

TITLE VII: TRAFFIC CODE

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CHAPTER 70: GENERAL PROVISIONS

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§ 70.01 DEFINITIONS.

(A) The words and phrases used in this title, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Neb. RS Ch. 60, art. 6, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning.
(1986 Code, § 5-101) (Ord. 841, passed 4-25-1994)

(B) For the purpose of this title, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CONGESTED DISTRICT. Includes all portions of streets and alleys in the municipality that have been declared by resolution of the Governing Body to be a part of the ***CONGESTED DISTRICT***.
(1986 Code, § 5-102)

MOTOR VEHICLE. Every self-propelled land vehicle, not operated upon rails, except bicycles, mopeds, self-propelled chairs used by persons who are disabled, and electric personal assistive mobility devices.
(Neb. RS 60-638)
(Am. Ord. 1186, passed 2-22-2016)

§ 70.02 EMERGENCY REGULATIONS.

The Police Chief is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

(1986 Code, § 5-331)

§ 70.03 POLICE ENFORCEMENT.

The Police Department is hereby authorized, empowered, and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict, regulate, and, when necessary, temporarily divert or exclude in the interest of public safety, health, and convenience the movement of pedestrian and animal and vehicular traffic of every kind in streets, in parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer.

(1986 Code, § 5-333) Penalty, see § 10.99

§ 70.04 REFUSAL TO OBEY.

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a police officer.

(1986 Code, § 5-334) Penalty, see § 10.99

§ 70.05 TRAFFIC OFFICERS.

The City Council or the Police Department 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 traffic officer, notwithstanding the directive of a stop sign or signal device which may have been placed at any intersection.

(1986 Code, § 5-335) Penalty, see § 10.99

§ 70.06 (RESERVED).

§ 70.07 TRAFFIC CITATIONS; DISPOSITION.

(A) The municipal police, upon issuing a traffic citation to an alleged violator of any provision of this title, shall deposit a copy of the traffic citation with the Municipal Attorney, unless the citation is just a warning.

(B) Upon the deposit of the traffic citation with the Municipal Attorney, the citation may be disposed of only by trial in the court of appropriate jurisdiction, or other official action by the judge of the court, including a forfeiture of bail, or by the deposit of sufficient bail with, or payment of a fine to the court by the person to whom the traffic citation has been issued.

(C) It shall be unlawful for the municipal police to dispose of a traffic citation, or copies thereof, or of the record of the issuance of the same in a manner other than as required herein.

(1986 Code, § 5-336) Penalty, see § 10.99

Statutory reference:

Citation contents; procedure, see Neb. RS 29-424

Citations authorized, see Neb. RS 29-422

§ 70.08 TRAFFIC CITATIONS; ILLEGAL CANCELLATION.

Any person who cancels or solicits the cancellation of any traffic citation in any manner other than as provided in this title shall be guilty of an offense.

(1986 Code, § 5-337) Penalty, see § 10.99

§ 70.09 RAILROAD CROSSING WATCHPERSON; COMPLIANCE WITH SIGNAL OR ORDER.

Each watchperson, if and when stationed at a railway crossing within the corporate limits of the city, shall be vested with authority to regulate and control traffic of vehicles at the railway crossing where he or she is so stationed. It shall be his or her duty to direct the movement of traffic at the railway crossing in such a manner as will facilitate the movement of traffic and prevent congestion and accidents, and to stop all movement of vehicles at the railway crossing upon the tracks, by holding a stop signal in his or her hand extended straight out from the shoulder while facing the street. It shall be unlawful for any person to violate any order or signal of any such watchperson.

(1986 Code, § 5-332) Penalty, see § 10.99

§ 70.10 EMERGENCY VEHICLES.

The provisions of this title regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this title, while the driver of that vehicle is operating the same in an emergency in the necessary performance of public duties.

(Neb. RS 60-6,114) (1986 Code, §§ 5-338, 5-622)

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Statutory reference:

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

GENERAL PROVISIONS

§ 71.001 TRUCK ROUTES.

The City Council may, by resolution, designate certain streets in the municipality that trucks shall travel upon, and it shall be unlawful for persons operating 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 the truck shall return to the truck routes as soon as possible in traveling through or about the municipality. The City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes.

(1986 Code, § 5-201) Penalty, see § 10.99

Statutory reference:

Truck routes authorized, see Neb. RS 60-681

§ 71.002 ONE-WAY TRAFFIC.

The City Council may, by resolution, provide for 1-way travel in any street or alley located in the municipality and shall provide for appropriate signs and markings when the streets have been so designated by resolution.

§ 71.003 TRAFFIC LANES; DESIGNATION.

The City Council may, by resolution, mark lanes for traffic on street pavements at those places as it may deem advisable.
(1986 Code, § 5-202)

§ 71.004 CROSSWALKS.

The City Council 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 other places as it may deem necessary.
(1986 Code, § 5-214)

§ 71.005 SIGNS; SIGNALS.

The City Council 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. The 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 the sign, signal, standard, or mechanical device shall be placed, and the hours when the regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with such a regulation or prohibition.
(1986 Code, § 5-215) Penalty, see § 10.99

Statutory reference:

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

§ 71.006 STOP SIGNS.

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with any resolution adopted pursuant to § 71.005, cause the 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.

(1986 Code, § 5-216) Penalty, see § 10.99

§ 71.007 SCHOOL CROSSING ZONES; DESIGNATION.

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

(B) Neb. RS 60-6,134.01 makes it unlawful for a person operating a motor vehicle to overtake and pass another vehicle in a school crossing zone in which the roadway has only 1 lane of traffic in each direction and provides fines for violation of that prohibition.

(C) The City Council 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 City Council in conformity with the Manual on Uniform Traffic Control Devices. Any school crossing zone so designated starts at the location of the first sign or traffic-control device identifying the school crossing zone and continues until a sign or traffic-control device indicates that the school crossing zone has ended.

(Neb. RS 60-658.01) (1986 Code, § 5-218) (Ord. 984, passed 8-24-1998) Penalty, see § 10.99

Cross-reference:

Overtaking and passing; school crossing zones, see § 71.077

§ 71.008 ARTERIAL STREETS; DESIGNATION.

The City Council may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when the street has been so designated.

(Neb. RS 60-680) (1986 Code, § 5-203)

§ 71.009 DEFACING OR INTERFERING WITH SIGNS AND SIGNALS PROHIBITED.

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.

(Neb. RS 60-6,129 and 60-6,130) (1986 Code, §§ 5-217, 5-303) (Ord. 770, passed 11-13-1989)

Penalty, see § 10.99

§ 71.010 UNAUTHORIZED SIGNS; REMOVAL.

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.

(Neb. RS 60-6,127) (1986 Code, § 5-304) Penalty, see § 10.99

§ 71.010 MOVEMENT OF VEHICLE; CAUTION.

The operator of a vehicle shall, before stopping, turning, or changing the course of the vehicle, see that there is sufficient space to make that movement in safety. If any pedestrian might be affected by the 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 the movement, he or she shall give some unmistakable signal to the driver of all other vehicles of his or her intention to make the movement. (Neb. RS 60-6,109, 60-6,161, and 60-680) (1986 Code, § 5-207) Penalty, see § 10.99

SPEED LIMITS**§ 71.025 GENERAL SPEED LIMIT.**

No person shall operate a motor vehicle on any street, alley, or other place within the corporate limits at a rate of speed greater than 25 miles per hour within the residential district, and 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.

(1986 Code, § 5-305) (Am. Ord. 769, passed 8-14-1989; Am. Ord. 824, passed 4-26-1993; Am. Ord. 826, passed 9-13-1993) Penalty, see § 10.99

Cross-reference:

Speed limits, see Ch. 73, Sch. I

Statutory reference:

Basic speed rule, see Neb. RS 60-6,185

General speed limits, see Neb. RS 60-6,186

State, county, and local authority, see Neb. RS 60-6,190

§ 71.026 NEAR SCHOOLS.

At all times, when passing premises on which school buildings are located, and which are used for school purposes, during school recess, or while children are going to or leaving school during the opening or closing hours, the driver shall stop at all stop signs located at or near the school premises; and it shall be unlawful for the driver to make a U-turn at any intersection where stop signs are located at or near the school premises.

(Am. Ord. 1177, passed 12-8-2014) Penalty, see § 10.99

§ 71.027 SPEED; ELECTRONIC DETECTION.

(A) Determinations made regarding the speed of any motor vehicle based upon the visual observation of any peace officer, while being competent evidence for all other purposes, shall be corroborated by the use of a radio microwave, mechanical, or electronic speed measurement device. The results of such radio microwave, mechanical, or 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, mechanical, or electronic speed measurement device for the purpose of establishing the speed of any motor vehicle, the municipality shall prove the following:

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

(B) The driver of any such motor vehicle measured by use of an radio microwave, mechanical, or electronic speed measurement device to be driving in excess of the applicable speed limit may be apprehended if the apprehending officer:

- (1) Is in uniform or displays his or her badge of authority; and
 - (2) (a) Has observed the recording of the speed of such motor vehicle by the radio microwave, mechanical, or electronic speed measurement device; or
 - (b) Has received a radio message from a peace officer who observed the speed recorded and the radio message (i) has been dispatched immediately after the speed of the motor vehicle was recorded and (ii) gives a description of the vehicle and the recorded speed.
- (Neb. RS 60-6,192) (1986 Code, § 5-306) Penalty, see § 10.99

TURNING**§ 71.040 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. (Neb. RS 60-6,160) (1986 Code, § 5-204) Penalty, see § 10.99

§ 71.041 TURNING; SIGNAL BY HAND OR DEVICE.

(A) A signal of intention to turn right or left shall be given continuously during not less than the last 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.

(B) The hand and arm signals herein required shall be given from the left side of the vehicle in the following manner:

- (1) Stop or decreased speed: hand and arm extended downward;
- (2) Left turn: hand and arm extended horizontally; and
- (3) Right turn: hand and arm extended upward.

(Neb. RS 60-6,161 through 60-6,163) (1986 Code, § 5-205) Penalty, see § 10.99

§ 71.042 TURNING METHOD.

(A) Vehicles turning to the right into an intersecting street shall approach the 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 2 streets. The driver of a vehicle intending to turn to the left shall approach the 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 the vehicle to the left.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CENTER OF THE INTERSECTION. The meeting point of the medial lines of the highways intersecting one another.

(Neb. RS 60-6,159) (1986 Code, § 5-206) Penalty, see § 10.99

RIGHT-OF-WAY**§ 71.055 RIGHT-OF-WAY; INTERSECTIONS.**

(A) When 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 the vehicles intersect and there is danger of a collision, unless otherwise directed by a law enforcement officer stationed at the intersection.

(B) 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.

(C) The driver of a vehicle on any street shall yield the right-of-way to a pedestrian crossing that 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.

(D) 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.

(E) 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 the streets.

(F) 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.

(Neb. RS 60-6,146 through 60-6,154) (1986 Code, § 5-208) (Am. Ord. 842, passed 4-25-1994)
Penalty, see § 10.99

§ 71.056 RIGHT-OF-WAY; EMERGENCY VEHICLES.

Upon the approach of any authorized emergency vehicle, every vehicle within 1 block of the route of the emergency vehicle shall immediately stop, except at the time they are on or crossing a street intersection, in which event the vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of the emergency vehicle shall immediately move to a position as near the right-hand curb as possible and remain there until the authorized emergency vehicle or vehicles have passed; provided, the emergency vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals.

(Neb. RS 60-6,151) (1986 Code, § 5-210) Penalty, see § 10.99

§ 71.057 POSITION OF VEHICLE ON ROADWAY; IN GENERAL.

Upon all highways of sufficient width, 1-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 1/2 of the main traveled portion of the roadway.

(Neb. RS 60-6,131 and 60-6,132) (1986 Code, § 5-211) Penalty, see § 10.99

§ 71.058 OVERTAKING VEHICLES.

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 the left side is clearly visible and free from oncoming traffic for a sufficient distance to permit the overtaking and passing to be made in safety.

(Neb. RS 60-6,136) (1986 Code, § 5-212) Penalty, see § 10.99

§ 71.059 EMERGING FROM GARAGE, ALLEY, AND THE LIKE; STOP BEFORE CROSSING SIDEWALK.

(A) All vehicles, before crossing a sidewalk, emerging from a garage, alley, filling station, or other place within the congested district, shall come to a complete stop, and after giving sufficient warning shall proceed slowly and with extreme caution while crossing the sidewalk, or leaving the garage, alley, filling station, or other place.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SLOWLY. The rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic thereon.

(Neb. RS 60-6,149) (1986 Code, § 5-213) Penalty, see § 10.99

OPERATING RESTRICTIONS**§ 71.070 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.

(Neb. RS 60-4,182, 60-6,213, 60-6,215) (1986 Code, § 5-308) Penalty, see § 10.99

§ 71.071 RECKLESS DRIVING; WILLFUL.

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be deemed to be guilty of willful, reckless driving, and shall be punished as provided by statute.

(Neb. RS 60-6,214 through 60-6,218) (1986 Code, § 5-309) Penalty, see § 10.99

§ 71.072 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.

(Neb. RS 60-6,212) (1986 Code, § 5-310) Penalty, see § 10.99

§ 71.073 NEGLIGENT DRIVING.

Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving.

(Neb. RS 60-4,182) (1986 Code, § 5-311) Penalty, see § 10.99

§ 71.074 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 that movement can be made in safety, and in no case shall the distance of the backing exceed 1.5 lengths of the vehicle.

(Neb. RS 60-6,169) (1986 Code, § 5-312) Penalty, see § 10.99

§ 71.075 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 that passing requires the overtaking vehicle to drive to the left of the center of the street.

(Neb. RS 60-6,136) (1986 Code, § 5-313) Penalty, see § 10.99

§ 71.076 PASSING; HINDRANCE.

The driver of a vehicle about to be overtaken and passed by another vehicle shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(Neb. RS 60-6,133) (1986 Code, § 5-314) Penalty, see § 10.99

§ 71.077 OVERTAKING AND PASSING; SCHOOL CROSSING ZONES.

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 1 lane of traffic in each direction.

(Neb. RS 60-6,134.01) (1986 Code, § 5-341) (Ord. 985, passed 8-24-1998) Penalty, see § 10.99

§ 71.078 DRIVING ABREAST.

Two or more vehicles shall not be driven abreast except when passing, or when traversing a multi-lane or 1-way street; provided, motorcycles may be driven no more than 2 abreast in a single lane.

(Neb. RS 60-6,139 and 60-6,308) (1986 Code, § 5-315) Penalty, see § 10.99

§ 71.079 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.

(Neb. RS 60-6,140) (1986 Code, § 5-316) Penalty, see § 10.99

§ 71.080 FOLLOWING FIRE APPARATUS RESTRICTED.

The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet, or drive into or park the vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(Neb. RS 60-6,183) (1986 Code, § 5-317) Penalty, see § 10.99

§ 71.081 FUNERAL PROCESSIONS.

No vehicle, except police vehicles, Fire Department vehicles, when responding to emergency calls or orders in their several departments, ambulances responding to emergency calls, or vehicles carrying U.S. mails, shall be driven through a funeral procession or cortege except with the permission of a police officer.

(Neb. RS 60-6,140) (1986 Code, § 5-318) Penalty, see § 10.99

§ 71.082 DRIVING WITH OBSTRUCTED VIEW; ENCUMBRANCE.

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 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 the vehicle. It shall be unlawful for any person to operate a motor vehicle upon any street of this city when that person has in his or her lap, or in his or her embrace, another person, package, or other encumbrance which prevents the free and unhampered operation of the vehicle.

(Neb. RS 60-6,179) (1986 Code, § 5-319) Penalty, see § 10.99

§ 71.083 DRAGGING ROPE, CHAIN, AND THE LIKE.

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.

(Neb. RS 60-680) (1986 Code, § 5-320) Penalty, see § 10.99

§ 71.084 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. Provided, this section shall not apply to persons riding upon fire equipment while the same is operated on official business.

(Neb. RS 60-6,179) (1986 Code, § 5-321) Penalty, see § 10.99

§ 71.085 CLINGING TO MOTOR VEHICLES.

No person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall attach himself or herself 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 herself or the bicycle to the vehicle driven and operated by him or her.

(Neb. RS 60-6,316) (1986 Code, § 5-322) (Am. Ord. 843, passed 4-25-1994) Penalty, see § 10.99

§ 71.086 DRIVING IN SIDEWALK SPACE.

No motor vehicle or livestock shall be driven or ridden within any sidewalk space, except a permanent or temporary driveway.

(Neb. RS 60-6,178) (1986 Code, § 5-323) Penalty, see § 10.99

§ 71.087 DRAG RACING.

No person shall drive any vehicle on any highway, street, or alley in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in such a race, competition, contest, test, or exhibition.
(1986 Code, § 5-325) Penalty, see § 10.99

§ 71.088 DRIVING ON NEWLY LAID PAVEMENT.

No person shall ride or drive any horse or vehicle over or across any pavement newly laid or repaired, across or around which there has been placed a barrier, or at or near which there is an officer, person, or sign warning persons against riding or driving over that pavement.
(1986 Code, § 5-327) Penalty, see § 10.99

§ 71.089 ENGINE BRAKE USE PROHIBITED.

It shall be unlawful for any person to use engine brakes, commonly known as “jake brakes,” on trucks within the city limits of the city.
(Ord. 1004, passed 9-27-1999) Penalty, see § 10.99

ACCIDENTS**§ 71.100 DUTY OF DRIVER.**

(A) (1) Except as provided in division (A)(2) of this section, the driver of any vehicle involved in an accident either upon a public highway, private road, or private drive, resulting in damage to property, shall:

(a) Immediately stop the vehicle at the scene of the accident; and

(b) Give his or her name, address, telephone number, and operator's license number to the owner of the property struck or the driver or occupants of any other vehicle involved in the collision.

(2) The driver of any vehicle involved in an accident either upon a public highway, private road, or private drive, resulting in damage to an unattended vehicle or property, shall immediately stop the vehicle and leave in a conspicuous place in or on the unattended vehicle or property a written notice containing the information required by division (A)(1) of this section. In addition, the driver shall,

without unnecessary delay, report the collision, by telephone or otherwise, to an appropriate peace officer.

(Neb. RS 60-696)

(B) The driver of any vehicle involved in an accident upon either a public highway, private road, or private drive, resulting in injury or death to any person, shall:

(1) Immediately stop the vehicle at the scene of the accident;

(2) Give his or her name and address and the registration number of the vehicle and exhibit his or her operator's license to the person struck or the driver or occupants of any vehicle collided with; and

(3) Render to any person injured in the accident reasonable assistance, including the carrying of the person to a physician or surgeon for medical or surgical treatment if it is apparent that treatment is necessary or is requested by the injured person.

(Neb. RS 60-697)

(1986 Code, § 5-328) (Am. Ord. 1034, passed 5-13-2002) Penalty, see § 10.99

§ 71.101 VIOLATION; LICENSE REVOCATION.

Every person convicted of violating the provisions of this chapter relative to the duty to stop in the event of certain accidents shall be punished by a fine. In addition thereto the court may, in its discretion, revoke the operator's or chauffeur's license of the person so convicted for a period not to exceed 1 year.

(Neb. RS 60-696 and 60-698) (1986 Code, § 5-329) Penalty, see § 10.99

§ 71.102 GARAGE KEEPER; REPORT DAMAGED VEHICLES.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station or sheriff's office within 24 hours after such motor vehicle is received, giving the engine number, the registration number, and the name and address of the owner or operator of such vehicle.

(Neb. RS 60-6,100) (1986 Code, § 5-330) Penalty, see § 10.99

OPERATOR AND VEHICLE REQUIREMENTS

§ 71.115 VEHICLE REGISTRATION AND LICENSE; OPERATOR'S LICENSE.

(A) 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 Neb. RS Ch. 60, art. 3, and

Neb. RS 60-321, except as provided in this division. A person may operate a motor vehicle without registration for a period not to exceed 30 days from the date of purchase. Upon registration, the vehicle shall have the required number plates displayed upon the vehicle in the manner and places provided for by Neb. RS 60-323. If a citation is issued to an owner or operator of a vehicle for a violation of this division 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 registration to the prosecuting attorney within 10 days after the issuance of the citation, no prosecution for the offense cited shall occur.

(B) 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 Neb. RS Ch. 60, art. 4. 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.
(Neb. RS 60-302, 60-320, 60-320.01, 60-321, 60-323, and 60-4,186) (1986 Code, § 5-401) (Am. Ord. 808, passed 1-27-1992; Am. Ord. 844, passed 4-25-1994; Am. Ord. 906, passed 3-25-1996) Penalty, see § 10.99

§ 71.116 TRAILER REGISTRATION AND LICENSE.

No trailer, semi-trailer, or cabin trailer shall be operated or parked on any street, alley, or public highway within the municipality without having first registered the same in accordance with Neb. RS Ch. 60, art. 3, and Neb. RS 60-321, except as provided in this section. A person may pull a trailer, semi-trailer, or cabin trailer without registration for a period not to exceed 30 days from the date of purchase. Upon registration, the trailer, semi-trailer, or cabin trailer shall have the required number plate displayed upon the trailer as provided for by Neb. RS 60-311. 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 registration to the prosecuting attorney within 10 days after the issuance of the citation, no prosecution for the offense cited shall occur.

(Neb. RS 60-302, 60-320, and 60-321) (1986 Code, § 5-402) (Am. Ord. 845, passed 4-25-1994; Am. Ord. 907, passed 3-25-1996) Penalty, see § 10.99

§ 71.117 LICENSE PLATES.

The license plates required on every motor vehicle by laws of this state, or by laws of any other state, while a 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 a manner so as to be clearly readable at a distance of 100 feet, and under no circumstances shall they be obstructed by any portion of the vehicle.

(Neb. RS 60-324 and 60-325) (1986 Code, § 5-403) Penalty, see § 10.99

§ 71.118 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 the vehicle, including 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 500 feet, every motor vehicle shall be equipped with lighted headlights, and every motor vehicle and trailer shall be equipped with 1 or more taillights, at the rear of the motor vehicle or trailer, exhibiting a red light visible from a distance of at least 500 feet to the rear of the 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 80 inches 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 1 brake. All horns on motor vehicles shall be capable of emitting sound audible under normal conditions from a distance of not less than 200 feet; 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. (Neb. RS 60-6,219, 60-6,220, 60-6,224, 60-6,235, 60-6,244, and 60-6,285) (1986 Code, § 5-404) (Am. Ord. 846, passed 4-25-1994; Am. Ord. 908, passed 3-25-1996) Penalty, see § 10.99

§ 71.119 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 the 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 200 feet to the rear of the vehicle. It shall be unlawful for any person to drive upon a street, any vehicle with a sign, poster, or other non-transparent material upon the front windshield, side windows, or rear windows of the 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. (Neb. RS 60-6,254, 60-6,255, and 60-6,256) (1986 Code, § 5-405) Penalty, see § 10.99

§ 71.120 LOADS; PROJECTING.

Whenever the load on any vehicle extends more than 4 feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than 12 inches both in length and width, except that

between sunset and sunrise, there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least 200 feet from the rear of such vehicle.

(Neb. RS 60-6,243) (1986 Code, § 5-406) Penalty, see § 10.99

§ 71.121 LOADS; SPILLING AND SHIFTING.

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

(B) No person shall transport any sand, gravel, rock less than 2 inches in diameter, or refuse in any vehicle on any hard-surfaced highway if that material protrudes above the sides of that part of the vehicle in which it is being transported, unless the material is enclosed or completely covered with canvas or similar covering.

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

(Neb. RS 60-6,304) (1986 Code, § 5-407) (Am. Ord. 1064, passed 4-28-2003) Penalty, see § 10.99

§ 71.122 MUFFLER REQUIRED.

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 so 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.

(Neb. RS 60-6,286 and 60-2209) (1986 Code, § 5-324) Penalty, see § 10.99

§ 71.123 CHILD PASSENGER RESTRAINT SYSTEM.

(A) (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 6 years of age being transported in that 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 that standard existed on July 20, 2002, and which is correctly installed in the vehicle; and

(b) All children 6 years of age and less than 16 years of age being transported in the vehicle use an occupant protection system.

(2) This division (A) 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 that standard existed on July 20, 2002, 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.

(B) 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 (A) 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 the waiver.

(C) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (A) when operating the authorized emergency vehicles pursuant to their employment.
(Neb. RS 60-6,267)

(D) (1) The failure to provide a child restraint system for more than 1 child in the same vehicle at the same time, as required in division (A), shall not be treated as a separate offense.

(2) Enforcement of division (A)(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.
(Neb. RS 60-6,268)
(1986 Code, § 5-339) (Am. Ord. 788, passed 2-11-1991; Am. Ord. 5-339, passed 5-14-2001; Am. Ord. 1065, passed 4-28-2003) Penalty, see § 10.99

§ 71.124 OCCUPANT PROTECTION SYSTEMS; REQUIREMENTS.

(A) For purposes of this section, occupant protection system has the meaning provided in Neb. RS 60-6,265.

(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 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, 2004, and which is correctly installed in such vehicle; and

(b) All children 6 years of age and less than 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, 2004, 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.
(Neb. RS 60-6,267)

(F) (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 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 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.
(Neb. RS 60-6,268)

(1986 Code, § 5-340) (Am. Ord. 788, passed 2-11-1991; Am. Ord. 5-339, passed 5-14-2001; Am. Ord. 1065, passed 4-28-2003) Penalty, see § 10.99

BICYCLES, MOTORCYCLES, MINIBIKES, SNOWMOBILES, AND MOPEDS

§ 71.140 BICYCLES; OPERATION.

(A) Any person who operates a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing shall ride as near to the right-hand curb or right-hand edge of the roadway as practicable except when:

(1) Overtaking and passing another bicycle or vehicle proceeding in the same direction;

(2) Preparing for a left turn onto a private road or driveway or at an intersection;

(3) Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals, or surface hazards;

(4) Riding upon a lane of substandard width which is too narrow for a bicycle and a vehicle to travel safely side by side within the lane, or

(5) Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in Neb. RS 60-6,142.

(B) Any person who operates a bicycle upon a roadway with a posted speed limit of 35 miles per hour or less on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes may ride as near to the left-hand curb or left-hand edge of the roadway as practicable. Whenever a person operating a bicycle leaves the roadway to ride on the paved shoulder or leaves the paved shoulder to enter the roadway, the person shall clearly signal his or her intention and yield the right-of-way to all other vehicles.

(C) Any person who operates a bicycle upon a street or highway shall not ride more than single file except on paths or parts of streets or highways set aside for the exclusive use of bicycles.
(Neb. RS 60-6,317)

(D) When in use at nighttime, a bicycle shall be equipped with a light visible from a distance of at least 500 feet to the front on a clear night and with a red reflector on the rear of a type which is visible on a clear night from all distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to such red reflector.
(Neb. RS 60-6,318)

(E) No person shall operate a bicycle on a street or highway within the municipality with another person on the handlebars or in any position in front of the operator.

(F) No bicycle shall be operated 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 highways.

(G) Persons operating bicycles shall observe all traffic signs and stop at all stop signs.

(H) No person shall park a bicycle on any sidewalk unless a bicycle stand is located on the sidewalk.

(I) No person shall operate a bicycle on the sidewalks within the business district.
(1986 Code, § 5-501) (Am. Ord. 854, passed 5-23-1994) Penalty, see § 10.99

§ 71.141 MOTORCYCLES; LIGHTS.

No person shall operate a motorcycle upon the streets, alleys, or highways within the municipality from sunset to sunrise unless the same is equipped with at least 1 and not more than 2 headlights and a taillight exhibiting a red light visible from a distance of at least 500 feet to the rear of the motorcycle. The headlights shall comply with the requirements and limitations set forth in the Nebraska Rules of the Road.

(Neb. RS 60-6,219) (1986 Code, § 5-502) (Am. Ord. 847, passed 4-25-1994) Penalty, see § 10.99

§ 71.142 MOTORCYCLES; RIDING TANDEM.

No person operating a motorcycle shall carry another person in front of the operator.

(Neb. RS 60-6,307) (1986 Code, § 5-503) Penalty, see § 10.99

§ 71.143 MOTORCYCLES AND MOPEDS; HELMET REQUIRED.

A person shall not operate or be a passenger on a motorcycle or moped on any highway unless that person is wearing a protective helmet of the type and design manufactured for use by operators of those vehicles and unless the helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the U.S. Department of Transportation's Federal Motor Vehicle Safety Standard 218, 49 C.F.R. pt. 571.218, for motorcycle helmets.

(Neb. RS 60-6,278 through 60-6,282) (1986 Code, § 5-514) (Ord. 848, passed 4-25-1994) Penalty, see § 10.99

§ 71.144 MINIBIKES; UNLAWFUL OPERATION.

(A) It shall be unlawful for any person to operate a minibike upon any street or highway within the corporate limits of the municipality.

(B) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MINIBIKE. A 2-wheel motor vehicle which has a total wheel and tire diameter of less than 14 inches or an engine rated capacity of less than 45 cubic centimeters displacement, or any other 2-wheel motor vehicle primarily designed by the manufacturer for off-road use only.

(Neb. RS 60-636, 60-678, and 60-6,353) (1986 Code, § 5-504) Penalty, see § 10.99

§ 71.145 MINIBIKES; EMERGENCIES AND PARADES.

Minibikes shall be exempt from the provisions of this subchapter during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational, or community service organization.
(Neb. RS 60-6,348) (1986 Code, § 5-505)

§ 71.146 MINIBIKES; PUBLIC LANDS.

Minibikes shall be prohibited upon the public lands owned by the municipality except where allowed by resolution of the Governing Body.
(Neb. RS 60-678) (1986 Code, § 5-506) Penalty, see § 10.99

§ 71.147 SNOWMOBILES; EQUIPMENT.

(A) Every snowmobile operated within the municipality shall be registered with the state, as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least 1 headlamp, 1 taillamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the Director of Motor Vehicles.

(B) All laws applying to the operation of other motor vehicles shall apply to snowmobiles, except those relating to required equipment and those which, by their nature, have no application.
(Neb. RS 60-6,321 and 60-6,355) (1986 Code, § 5-507) Penalty, see § 10.99

§ 71.148 MOPEDS; DEFINITIONS.

(A) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MOPED. A bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cc (cubic centimeters), which produces no more than 2 brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than 30 miles per hour on level ground.

(B) Mopeds, their owners, and their operators, shall be subject to Neb. RS Ch. 60, art. 4, and amendments thereto, but shall be exempt from the requirements of Neb. RS Ch. 60, art. 1, 3, and 5, and amendments thereto.
(Neb. RS 60-6,309) (1986 Code, § 5-508)

§ 71.149 MOPEDS; OPERATOR'S LICENSE REQUIRED.

No person shall operate a moped upon the streets, alleys, or highways within the municipality unless that person has:

(A) A valid Class O operator's license; or

(B) A valid school or learner's permit.

(Neb. RS 60-6,310) (1986 Code, § 5-509) (Am. Ord. 849, passed 4-25-1994) Penalty, see § 10.99

§ 71.150 MOPEDS; TRAFFIC REGULATIONS APPLY.

Any person who rides a moped upon a roadway shall have all the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application. Those regulations applicable to mopeds shall apply whenever a moped is operated upon any street, alley, or highway within the municipality or upon any path set aside by the Department of Roads or the municipality for the use of mopeds. Notwithstanding any established maximum speed limits in excess of 25 miles per hour, no person shall operate any moped at a speed in excess of 30 miles per hour.

(Neb. RS 60-6,311 and 60-6,313) (1986 Code, § 5-510) (Am. Ord. 850, passed 4-25-1994) Penalty, see § 10.99

§ 71.151 MOPEDS; OPERATION.

(A) 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 that moped is designed by the manufacturer to carry more than 1 person.

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

(C) 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.

(D) 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.

(E) Any moped which carries a passenger shall be equipped with footrests for the passenger.

(Neb. RS 60-6,312) (1986 Code, § 5-511) (Am. Ord. 851, passed 4-25-1994) Penalty, see § 10.99

§ 71.152 MOPEDS; USE OF TRAFFIC LANES.

(A) A moped shall be entitled to full use of a traffic lane or any of any highway with an authorized speed limit of 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 the lane, except that mopeds and motorcycles may be operated 2 abreast in a single lane.

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

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

(D) Any person who operates a moped on a roadway with an authorized speed limit of more than 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.

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

(F) Mopeds shall not be operated on the sidewalks.
(Neb. RS 60-6,313) (1986 Code, § 5-512) (Am. Ord. 852, passed 4-25-1994) Penalty, see § 10.99

§ 71.153 MOPEDS; EQUIPMENT.

Any moped which carries a passenger shall be equipped with footrests for the passenger. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars.

(1986 Code, § 5-513) Penalty, see § 10.99

§ 71.154 ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES; OPERATION.

(A) For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-TERRAIN VEHICLE. Any motorized off-highway vehicle which:

- (a) Is 50 inches or less in width,
- (b) Has a dry weight of 900 pounds or less,

(c) Travels on 3 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 1 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.

(Neb. RS 60-6,355)

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.

(Neb. RS 60-624)

UTILITY-TYPE VEHICLE.

(a) Any motorized off-highway vehicle which:

1. Is not less than 48 inches nor more than 74 inches in width,

2. Is not more than 135 inches, including the bumper, in length,

3. Has a dry weight of not less than 900 pounds nor more than 2,000 pounds,

4. Travels on 4 or more low-pressure tires, and

5. Is equipped with a steering wheel and bench or bucket-type seating designed for at least 2 people to sit side-by-side.

(b) ***UTILITY-TYPE VEHICLE*** does not include golf carts or low-speed vehicles.

(Neb. RS 60,355)

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

(C) An all-terrain vehicle or an utility-type vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of 30 miles per hour. When operating an all-terrain vehicle or an utility-type vehicle as authorized in division (B) of this section, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than 5 feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(D) Any person operating an all-terrain vehicle or an utility-type vehicle as authorized in division (B) of this section shall have:

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

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

(E) An all-terrain vehicle or an utility-type vehicle shall not be operated on any controlled-access highway with more than 2 marked traffic lanes, and the crossing of any controlled-access highway with more than 2 marked traffic lanes shall not be permitted. Divisions (B) through (D) and (G) of this section authorize and apply to operation of an all-terrain vehicle or an utility-type vehicle only on a street or highway other than a controlled-access highway with more than 2 marked traffic lanes.

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

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

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

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

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

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

(G) All-terrain vehicles and utility-type vehicles may not be operated on the following streets and highways within the city limits of the city:

(1) Central Street from 2nd to 5th Streets;

(2) 5th and 4th Streets from National to Commercial.

(H) A person who violates this section shall be punished as provided generally in the municipal code.

(Neb. RS 60-6,356) (1986 Code, § 5-515) (Ord. 853, passed 4-25-1994; Am. Ord. 1107, passed 11-26-2007; Am. Ord. 1127, passed 1-10-2011) Penalty, see § 10.99

§ 71.155 NUISANCE; NOISE OR DUST.

For purposes of this section:

(A) It shall be illegal and in violation of this section to operate a dirt bike, minibike, trail bike, go cart or any similar motorized vehicle on private or public property in such a manner to create excessive dust and/or noise.

(B) The restriction of the use of these vehicles is compatible with keeping a public nuisance from occurring and avoiding activities harmful to the public safety, health and welfare.

(C) An exception to this restriction shall be the use of such vehicles in sanctioned parades or similar events.

(D) Any person who violates this section shall be punished as provided generally in § 10.99 of this code.

(Ord. 1164, passed 6-24-2013)

CHAPTER 72: PARKING REGULATIONS

Section

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GENERAL PROVISIONS**§ 72.01 BRAKES AND TURNED WHEELS REQUIRED.**

No person having control or charge of a motor vehicle shall allow that vehicle to stand unattended without first effectively setting the brakes thereon and, when standing upon any grade, without turning the front wheels of the vehicle to the curb or side of the street.
(1986 Code, § 5-601) Penalty, see § 10.99

§ 72.02 PARALLEL PARKING REQUIRED; EXCEPTIONS.

No person shall park any vehicle or approach the curb with a vehicle, except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb or edge of the roadway in a manner so as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least 4 feet between the vehicle so parked and any other parked vehicles, except where the City Council 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 those stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.
(1986 Code, § 5-602) (Am. Ord. 855, passed 5-23-1994) Penalty, see § 10.99

§ 72.03 DESIGNATION OF TYPE OF PARKING.

The City Council 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.
(1986 Code, § 5-603)

§ 72.04 AREAS OF PROHIBITED PARKING.

The City Council may, by resolution, set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked

adjacent to the curb of the street, alley, public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers.

(1986 Code, § 5-604) Penalty, see § 10.99

§ 72.05 ALLEYS; RESTRICTIONS.

(A) No vehicle, while parked, shall have any portion thereof projecting into any alley entrance.
(1986 Code, § 5-605)

(B) No vehicle shall be parked in any alley, except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of 1/2 hour. Every vehicle while loading or unloading in any alley shall be parked in a manner as will cause the least obstruction possible to traffic in the alley.

(1986 Code, § 5-606)

Penalty, see § 10.99

§ 72.06 UNLOADING; FREIGHT VEHICLES.

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

§ 72.07 TRUCK PARKING AREAS; REGULATIONS.

(A) The City Council may, by resolution, designate an area to be known as the no truck parking area, and shall indicate that area by approach to the area. It shall be unlawful for an operator of any truck, truck-trailer, or semi-trailer of an overall length of 20 feet or more, including load, to stop or park in the no truck parking area; provided, those vehicles may stop, stand, or park within the area for such time as is necessary, in no case to exceed 1/2 hour, to load or unload in alleys where stopping is possible; and provided further, if stopping for the purpose of loading or unloading in alleys within the no truck parking area is impossible, it shall be lawful for those vehicles to stop, stand, or park in the streets within that area for those purposes after having obtained a written permit from the Police Chief to do so.

(B) The Mayor and City Council may, by resolution, provide truck parking areas on streets near or adjacent to the no truck parking area; and when truck parking areas have been established, it shall be the duty of the truck operators to use such an area for parking purposes except when loading or unloading as permitted above in this section.

(C) It shall be unlawful for the operator of any truck, truck-tractor, or semi-trailer, regardless of length, to park that vehicle with the endgate down and extending beyond the body of the vehicle, or to stop, stand, or park the vehicle within a street intersection, on a crosswalk, on a sidewalk, or in front of a private driveway.

(D) It shall be unlawful for any motor carrier, common carrier, or contract carrier, as defined in Neb. RS 75-302, and amendments thereto, to stop or park in any street or alley within the residence district between the hours of 6:00 p.m. on any 1 day and 8:00 a.m. of the succeeding day, or to use or employ any of the parking space in the residence district for any commercial purpose.

(E) It shall be unlawful for any oil tanker, gasoline transport, or tank truck transporting inflammable liquids to park or stop for any period of time within the limits of any street or alley of this city except to load or unload its cargo in a safe and expeditious manner; provided, drivers of these vehicles may stop or park the vehicles on arterial streets or highways while en route through this city for a period of time not to exceed 1 hour for rest and meals; and provided further, in case of breakdown or stalling because of exhaustion of its motor fuel, the stopping of a disabled vehicle for the reasonable time necessary to meet the emergency shall not be a violation of this section. It shall be unlawful to park or stop any such vehicle, whether containing any inflammable liquid or not, for any period of time on any private premises within the corporate limits of this city except to load, unload, or meet an emergency situation unless those private premises are outside the fire limits and are used exclusively for the conduct of the wholesale or retail petroleum business with ample parking facilities for vehicles of this type.

(1986 Code, § 5-620) Penalty, see § 10.99

§ 72.08 FIRE HYDRANTS AND STATIONS.

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. The curb space within the area of 15 feet in either direction of the fire hydrant shall be painted red to indicate this prohibition.

(Neb. RS 60-6,166) (1986 Code, § 5-607) Penalty, see § 10.99

§ 72.09 SCHOOLS, THEATERS.

The City Council 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 the curbs adjacent to the entrance of the school house, school building, or theater shall be painted red to indicate the prohibition.

(1986 Code, § 5-608) Penalty, see § 10.99

Cross-reference:

Parking near schools, see Ch. 74, Sch. II

§ 72.10 STREET INTERSECTIONS.

Except in compliance with traffic-control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection of curb

lines or, if none, then within 15 feet of the intersection of property lines, nor where the curb lines are painted red to indicate this prohibition.

(1986 Code, § 5-609) (Am. Ord. 969, passed 9-28-1998) Penalty, see § 10.99

Statutory reference:

Similar provisions, see Neb. RS 60-6,166

§ 72.11 OBSTRUCTING TRAFFIC.

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

(1986 Code, § 5-610) Penalty, see § 10.99

§ 72.12 CURB PARKING; PAINTING OF CURBS.

(A) No vehicle shall park on any street with its left side to the curb, unless the street has been designated to be a 1-way street by the City Council. 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.

(1986 Code, § 5-611)

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

(1986 Code, § 5-612)

Penalty, see § 10.99

§ 72.13 DISPLAY OR REPAIR.

It shall be unlawful for any person to park upon any street, alley, or public place within this municipality any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this municipality, except in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of the garage or shop for the purpose of working on automobiles or vehicles of any description.

(1986 Code, § 5-613) Penalty, see § 10.99

§ 72.14 DEALER AND GARAGE PARKING.

It shall be unlawful for the owner or operator of any garage or any auto dealer within this city to park any motor vehicle owned by or in the custody of that owner or operator in any of the parking spaces upon the streets of this city, except those motor vehicles as are necessary in the business of the owner or operator for immediate and ordinary operation upon the streets of the city; and in no case shall any such space be used for the display or storage of any motor vehicle.

(1986 Code, § 5-618) Penalty, see § 10.99

§ 72.15 CURRENT REGISTRATION.

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

(1986 Code, § 5-614) (Am. Ord. 969, passed 9-28-1998) Penalty, see § 10.99

§ 72.16 INOPERABLE VEHICLES.

No motor vehicle which is not in running condition, or which is not fully equipped and licensed for lawful operation on the streets of this city, or which is not supplied with fuel and lubrication for immediate operation, shall be parked or left standing in any street, highway, or alley; provided, in case of emergency a motor vehicle not in condition, not so equipped, or not so supplied, may be parked for such a time, not to exceed 1 hour, as may be required for its removal.

(1986 Code, § 5-615) Penalty, see § 10.99

§ 72.17 TIME LIMIT.

(A) The City Council 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 the 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 the resolution shall constitute a violation of this chapter.

(1986 Code, § 5-616)

(B) The parking of a vehicle on a public street for over 72 consecutive hours is unlawful, except where a different maximum time limit is posted.

(1986 Code, § 5-617) (Am. Ord. 969, passed 9-28-1998)

Penalty, see § 10.99

§ 72.18 SNOW REMOVAL AND MAINTENANCE.

(A) It shall be unlawful to park or stand any vehicle on any street or alley in the municipality at any time within 12 hours after a snowfall of 3 inches or more has occurred within a 24-hour period unless the snow has been removed within that time.

(B) 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 that street or alley or by posting appropriate signs along those streets or alleys. These signs shall be posted not less than 4 hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this section shall be subject to the penalties provided for violation of this chapter, and the vehicle may be removed and parked, under the supervision of the municipal police, to a suitable nearby location without further notice to the owner or operator of the vehicle.

Penalty, see § 10.99

Cross-reference:

Snow removal parking areas, see Ch. 74, Sch. 1

Statutory reference:

Authority to regulate during snow emergencies, see Neb. RS 17-557

PARKING FOR PERSONS WITH DISABILITIES

§ 72.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS AISLE. 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.

(Neb. RS 18-1736)

HANDICAPPED OR DISABLED PERSON. 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 1 or more limbs.

(Neb. RS 18-1738)

HANDICAPPED PARKING INFRACTION. The violation of any section of this subchapter 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.
(Neb. RS 18-1741.01)

TEMPORARILY HANDICAPPED OR DISABLED PERSON. Any handicapped or disabled person whose personal mobility is expected to be limited in the manner described above for no longer than 1 year.
(Neb. RS 18-1738)
(1986 Code, § 5-626) (Ord. 810, passed 1-27-1992; Am. Ord. 858, passed 5-23-1994; Am. Ord. 951, passed 7-28-1997; Am. Ord. 1035, passed 5-13-2002)

**§ 72.31 DESIGNATION OF ON-STREET PARKING SPACES AND ACCESS AISLES;
PERMIT
DISPLAY.**

(A) (1) The City Council may designate parking spaces, including access aisles, for the exclusive use of:

- (a) Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. RS 60-311.14;
- (b) Handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state;
- (c) Other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the municipality, whose motor vehicles display the permit specified in Neb. RS 18-1739; and
- (d) Other motor vehicles, as certified by the municipality, which display such a permit.

(2) 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 City Council so designates a parking space or access aisle, it shall be indicated by posting above ground and immediately adjacent to and visible from each space or access aisle a sign as described

in Neb. RS 18-1737. In addition to that 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. (Neb. RS 18-1736) (1986 Code, § 5-624) (Ord. 810, passed 1-27-1992; Am. Ord. 856, passed 5-23-1994; Am. Ord. 909, passed 2-26-1996; Am. Ord. 949, passed 7-28-1997; Am. Ord. 997, passed 6-28-1999; Am. Ord. 1036, passed 5-13-2002) Penalty, see § 10.99

§ 72.32 DESIGNATION OF OFF-STREET PARKING STALLS, SPACES, AND ACCESS AISLES; PERMIT DISPLAY.

(A) The municipality and any person in lawful possession of any off-street parking facility may designate stalls or spaces, including access aisles, in the 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 those individuals pursuant to Neb. RS 60-311.14;

(2) Other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the municipality, whose motor vehicles display the permit specified in Neb. RS 18-1739; and

(3) Other motor vehicles, as certified by the municipality, which display such a permit.

(B) This designation shall be made by posting above ground and immediately adjacent to and visible from each stall or space, including access aisles, a sign which is in conformance with the requirements in Neb. RS 18-1737.

(Neb. RS 18-1737) (1986 Code, § 5-625) (Ord. 810, passed 1-27-1992; Am. Ord. 857, passed 5-23-1994; Am. Ord. 950, passed 7-28-1997; Am. Ord. 1037, passed 5-13-2002) Penalty, see § 10.99

§ 72.33 PERSONAL PERMIT APPLICATION; ISSUANCE; RENEWAL.

(A) The Municipal Clerk shall take an application, on a form provided by the Department of Motor Vehicles, 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 the holder to park in those spaces or access aisles provided for by this subchapter when the holder of the permit will enter or exit the motor vehicle while it is parked in those 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, physician assistant, or advanced practice registered nurse 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 6 months, whichever is less.

(C) A person may hold only 1 permit under this section and may hold either a permit under this section or a permit under § 72.34 of this code, but not both.

(D) A copy of the completed application form shall be given to each applicant. 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.

(E) An application for the renewal of a permit under this section may be filed within 30 days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit. (Neb. RS 18-1738)

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

(Neb. RS 18-1738.02)

(1986 Code, § 5-627) (Ord. 810, passed 1-27-1992; Am. Ord. 911, passed 3-25-1996; Am. Ord. 952, passed 7-28-1997; Am. Ord. 5-627, passed 5-14-2001; Am. Ord. 1038, passed 5-13-2002) Penalty, see § 10.99

§ 72.34 MOTOR VEHICLE PERMIT APPLICATION; ISSUANCE.

(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 subchapter if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. This 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 that person will enter or exit the motor vehicle while it is parked in the 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 those 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 1 permit of this type shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under § 72.33 of this code, but not both.

(D) An application for the renewal of a permit under this section may be filed within 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.
(Neb. RS 18-1738.01)

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

(1986 Code, § 5-628) (Ord. 810, passed 1-27-1992; Am. Ord. 912, passed 3-25-1996; Am. Ord. 953, passed 7-28-1997; Am. Ord. 1039, passed 5-13-2002) Penalty, see § 10.99

§ 72.35 PROHIBITED PERMIT ISSUANCE; DUPLICATE PERMITS.

(A) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to that person or for that motor vehicle and that permit has been suspended pursuant to § 72.37 of this code. At the expiration of the suspension, a permit may be renewed in the manner provided for renewal in this subchapter.

(B) A duplicate permit may be provided without cost if the original permit is destroyed, lost, or stolen. The 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.

(Neb. RS 18-1739) (1986 Code, § 5-629) (Ord. 810, passed 1-27-1992; Am. Ord. 817, passed 2-8-1993; Am. Ord. 913, passed 3-25-1996; Am. Ord. 954, passed 7-28-1997; Am. Ord. 1040, passed 5-13-2002)

§ 72.36 PERMIT TERM; RENEWAL.

(A) All permanently issued permits for handicapped or disabled parking authorized by this subchapter shall be issued for a period ending on September 30 of the third year after the date of issuance and shall expire on that date.

(B) All permits authorized under this subchapter for temporarily handicapped or disabled parking shall be issued for a period ending not more than 6 months after the date of issuance but may be renewed

1 time for a period not to exceed 6 months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability.

(Neb. RS 18-1740) (1986 Code, § 5-630) (Ord. 810, passed 1-27-1992; Am. Ord. 859, passed 4-23-1994; Am. Ord. 914, passed 3-25-1996; Am. Ord. 955, passed 7-28-1997; Am. Ord. 1041, passed 5-13-2002)

§ 72.37 PERMIT NONTRANSFERABLE; UNLAWFUL USE; SUSPENSION.

(A) Permits issued under this subchapter 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 they are issued. No person shall alter or reproduce in any manner a permit issued pursuant to this subchapter. No person shall knowingly hold more than 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 that 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 the permit for a period of 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 \$250 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 the 6-month period, a suspended permit may be renewed in the manner provided for renewal in this subchapter. (Neb. RS 18-1741) (1986 Code, § 5-631) (Ord. 810, passed 1-27-1992; Am. Ord. 915, passed 3-25-1996; Am. Ord. 956, passed 7-28-1997; Am. Ord. 1042, passed 5-13-2002) Penalty, see § 10.99

§ 72.38 REMOVAL OF UNAUTHORIZED VEHICLE; UNLAWFUL PARKING.

(A) The owner or person in lawful possession of an off-street parking facility, after notifying the municipal police, and the municipality, if it provides on-street parking or owns, operates, or provides an off-street 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 subchapter if there is posted above ground and immediately adjacent to and visible from that 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 on-street 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 off-street 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 and shall be subject to the penalties and procedures set forth in § 72.39 of this code. 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 the violation and shall be guilty and subject to the penalties and procedures described in this section.

(C) In the case of a privately owned off-street parking facility, the municipality shall not require the owner or person in lawful possession of the facility to inform the municipality of a violation of this section prior to the municipality issuing the violator a handicapped parking infraction citation. (Neb. RS 18-1737) (1986 Code, § 5-632) (Ord. 810, passed 1-27-1992; Am. Ord. 819, passed 2-8-1993; Am. Ord. 860, passed 5-23-1994; Am. Ord. 916, passed 3-25-1996; Am. Ord. 957, passed 7-28-1997; Am. Ord. 1043, passed 5-13-2002) Penalty, see § 10.99

§ 72.39 CITATION ISSUANCE; COMPLAINT; TRIAL; DISMISSAL.

(A) 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 City Council to exercise the authority to issue a citation for any handicapped parking infraction.

(B) 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 3 days after the issuance of the handicapped parking citation. One copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

(C) At least 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 that person with a handicapped parking infraction or that person shall be released from the obligation to appear as specified.

(D) 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.

(E) 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 Neb. RS 18-1738 or 18-1738.01, the complaint shall be dismissed if, within 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 Neb. RS 18-1738 or 18-1738.01 and that the peace officer has personally viewed the permit.

(Neb. RS 18-1741.01, 18-1741.04, and 18-1741.06) (1986 Code, § 5-633) (Am. Ord. 861, passed 5-23-1994; Am. Ord. 958, passed 7-28-1997) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 72.50 TICKETS.

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

- (A) The amount of the fine if paid within 30 days;
- (B) The amount of the fine if not paid within 30 days;
- (C) The location where payment may be made; and
- (D) The fact that a complaint will be filed after 30 days if the fine is not paid in that time.

§ 72.51 REMOVAL OF ILLEGALLY PARKED VEHICLES.

(A) Whenever any police officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of this chapter, the officer may remove the vehicle, have the vehicle removed, or

require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway of that street or alley or from that street or alley.

(B) The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of that vehicle until these charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles.

(1986 Code, § 5-621)

Statutory reference:

Similar provisions, see Neb. RS 60-6,165

§ 72.52 SUMMONS; DESTRUCTION; FAILURE TO APPEAR.

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 the tag, and fail to appear in court as directed by the tag.

(1986 Code, § 5-623) Penalty, see § 10.99

CHAPTER 73: TRAFFIC SCHEDULES

Schedule

I. Speed limits

SCHEDULE I. SPEED LIMITS.

(A) The following speeds shall be prima facie lawful, subject to the provisions of § 71.025 of this code.

<i>Street</i>	<i>Location</i>	<i>Conditions</i>	<i>Speed, in Miles Per Hour</i>
All streets and highways in Lincoln Park			20
Bloom and Idaho Streets (Highway –14)	From Third Street to Eighth Street		30
Bloom and Idaho Streets (Highway –14)	From Eighth Street to Fifteenth Street		35
Bloom and Idaho Streets (Highway –14)	From Fifteenth Street to a point 1,233 feet north of Fifteenth Street		45
Bloom and Idaho Streets	From a point 150 feet north of Ninth Street to a point 1,000 feet north of Ninth Street	During the times when a flasher is activated. These times will be established by the North Ward School Principal, in cooperation with the Department of Roads	25
Central Avenue	Between Second and Fifty Streets		20

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<i>Street</i>	<i>Location</i>	<i>Conditions</i>	<i>Speed, in Miles Per Hour</i>
Fourth Street	Between National and Kansas Streets		20
South Bloom	From Mill Race Road to Conn Street		35
South Bloom	From Conn Street to Third Street (Highway –14 and –8)		25
Third Street (Highway –14 and –8)	From a point 850 feet west of Park Avenue to Park Avenue		45
Third Street (Highway –14 and –8)	From Park Avenue to Converse Street		25
Third Street (Highway –14 and –8)	From Converse Street to a point 270 feet east of Hartley Street		35
All other streets within the corporate limits of this city			25

(B) The speed limitations set forth in division (A) above shall not apply to vehicles when operated with due regard for the public safety under the direction of the police in the chase or apprehension of violators of this law, nor to Fire Department vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in response to emergency calls. This exemption shall not, however, protect the driver of any such vehicle from any reckless disregard for the safety of others. (1986 Code, § 5-305) (Am. Ord. 769, passed 8-14-1989; Am. Ord. 824, passed 4-26-1993; Am. Ord. 826, passed 9-13-1993) Penalty, see § 10.99

CHAPTER 74: PARKING SCHEDULES

Schedule

- I. Snow removal parking areas
- II. Parking near schools

SCHEDULE I. SNOW REMOVAL PARKING AREAS.

(A) It shall be unlawful to park any vehicle on any street except on the north and west sides of the street during the winter from December 15 to March 15. Provided, this section shall not apply to streets described as follows.

<i>Street</i>	<i>Exempt Location</i>
-	In the area bounded on the west by National Avenue, on the east by Kansas Avenue, on the south by Second Street, and on the north by Sixth Street

(B) Any vehicle parked in violation of this section may be towed away at the owner's expense. The owner of the vehicle in violation of this section shall in addition be subject to a fine. (1986 Code, § 5-619) Penalty, see § 10.99

SCHEDULE II. PARKING NEAR SCHOOLS.

No vehicle shall be parked in the following locations during the times as given.

<i>Street</i>	<i>Side</i>	<i>Location</i>	<i>No Parking Hours</i>
Third Street	Along the south curbing	From Dakota Street west to the alley	From 3:00 p.m. to 4:00 p.m. during school days, Monday through Friday

(Ord. 993, passed 3-9-1999) Penalty, see § 10.99

