one (1) such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under section 5-521 (Personal Permit; Issuance), but not both.

(D) An application for the renewal of a permit under this section may be filed within thirty (30) days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit.

(E) 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.*)

(F) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to section 18-1738.02 RS Neb. (*Ref. 18-1738.02 RS Neb.*) (*Ord. No. 400, 2/20/96*) (*Amended by Ord. Nos. 431, 6/17/97; 549, 4/2/02*)

§5-523 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS; PROHIBITED ISSUANCE; DUPLI-CATE PERMITS. (A) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to section 5-525 (Permits Nontransferable; Violations; Suspension). At the expiration of such suspension, a permit may be renewed in the manner provided for renewal in this Article.

(B) 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 or the Department of Motor Vehicles. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. (*Ref. 18-1739 RS Neb.*) (*Ord. No. 401, 2/20/96*) (*Amended by Ord. Nos. 432, 6/17/97; 550, 4/2/02*)

§5-524 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL OF TEMPORARY PERMITS. (A) Permanently issued permits for handicapped or disabled parking authorized by this Article issued prior to August 1, 2005, shall be valid for a period ending on September 30 of the third year after the date of issuance and shall expire on that date. Permanently issued permits issued on or after August 1, 2005, shall be valid for a

period ending on the last day of the month of the applicant's birthday in the third year after issuance and shall expire on that day.

(B) All permits authorized under this Article for temporarily handicapped or disabled parking shall be issued for a period ending not more than six (6) months after the date of issuance but may be renewed one time for a period not to exceed six (6) months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability. (*Ref. 18-1740 RS Neb.*) (*Ord. No. 402, 2/20/96*) (*Amended by Ord. Nos. 433, 6/17/97; 551, 4/2/02*)

§5-525 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS NONTRANSFERABLE; VIOLATIONS; SUSPENSION.

(A) 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 (1) permit or knowingly provide false information on an application for a permit.

(B) No person who is not the holder of a handicapped or disabled parking permit issued to him or her as a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person.

(C) No person who is the holder of a handicapped or disabled parking permit issued for the use of such person when transporting a handicapped or disabled person shall display his or her handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

(D) No person who is not the holder of a handicapped or disabled parking permit issued for use when a vehicle is transporting a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

(E) Any violation of this section shall constitute a handicapped parking infraction and shall be cause for suspension of such permit for a period of six (6) months and imposition of the penalty provided for violation of this Chapter. 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 in the manner provided for renewal in this Article. (*Ref. 18-1741 RS Neb.*) (*Ord. No. 403, 2/20/96*) (*Amended by Ord. Nos. 434, 6/17/97; 552, 4/2/02*)

§5-526 PARKING; HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY.

(A) The owner or person in lawful possession of an offstreet parking facility, after notifying the municipal police, and the Municipality, if it provides

onstreet parking or owns, operates, or provides an offstreet parking facility, may cause the removal, from a stall or space, including access aisles, designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying the proper permit or the distinguishing license plates specified in this Article if there is posted aboveground and immediately adjacent to and visible from such stall or space, including access aisles, a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(B) A person who parks a vehicle in any onstreet parking space or access aisle which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space or access aisle in any offstreet parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom, as the case may be, the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space or access aisle shall be guilty of a handicapped parking infraction as defined in section 18-17.41.01 RS Neb. and shall be subject to the penalties and procedures set forth in section 5-527 (Citation, Issuance; Complaint; Trial; Dismissal). 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 as defined in section 18-17.41.01 RS Neb. 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 penalties and procedures described in this section.

(C) In the case of a privately owned offstreet parking facility, the Municipality shall not require the owner or person in lawful possession of such facility to inform the Municipality of a violation of this section prior to the Municipality issuing the violator a handicapped parking infraction citation. (*Ref. 18-1737 RS Neb.*) (*Ord. No. 404, 2/20/96*) (*Amended by Ord. Nos. 436, 6/17/97; 553, 4/2/02*)

§5-527 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 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 18-738 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.*) (*Ord. No. 435, 6/17/97*)

Article 6. Towing

[Editor's Note: Article 6 was adopted in its entirety by Ordinance No. 262, passed July 3, 1984]

§5-601 TOWING; DECLARATION OF OBSTRUCTION; NUISANCE. The parking of a vehicle in violation of any applicable provision of this Code, state law or City ordinance, rule or regulation is hereby declared to constitute an obstruction of the streets, a misdemeanor and a public nuisance.

§5-602 TOWING; SUMMARY REMOVAL AUTHORIZED. The City Clerk is hereby empowered to determine if a vehicle parked in violation of an application provision of this Code, state law or City ordinance, rule or regulation is endangering the public health and/or safety. If such vehicle is found to endanger the public health and/or safety, or if such vehicle is found to have overdue tickets or warrants pending, the City Clerk shall order such vehicle removed as provided in this division.

§5-603 TOWING; COMPLAINT, NOTICE ISSUED. If any vehicle found in violation of any applicable provision of this Code, state law or City ordinance, rule or regulation is not found to be endangering the public health and/or safety, or not to have overdue tickets or warrants pending, the City Clerk shall mail by first class United States mail to the last known mailing address of the last known registered owner of said vehicle notice of a nuisance and misdemeanor, and order of abatement. Such complaint and notice shall order the abatement of such nuisance within the time stated therein.

The person in possession of, or the owner of, a vehicle coming under the provisions of this division shall, within the time provided in the complaint and notice, abate such nuisance.

Each separate period of time that a vehicle is found to be in violation of any applicable provision of this Code, State law or City ordinance, rule or regulation shall constitute a separate and distinct nuisance and misdemeanor, and a separate and distinct complaint and notice shall be mailed to the owner of said vehicle for each such period of time.

§5-604 TOWING; TOWING-IN AUTHORIZED. Whenever any vehicle is found coming under the provisions of this division, the same shall be removed by the City Clerk or others acting under his supervision and directions, to a garage or lot designated by the City Council for such purpose.

§5-605 TOWING; PAYMENT OF COSTS. A vehicle towed into a garage or lot under the provisions of this division shall not be released therefrom except upon payment by the owner to the person in charge of such garage or lot the cost of towing, daily storage, and any other administrative costs incurred by the City. A receipt for such fee shall be issued to the owner of such vehicle.

§5-606 TOWING; RECORDS, REPORT. It shall be the duty of the person in charge of the garage or lot to which a vehicle is towed under the provisions of this division to keep a record of the names of the owners of all vehicles received by him together with the registration number of each vehicle,

the nature and circumstances of each violation, and the amount of fees collected under the provisions of this division. Such person shall deliver a report of each day's transactions to the Chief of Police not later than one day following the day for which the report is made.

§5-607 TOWING; PAYMENT OF FEES UNDER PROTEST, PROCEDURE. When an owner of any towed-in vehicle protests to the person in charge of the garage or lot against the payment of the fees, provided for by this division, the person in charge shall, upon payment of the fees, issue a receipt therefor marked "Paid Under Protest." Thereupon it shall be the duty of the owner or operator of the garage or lot to safely keep such fees and report such fact to the City Clerk, who shall forthwith cause a complaint to be filed against the owner of such vehicle charging him with causing or contributing to the creation of, or maintenance of, a public nuisance. If, upon trial thereof, such person shall be found not guilty of this offense, it shall be the duty of the operator or owner of the garage or lot to refund to the said person the fees so paid by him under protest.

Article 7. Traffic Violations Bureau

[Editor's Note: Article 7 was adopted in its entirety by Ordinance No. 389, passed October 7, 1986]

§5-701 TRAFFIC VIOLATIONS BUREAU; ESTABLISHMENT. For the purposes hereinafter provided, there is hereby established a Traffic Violations Bureau which shall function as a part of the office of the Mayor, under the direction of the City Clerk.

§5-702 TRAFFIC VIOLATIONS BUREAU; DUTIES, COLLECTION AND ACCOUNTING. The Traffic Violations Bureau shall collect and account for all moneys paid in accordance with the provisions of this Article, issue receipts therefor, and keep records of all payments, showing the names, time and date of payment. It shall be the duty of the City Clerk to credit to the City such amounts as shall be collected for the payment of administrative costs.

§5-703 TRAFFIC VIOLATIONS BUREAU; WAIVER OF APPEARANCE, GUILTY PLEA; WHEN ACCEPTABLE. Whenever any person is alleged to have violated any of the provisions of sections 5-101 through and including 5-514 he or she may under such conditions as are herein prescribed, appear at the Traffic Violations Bureau, execute a waiver of appearance, enter a plea of guilty, and make payment of an administrative fee and penalty. The schedule of penalties and administrative fees shall be as follows:

First parking offense	Warning Ticket
Second parking offense (within 12 month period)	\$10.00
Third or more parking offense (within 12 month period)	\$20.00

(Amended by Ord. No. 350, 4/20/93)

§5-704 TRAFFIC VIOLATIONS BUREAU; NOTICE OF VIOLATION. Within ten days after the time of the commission of an alleged violation coming under the provisions of this Article, the accused shall be served with a printed notice requiring them to make such appearance on or before the date specified thereof, and it shall apprise them:

- (a) That they must appear at the Traffic Violations Bureau during the hours shown on the notice;
- (b) Of the violation or violations charged as defined by the ordinance;
- (c) Of the form of waiver which they shall be required to execute and present to the traffic violations bureau in order to avail themselves of the benefits provided by this Article.

§5-705 TRAFFIC VIOLATIONS BUREAU; DAYS, HOURS OF TRAFFIC VIOLATION BUREAU. The City Clerk shall fix the days and the hours during which the office of the Traffic

Violations Bureau shall be open to the public for the transaction of business coming under the provisions of this Article.

§5-706 TRAFFIC VIOLATIONS BUREAU; ISSUANCE OF WARRANT AND COMPLAINT.

Whenever any person refuses, neglects or fails to comply with any of the provisions of this Article, a complaint charging a violation under section 5-101 through 5-514 will be filed with the County Court.

§5-707 TRAFFIC VIOLATIONS BUREAU; ADMINISTRATIVE FEE, DEFINITION.

For each violation ticket paid to the Traffic Violations Bureau, an administrative fee as established in section 5-703 shall be deducted from the payment of the fine and shall be deposited in the general fund of the City.

The administrative fee shall be deemed to be the amount of the fine and represents the cost to the City for the operation of the Traffic Violations Bureau including the wages and fringe benefits of operating personnel, operating expenses; the cost of printing tickets and forms; postage; office supplies; office equipment, including maintenance and repair, necessary overhead, including heating and air conditioning, lights, rents, maintenance, telephone expense, and data processing expenses.
(Amended by Ord. No. 350, 4/20/93)

Article 8. Penal Provision

§5-801 VIOLATIONS; PENALTY. (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500.00). A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

(2) (a) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (*Ref. 17-505, 18-1720, 18-1722 RS Neb.*) (*Amended by Ord. No. 495, 7/5/00*)