

TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC REGULATIONS**
- 72. BICYCLES, SNOWMOBILES, AND ALL-TERRAIN VEHICLES**
- 73. PARKING REGULATIONS**
- 74. TRAFFIC SCHEDULES**
- 75. PARKING SCHEDULES**

CHAPTER 70: GENERAL PROVISIONS

Section

- 70.01 Definitions
- 70.02 Traffic regulations; general authority
- 70.03 Regulation of highways; police powers
- 70.04 Prohibitions on operation of vehicles
- 70.05 Ordinances contrary to state law prohibited
- 70.06 Placement and maintenance of traffic control devices
- 70.07 Enforcement of rules and laws
- 70.08 Failure or refusal to obey order
- 70.09 Obedience to traffic control devices; exceptions
- 70.10 Authorized emergency vehicles; privileges
- 70.11 Traffic officers
- 70.12 Emergency regulations
- 70.13 Police enforcement
- 70.14 Refusal to obey

- 70.99 Traffic infractions; penalty

Statutory reference:

Nebraska Rules of the Road, see Neb. RS 60-601

● **70.01 DEFINITIONS.**

For the purpose of this title, the following definitions and the other definitions in Neb. RS 60-606 through 60-676 shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A highway intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

(Neb. RS 60-607)

AUTHORIZED EMERGENCY VEHICLE. Such fire department vehicles, police vehicles, rescue vehicles, and ambulances as are publicly owned, such other publicly or privately owned vehicles as are designated by the Director of Motor Vehicles, and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General pursuant to Neb. RS 55-133.

(Neb. RS 60-610)

Kimball - Traffic Code

BUSINESS DISTRICT. The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations, or public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of a highway.
(Neb. RS 60-613)

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)

MANUAL. The Manual on Uniform Traffic Control Devices adopted by the Department of Roads pursuant to Neb. RS 60-6,118.
(Neb. RS 60-631)

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

PEACE OFFICER. The Police Chief or other chief law enforcement official, any city police officer, or any other person authorized to enforce city ordinances. With respect to directing traffic only, peace officer shall also include any person authorized to direct or regulate traffic.
(Neb. RS 60-646)

RESIDENTIAL DISTRICT. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.
(Neb. RS 60-654)

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes 2 or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively.
(Neb. RS 60-656)

SCHOOL CROSSING ZONE. The area of a roadway designated to the public by the City Council 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 but does not include any area of a freeway. A school crossing zone 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)

SHOULDER. That part of the highway contiguous to the roadway and designed for the accommodation of stopped vehicles, for emergency use, and for lateral support of the base and surface courses of the roadway.
(Neb. RS 60-661)

TRAFFIC. Pedestrians, ridden or herded animals, and vehicles and other conveyances either singly or together while using any highway for purposes of travel.
(Neb. RS 60-669)

TRAFFIC CONTROL DEVICE. Any sign, signal, marking, or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of the City Council or any official having jurisdiction for the purpose of regulating, warning, or guiding traffic.
(Neb. RS 60-670)

TRAFFIC CONTROL SIGNAL. Any signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
(Neb. RS 60-671)

TRAFFIC INFRACTION. The violation of any provision of the Nebraska Rules of the Road or of any law, ordinance, order, rule, or regulation regulating traffic which is not otherwise declared to be a misdemeanor or a felony or, in this title, an offense.
(Neb. RS 60-672)

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.
(Neb. RS 60-676)
(1992 Code, ● 5-101)

● 70.02 TRAFFIC REGULATIONS; GENERAL AUTHORITY.

(A) The City Council may, in its jurisdiction, enact regulations permitting, prohibiting, and controlling the use of motor vehicles, minibikes, motorcycles, off-road recreation vehicles of any and all types, other powered vehicles, electric personal assistive mobility devices, and vehicles which are not self-propelled. Any person who operates any of such vehicles without the permission of the City Council or its designated representative or in a place, time, or manner which has been prohibited by the City Council shall be guilty of an offense.

(B) The City Council may further authorize the supervising official of any area under its ownership or control to permit, control, or prohibit operation of any motor vehicle, minibike, motorcycle, off-road recreational vehicle of any or all types, other powered vehicle, electric personal assistive mobility device, or vehicle which is not self-propelled on all or any portion of any area under its ownership or control at any time by posting or, in case of an emergency, by personal notice. Any person operating any such vehicle where prohibited, where not permitted, or in a manner so as to endanger the peace and safety of the public or as to harm or destroy the natural features or manmade features of any such area shall be guilty of an offense.
(Neb. RS 60-678) Penalty, see ● 10.99

● 70.03 REGULATION OF HIGHWAYS; POLICE POWERS.

(A) The City Council with respect to highways under its jurisdiction and within the reasonable exercise of the police power may:

- (1) Regulate or prohibit stopping, standing, or parking;
- (2) Regulate traffic by means of peace officers or traffic control devices;
- (3) Regulate or prohibit processions or assemblages on the highways;
- (4) Designate highways or roadways for use by traffic moving in one direction;
- (5) Establish speed limits for vehicles in public parks;
- (6) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
- (7) Restrict the use of highways as authorized in ● 70.04;
- (8) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
- (9) Regulate operation of electric personal assistive mobility devices;
- (10) Regulate or prohibit the turning of vehicles or specified types of vehicles;
- (11) Alter or establish speed limits authorized in the Nebraska Rules of the Road;
- (12) Designate no-passing zones;
- (13) Prohibit or regulate use of controlled-access highways by any class or kind of traffic except those highways which are a part of the state highway system;
- (14) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Roads;
- (15) Establish minimum speed limits as authorized in the Rules;
- (16) Designate hazardous railroad grade crossings as authorized in the Rules;
- (17) Designate and regulate traffic on play streets;
- (18) Prohibit pedestrians from crossing a roadway in a business district or any designated

highway except in a crosswalk as authorized in the Rules;

(19) Restrict pedestrian crossings at unmarked crosswalks as authorized in the Rules;

(20) Regulate persons propelling push carts;

(21) Regulate persons upon skates, coasters, sleds, and other toy vehicles;

(22) (a) Notwithstanding any other provision of law, adopt and enforce an ordinance or resolution prohibiting the use of engine brakes on the National System of Interstate and Defense Highways that has a grade of less than 5 degrees within its jurisdiction.

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

ENGINE BRAKE. A device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss;

(23) Adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and

(24) Adopt other traffic regulations except as prohibited by state law or contrary to state law.

(B) The City Council shall not erect or maintain any traffic control device at any location so as to require the traffic on any state highway or state-maintained freeway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Roads.

(C) No ordinance or regulation enacted under division (A)(4), (5), (6), (7), (10), (11), (12), (13), (14), (16), (17), or (19) shall be effective until traffic control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.

(Neb. RS 60-680)

• 70.04 PROHIBITIONS ON OPERATION OF VEHICLES.

(A) The City Council may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed 90 days in any 1 calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which the City Council is responsible whenever any such highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. The City Council shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until such signs are erected and maintained.

(B) The City Council may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.
(Neb. RS 60-681)

● **70.05 ORDINANCES CONTRARY TO STATE LAW PROHIBITED.**

The City Council shall not enact or enforce any ordinance directly contrary to the Nebraska Rules of the Road unless expressly authorized by the Legislature.
(Neb. RS 60-6,108)

● **70.06 PLACEMENT AND MAINTENANCE OF TRAFFIC CONTROL DEVICES.**

The City Council shall place and maintain such traffic control devices upon highways under its jurisdiction as it deems necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. All such traffic control devices erected pursuant to this title shall conform with the Manual.
(Neb. RS 60-6,121)

● **70.07 ENFORCEMENT OF RULES AND LAWS.**

(A) All peace officers are hereby specifically directed and authorized and it shall be deemed and considered a part of the official duties of each of such officers to enforce the provisions of Nebraska Rules of the Road and this title, including the specific enforcement of maximum speed limits, and any other state or city law regulating the operation of vehicles or the use of the highways.

(B) To perform the official duties imposed by this section, peace officers shall have the power:

(1) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of the Motor Vehicle Operator's License Act or this title or of any other law regulating the operation of vehicles or the use of the highways, if and when designated or called upon to do so as provided by law;

(2) To make arrests upon view and without warrant for any violation committed in their presence of any provision of the laws of this state relating to misdemeanors or felonies or of similar city ordinances if and when designated or called upon to do so as provided by law;

(3) At all times to direct all traffic in conformity with law or, in the event of a fire or other emergency or in order to expedite traffic or insure safety, to direct traffic as conditions may require;

(4) When in uniform, to require the driver of a vehicle to stop and exhibit his or her operator's license and registration certificate issued for the vehicle and submit to an inspection of such vehicle and the license plates and registration certificate for the vehicle and to require the driver of a motor vehicle to

present the vehicle within 5 days for correction of any defects revealed by such motor vehicle inspection as may lead the inspecting officer to reasonably believe that such motor vehicle is being operated in violation of the statutes of Nebraska, the rules and regulations of the Director of Motor Vehicles, or any city ordinance or regulation;

(5) To inspect any vehicle of a type required to be registered according to law in any public garage or repair shop or in any place where such a vehicle is held for sale or wrecking;

(6) To serve warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways; and

(7) To investigate traffic accidents for the purpose of carrying on a study of traffic accidents and enforcing motor vehicle and highway safety laws.

(Neb. RS 60-683)

Statutory reference:

Motor Vehicle Operator's License Act, see Neb. RS 60-462

• 70.08 FAILURE OR REFUSAL TO OBEY ORDER.

(A) Any person who knowingly fails or refuses to obey any lawful order of any peace officer who is controlling or directing traffic shall be guilty of a traffic infraction.

(B) Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of an offense whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or this title or of a person whom such officer reasonably believes has violated the Rules or this title.

(Neb. RS 60-6,110) Penalty, see • 10.99

• 70.09 OBEDIENCE TO TRAFFIC CONTROL DEVICES; EXCEPTIONS.

(A) The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto placed in accordance with the Nebraska Rules of the Road or this title, unless otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle in the Rules and this title.

(B) No provision of the Rules or this title for which traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by a reasonably observant person. Whenever any provision of the Rules or this title does not state that traffic control devices are required, such provision shall be effective even though no devices are erected or in place.

(C) Whenever traffic control devices are placed in position approximately conforming to the requirements of the Rules or this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(D) Any traffic control device placed pursuant to the Rules or this title and purporting to conform with the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of the Rules or this title unless the contrary is established by competent evidence.
(Neb. RS 60-6,119) Penalty, see ●70.99

●70.10 AUTHORIZED EMERGENCY VEHICLES; PRIVILEGES.

(A) Subject to the conditions stated in the Nebraska Rules of the Road and this title, the driver of an authorized emergency vehicle, when responding to an emergency call, when pursuing an actual or suspected violator of the law, or when responding to but not when returning from a fire alarm, may:

(1) Stop, park, or stand, irrespective of the provisions of the Rules and this title, and disregard regulations governing direction of movement or turning in specified directions; and

(2) Except for wreckers towing disabled vehicles and highway maintenance vehicles and equipment:

(a) Proceed past a steady red indication, a flashing red indication, or a stop sign but only after slowing down as may be necessary for safe operation; and

(b) Exceed the maximum speed limits so long as he or she does not endanger life, limb, or property.

(B) Except when operated as a police vehicle, the exemptions granted in division (A) shall apply only when the driver of such vehicle, while in motion, sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary and when such vehicle is equipped with at least 1 lighted light displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

(C) The exemptions granted in division (A) shall not relieve the driver from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect such driver from the consequences of his or her reckless disregard for the safety of others.

(D) Authorized emergency vehicles operated by police and fire departments shall not be subject to the size and weight limitations of sections Neb. RS 60-6,288 to 60-6,290 and 60-6,294.
(Neb. RS 60-6,114)

•70.11 TRAFFIC OFFICERS.

The City Council or the Chief of Police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer notwithstanding the directive of a stop sign or signal device that may have been placed at any such intersection.

(1992 Code, •5-304) Penalty, see •70.99

•70.12 EMERGENCY REGULATIONS.

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

(1992 Code, •5-301)

•70.13 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, 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.

(1992 Code, •5-302) Penalty, see •70.99

•70.14 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.

(1992 Code, •5-303) Penalty, see •70.99

•70.99 TRAFFIC INFRACTIONS; PENALTY.

(A) Unless otherwise declared in this title with respect to particular offenses, a violation of any provision of this title shall constitute a traffic infraction.

(Neb. RS 60-682)

(B) Any person who is found guilty of a traffic infraction in violation of this title for which a penalty has not been specifically provided shall be fined:

- (1) Not more than \$100 for the first offense;

Kimball - Traffic Code

(2) Not more than \$200 for a second offense within a 1-year period; and

(3) Not more than \$300 for a third and subsequent offense within a 1-year period.

(Neb. RS 60-689)

(1992 Code, ● 5-901) (Am. Ord. 578, passed 2-22-2000)

Statutory reference:

Other provisions on traffic infractions, see Neb. RS 60-684 through 60-694.01

CHAPTER 71: TRAFFIC REGULATIONS

Section

General Provisions

- 71.001 Restrictions on direction of travel
- 71.002 Right-of-way; stop and yield signs
- 71.003 Interference with traffic control devices or railroad signs or signals
- 71.004 Signs, markers, devices, or notices; prohibited acts
- 71.005 Tire requirements and prohibitions; permissive uses
- 71.006 Traffic lanes; designation
- 71.007 Crosswalks
- 71.008 Arterial streets; designation
- 71.009 Unauthorized signs

Speed Limits

- 71.020 Basic rule
- 71.021 Maximum limits
- 71.022 Bridges and other elevated structures
- 71.023 Alternative maximum limits
- 71.024 Near schools

Turning

- 71.040 Turning method
- 71.041 U-turns

Right of Way; Position of Vehicle on Roadway

- 71.055 Position on roadway in general; right side
- 71.056 Emergency vehicles; right of way
- 71.057 Right of way; intersections
- 71.058 Slow-moving vehicles
- 71.059 Overtaking vehicles; right of way
- 71.060 Passing and overtaking; position on roadway
- 71.061 Stops; crossing sidewalks
- 71.062 Driving on shoulder prohibited; exceptions
- 71.063 Jaywalking

Operating Rules

- 71.075 Reckless driving
- 71.076 Willful reckless driving
- 71.077 Careless driving
- 71.078 Negligent driving
- 71.079 Backing
- 71.080 Funeral processions
- 71.081 Child passenger restraint system
- 71.082 Motorcycles; helmet required
- 71.083 Driving under the influence; persons under 21
- 71.084 Engine brake use prohibited

71.999 Penalty

Statutory reference:

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

GENERAL PROVISIONS

● **71.001 RESTRICTIONS ON DIRECTION OF TRAVEL.**

(A) The City Council with respect to highways under its jurisdiction may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in 1 direction at all times or at such times as shall be indicated by traffic control devices.

(B) Except for emergency vehicles, no vehicle shall be operated, backed, pushed, or otherwise caused to move in a direction which is opposite to the direction designated by competent authority on any deceleration lane, acceleration lane, access ramp, shoulder, or roadway.

(C) A vehicle which passes around a rotary traffic island shall be driven only to the right of such island.

(Neb. RS 60-6,138)

● **71.002 RIGHT-OF-WAY; STOP AND YIELD SIGNS.**

(A) The City Council may provide for preferential right-of-way at an intersection and indicate such by stop signs or yield signs erected by such authorities.

(B) Except when directed to proceed by a peace officer or traffic control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After

having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard if such driver moved across or into such intersection.

(C) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection.

(Neb. RS 60-6,148) (1992 Code, ● 5-212 and 5-213) (Am. Ord. 581, passed 2-22-2000) Penalty, see ● 70.99

● 71.003 INTERFERENCE WITH TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic control device, any railroad sign or signal, or any part of such a device, sign, or signal. (Neb. RS 60-6,129) Penalty, see ● 70.99

● 71.004 SIGNS, MARKERS, DEVICES, OR NOTICES; PROHIBITED ACTS.

(A) Any person who willfully or maliciously shoots upon the public highway and injures, defaces, damages, or destroys any signs, monuments, road markers, traffic control devices, traffic surveillance devices, or other public notices lawfully placed upon such highways shall be guilty of an offense.

(B) No person shall willfully or maliciously injure, deface, alter, or knock down any sign, traffic control device, or traffic surveillance device.

(C) It shall be unlawful for any person, other than a duly authorized representative of the Department of Roads, the county, or the city, to remove any sign, traffic control device, or traffic surveillance device placed along a highway for traffic control, warning, or informational purposes by official action of the department, county, or city. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this division.

(D) Any person violating division (B) or (C) of this section shall be guilty of an offense and shall be assessed liquidated damages in the amount of the value of the sign, traffic control device, or traffic surveillance device and the cost of replacing it.

(Neb. RS 60-6,130) (1992 Code, ● 5-216 and 5-223) Penalty, see ● 70.99

● 71.005 TIRE REQUIREMENTS AND PROHIBITIONS; PERMISSIVE USES.

(A) Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least 1 inch thick above the edge of the flange of the entire periphery.

(B) No tire on a vehicle moved on a highway shall have on its periphery any clock, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:

(1) This prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding 5/16 of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than 7/64 of an inch between November 1 and April 1, except that school buses, mail carrier vehicles, and emergency vehicles shall be permitted to use metal or metal-type studs at any time during the year;

(2) It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and

(3) It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid.

(C) (1) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer:

(a) Having any metal tire in contact with the roadway; or

(b) Equipped with solid rubber tires.

(2) Division (C)(1) shall not apply to farm vehicles having a gross weight of 10,000 pounds or less or to implements of husbandry.

(D) The city may, in its discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

(Neb. RS 60-6,250)

Statutory reference:

Rubber tired cranes, see Neb. RS 60-6,288

● 71.006 TRAFFIC LANES; DESIGNATION.

The City Council may, by resolution, mark lanes for traffic on street pavements at those places as it may deem advisable.

(1992 Code, ● 5-201)

● 71.007 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.
(1992 Code, ● 5-211)

● **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 a street has been so designated.
(Neb. RS 39-697) (1992 Code, ● 5-202)

● **71.009 UNAUTHORIZED SIGNS.**

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 39-618) (1992 Code, ● 5-217) Penalty, see ● 71.999

SPEED LIMITS

● **71.020 BASIC RULE.**

No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. A person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.
(Neb. RS 60-6,185) Penalty, see ● 70.99

● **71.021 MAXIMUM LIMITS.**

(A) Except when a special hazard exists that requires lower speed for compliance with ● 71.020, the limits set forth in this section and Neb. RS 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be the maximum lawful speeds unless reduced pursuant to division (B), and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:

- (1) Twenty-five miles per hour in any residential district;
- (2) Twenty miles per hour in any business district;

(3) Fifty miles per hour upon any highway that is not dustless surfaced and not part of the state highway system;

(4) Fifty-five miles per hour upon any dustless-surfaced highway not a part of the state highway system; and

(5) Sixty miles per hour upon any part of the state highway system other than an expressway or a freeway, except that the Department of Roads may, where existing design and traffic conditions allow, according to an engineering study, authorize a speed limit 5 miles per hour greater.

(B) The maximum speed limits established in division (A) may be reduced by the Department of Roads or the City Council pursuant to • 71.23 or Neb. RS 60-6,188.

(C) The City Council may erect and maintain suitable signs along highways under its jurisdiction in such number and at such locations as it deems necessary to give adequate notice of the speed limits established pursuant to division (A) or (B) upon such highways.

(Neb. RS 60-6,186) Penalty, see • 71.999

• 71.022 BRIDGES AND OTHER ELEVATED STRUCTURES.

(A) No person shall drive a vehicle over any public bridge, causeway, viaduct, or other elevated structure at a speed which is greater than the maximum speed which can be maintained with safety thereon when such structure is posted with signs as provided in division (B).

(B) The Department of Roads or the City Council may conduct an investigation of any bridge or other elevated structure constituting a part of a highway under its jurisdiction, and if it finds that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible, the Department or the City Council shall determine and declare the maximum speed of vehicles which the structure can safely withstand and shall cause suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(C) Upon the trial of any person charged with a violation of division (A), proof of the determination of the maximum speed by the Department or the City Council and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety on the bridge or structure.

(Neb. RS 60-6,189) Penalty, see • 71.999

• 71.023 ALTERNATIVE MAXIMUM LIMITS.

(A) Whenever the Department of Roads determines, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe

maximum speed limit for such intersection, place, or part of such highway which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway, except that the maximum rural and freeway limits shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs.

(B) On all highways within its corporate limits, except on state-maintained freeways which are part of the state highway system, the City Council shall have the same power and duty to alter the maximum speed limits as the Department if the change is based on engineering and traffic investigation, except that no imposition of speed limits on highways which are part of the state highway system in the city shall be effective without the approval of the Department.

(C) Not more than 6 such speed limits shall be set per mile along a highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 20 miles per hour.

(D) When the Department or the City Council determines by an investigation that certain vehicles in addition to those specified in Neb. RS 60-6,187, 60-6,305, and 60-6,313 cannot with safety travel at the speeds provided in ● 71.21 and 71.22 and Neb. RS 60-6,187, 60-6,305, and 60-6,313 or set pursuant to this section, ● 71.22, or Neb. RS 60-6,188, the Department or the City Council may restrict the speed limit for such vehicles on highways under its respective jurisdiction and post proper and adequate signs. (Neb. RS 60-6,190)

● 71.024 NEAR SCHOOLS.

(A) It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes, during school recess or while children are going to or leaving school during the opening or closing hours, to drive the vehicle at a rate of speed in excess of 15 miles per hour past the premises.

(B) The driver shall stop at all stop signs located at or near such school premises, and it shall be unlawful for the driver to make a U-turn at any intersection where such stop signs are located at or near such school premises.
(1992 Code, ● 5-218) Penalty, see ● 70.99

TURNING

● 71.040 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 39-650) (1992 Code, ●5-204) Penalty, see ●71.999

●71.041 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 a sign is posted indicating that U-turns are prohibited.

(Neb. RS 60,160 and 60-689) (1992 Code, ●5-203) (Am. Ord. 580, passed 2-22-2000) Penalty, see ●71.999

RIGHT OF WAY; POSITION OF VEHICLE ON ROADWAY

●71.055 POSITION ON ROADWAY IN GENERAL; RIGHT SIDE.

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 60,613 and 60-689) (1992 Code, ●5-220) (Am. Ord. 582, passed 2-22-2000) Penalty, see ●71.999

●71.056 EMERGENCY VEHICLES; RIGHT OF WAY.

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, those vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals.

(Neb. RS 60,151 and 60-689) (1992 Code, ●5-208) (Am. Ord. 593, passed 2-22-2000) Penalty, see ●71.999

●71.057 RIGHT OF WAY; INTERSECTIONS.

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 city police officer stationed at the intersection. The driver of a vehicle intending to turn to the left within an intersection, or into an alley, private road, or driveway, shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver of a vehicle on any street shall yield the right of way to a pedestrian crossing 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. The driver of a vehicle entering a city street from a private road or drive shall yield the right of way to all vehicles approaching on the streets. The driver of a vehicle upon a street shall yield the right of way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals.

(Neb. RS 60,146 and 60-689) (1992 Code, ● 5-206) (Am. Ord. 482, passed - -; Am. Ord. 592, passed 2-22-2000) Penalty, see ● 71.999

● 71.058 SLOW-MOVING VEHICLES.

(A) Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage to their left. Vehicles in motion shall be kept between the curb at the right and the center of the street.

(Neb. RS 39-622 and 39-697) (1992 Code, ● 5-207)

(B) Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage to their left.

(Neb. RS 39-622 and 39-697) (1992 Code, ● 5-222)

Penalty, see ● 71.999

● 71.059 OVERTAKING VEHICLES; RIGHT OF WAY.

The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle.

(Neb. RS 60,6132-36 and 60-689) (1992 Code, ● 5-209) (Am. Ord. 584, passed 2-22-2000) Penalty, see ● 71.999

● 71.060 PASSING AND OVERTAKING; POSITION ON ROADWAY.

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 60,6132-36 and 60-689) (1992 Code, ● 5-221) (Am. Ord. 583, passed 2-22-2000) Penalty, see ● 71.999

●71.061 STOPS; CROSSING SIDEWALKS.

All vehicles before crossing a sidewalk, or 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 that sidewalk, or leaving that garage, alley, filling station, or other place. The term ■slowly■ shall be construed to mean a rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic thereon.

(Neb. RS 39-638) (1992 Code, ●5-210) Penalty, see ●71.999

●71.062 DRIVING ON SHOULDER PROHIBITED; EXCEPTIONS.

No person shall drive on the shoulders of highways, except:

(A) Vehicles may be driven onto the shoulders of roadways:

- (1) By federal mail carriers while delivering the U.S. mail; or
- (2) To safely remove a vehicle from traffic lanes.

(B) Implements of husbandry may be driven onto the shoulders of roadways.

(Neb. RS 60-6,142 and 60-689) (1992 Code, ●5-234) (Am. Ord. 585, passed 2-22-2000) Penalty, see ●71.999

●71.063 JAYWALKING.

Every pedestrian who crosses any other street at any point other than a crosswalk shall yield the right of way to vehicles.

(Neb. RS 39-643 and 39-697) (1992 Code, ●5-219) Penalty, see ●71.999

OPERATING RULES**●71.075 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 39-669.01, 39-669.02, and 39-669.26) (1992 Code, ●5-224) Penalty, see ●71.999

•71.076 WILLFUL RECKLESS DRIVING.

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 39-669.03 through 39-669.06) (1992 Code, ●5-225) Penalty, see ●71.999

•71.077 CARELESS DRIVING.

Any person who drives any motor vehicle in this city carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving.

(Neb. RS 39-669) (1992 Code, ●5-226) Penalty, see ●71.999

•71.078 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 39-669.26) (1992 Code, ●5-227) Penalty, see ●71.999

•71.079 BACKING.

It shall be unlawful for any person to back a motor vehicle on the city 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 that 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 and 60-689) (1992 Code, ●5-228) (Am. Ord. 576, passed 2-22-2000) Penalty, see ●71.999

•71.080 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 39-629 and 39-697) (1992 Code, ●5-229) Penalty, see ●71.999

•71.081 CHILD PASSENGER RESTRAINT SYSTEM.

(A) For the purpose of this section, the following definition shall apply unless the context clearly

indicates or requires a different meaning.

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 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 January 1, 2004, and which is correctly installed in the vehicle; and

(b) All children 6 years of age and less than 18 years of age being transported by that 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 that 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 the waiver.

(D) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (B) when operating those 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 1 child in the same vehicle at the same time, as required in division (B), shall not be treated as a separate offense.

(2) Enforcement of division (B)(1)(b) shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation of some other offense unless the violation involves a person under the age of 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)

(1992 Code, ● 5-232) (Am. Ord. 602, passed 6-19-2001) Penalty, see ● 71.999

● 71.082 MOTORCYCLES; HELMET REQUIRED.

A person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in Neb. RS 60-624, unless that person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless the helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such 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, visor, 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 60-6,279 and 60-6,282) (1992 Code, ● 5-233) (Am. Ord. 587, passed 2-22-2000) Penalty, see ● 71.999

● 71.083 DRIVING UNDER THE INFLUENCE; PERSONS UNDER 21.

(A) It shall be unlawful for any person under 21 years of age to operate or be in the actual physical control of any motor vehicle:

(1) When that person has a concentration of 0.02 gram or more by weight of alcohol per 100 milliliters of his or her blood but less than the concentration prescribed under Neb. RS 60-6,196(1)(b); or

(2) When that person has a concentration of 0.02 gram or more by weight of alcohol per 210 liters of his or her breath but less than the concentration prescribed under Neb. RS 60-6,196(1)(c).

(B) Any person who operates or has in his or her actual physical control a motor vehicle in the state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood or breath for the purposes of determining the concentration of alcohol in such blood or breath.

(C) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of the city may require any person under 21 years of age to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath when the officer has probable cause to believe that the person was driving or was in actual physical control of a motor vehicle in the city in violation of this section. That peace officer may require the person to submit to a preliminary breath test. Any person who refuses to submit to such a preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of this section shall be placed under arrest.

(D) Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood or breath for a determination of the concentration of alcohol. If the chemical test discloses the presence of a concentration of alcohol in violation of this section, or the person refuses to submit to the test or tests required pursuant to this section, the person shall be guilty of an offense.

(E) Upon the conviction of any person for the violation of this section, there shall be assessed as

part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Neb. RS 60-6,201, for the test administered.

(Neb. RS 60-6,211.01, 60-6,211.02, and 60-6,203) (Ord. 566, passed 11-16-1999) Penalty, see ● 71.999

● 71.084 ENGINE BRAKE USE PROHIBITED.

It shall be unlawful for any person to use dynamic braking devices, also known as engine retarders and commonly known as Jake Brakes, within the city limits.

(Ord. 559, passed 5-4-1999) Penalty, see ● 71.999

● 71.999 PENALTY.

(A) Any violation of this chapter for which no other penalty is prescribed shall be punishable as set forth in ● 70.99 of this code.

(B) Any person who shall violate or refuse to comply with the enforcement of ● 71.042 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined \$25 for each offense together with the costs of the action.

(1992 Code, ● 5-203) (Am. Ord. 580, passed 2-22-2000)

(C) Any person who shall violate or refuse to comply with the enforcement of ● 71.055 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined \$25 for each offense together with the costs of the action.

(1992 Code, ● 5-220) (Am. Ord. 582, passed 2-22-2000)

(D) Any person who shall violate or refuse to comply with the enforcement of ● 71.056 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined \$75 for each offense together with the costs of the action.

(1992 Code, ● 5-208) (Am. Ord. 593, passed 2-22-2000)

(E) Any person who shall violate or refuse to comply with the enforcement of ● 71.057 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined \$25 for each offense together with the costs of the action.

(1992 Code, ● 5-206) (Am. Ord. 482, passed - -; Am. Ord. 592, passed 2-22-2000)

(F) Any person who shall violate or refuse to comply with the enforcement of ● 71.059 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined \$25 for each offense together with the costs of the action.

(1992 Code, ● 5-209) (Am. Ord. 584, passed 2-22-2000)

(G) Any person who shall violate or refuse to comply with the enforcement of ● 71.060 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined \$25 for each offense together with the costs of the action.

(1992 Code, ● 5-221) (Am. Ord. 583, passed 2-22-2000)

(H) Any person who shall violate or refuse to comply with the enforcement of ● 71.062 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined \$25 for each offense together with the costs of the action.

(1992 Code, ● 5-234) (Am. Ord. 585, passed 2-22-2000)

(I) Any person who shall violate or refuse to comply with the enforcement of ● 71.079 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined \$25 for each offense together with the costs of the action.

(1992 Code, ● 5-228) (Am. Ord. 576, passed 2-22-2000)

(J) Any person who shall violate or refuse to comply with the enforcement of ● 71.082 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined \$50 for each offense together with the costs of the action.

(1992 Code, ● 5-233) (Am. Ord. 587, passed 2-22-2000)

CHAPTER 72: BICYCLES, SNOWMOBILES, AND ALL-TERRAIN VEHICLES

Section

All-Terrain Vehicles

- 72.01 Definitions
- 72.02 Operation on streets; conditions and restrictions
- 72.03 Registration
- 72.04 Accident report
- 72.05 Sidewalks; operation prohibited

Bicycles

- 72.20 License required
- 72.21 License application; fee; issuance
- 72.22 Attachment of license plate; bicycle inspection
- 72.23 Transfer of ownership
- 72.24 Operating rules
- 72.25 Clinging to motor vehicle prohibited

Snowmobiles

- 72.40 Equipment
- 72.41 Unlawful acts
- 72.42 Public lands

- 72.99 Penalty

ALL-TERRAIN VEHICLES

• 72.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All other terms shall be defined as set forth in the state statutes.

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

- (1) Is 50 inches or less in width;

- (2) Has a dry weight of 900 pounds or less;
- (3) Travels on 3 or more low pressure tires;
- (4) Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and 1 passenger;
- (5) Has a seat or saddle designed to be straddled by the operator; and
- (6) Has handlebars or any other steering assembly for steering control.

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

UTILITY-TYPE VEHICLE.

- (1) Any motorized off-highway vehicle which:
 - (a) Is not less than 48 inches nor more than 74 inches in width;
 - (b) Is not more than 135 inches, including bumper, in length;
 - (c) Has a dry weight of not less than 900 pounds nor more than 2,000 pounds;
 - (d) Travels on 4 or more low pressure tires; and
 - (e) Is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side.

(2) ***UTILITY-TYPE VEHICLE*** does not include golf carts or low-speed vehicles. (Neb. RS 60-6,355) (1992 Code, ● 5-601) (Am. Ord. 643, passed 8-26-2008; Am. Ord. 665, passed 11-17-2010)

●72.02 OPERATION ON STREETS; CONDITIONS AND RESTRICTIONS.

All-terrain vehicles and utility-type vehicles maybe operated on the streets and highways within the corporate limits of the city under the following conditions:

- (A) The operation of all-terrain vehicles and utility-type vehicles shall occur only between the hours of sunrise and sunset.
- (B) The operator of an all-terrain vehicle or utility-type vehicle shall have a valid class 0 operator's license or a farm permit as provided in Neb. RS 60-4,126.

(C) Liability insurance coverage for all-terrain vehicles or utility-type vehicles shall be effective during all operation.

(D) All-terrain vehicles and utility-type vehicles shall not be operated in excess of 30 miles per hour and must be operated in compliance with all speed limits established within the city.

(E) Any person operating an all-terrain vehicle or a utility-type vehicle shall provide proof of insurance coverage to any peace officer requesting such proof within 5 days of such request.

(F) All-terrain vehicles and utility-type vehicles shall be equipped with a head light and a tail light which shall be on and in working order at all times during the operation of the vehicle.

(G) All-terrain vehicles and utility-type vehicles shall be equipped with a bicycle safety flag which extends not less than 6 feet above ground and shall be attached to the rear of the vehicle, which flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(H) The operation of all-terrain vehicles or utility-type vehicle shall comply with all rules of the road, ordinances and statutes established by the city and the state.

(I) All-terrain vehicles and utility-type vehicles shall be equipped with a brake system maintained in good operating condition; an adequate muffler system in good working condition; and a United States Forrest Service qualified spark arrestor.

(J) No all-terrain vehicle nor utility-type vehicle shall have an exhaust system with a cut out, bypass or similar device.

(K) No all-terrain vehicle nor utility-type vehicle shall have the spark arrestor removed or modified.

(L) All-terrain vehicles and utility-type vehicles shall be equipped with working brake lights.

(M) No all-terrain vehicle nor utility-type vehicle shall be operated by any person under the age of 19 years.

(N) Operator and passenger of an all-terrain vehicle or utility-type vehicle shall each wear a helmet approved by the state for use while operating a motorcycle.

(O) No operation shall occur on any controlled access highway with more than 2 marked traffic lanes.

(Neb. RS 60-6,356) (1992 Code, ● 5-602) (Am. Ord. 485, passed - -; Am. Ord. 643, passed 8-26-2008; Am. Ord. 665, passed 11-17-2010) Penalty, see ● 72.99

● 72.03 REGISTRATION.

(A) All all-terrain vehicles and utility-type vehicles operated within the corporate limits of the city

shall be registered with the City Clerk who will issue an identifying emblem to be placed on the all-terrain vehicle or utility-type vehicle as directed by the Chief of Police or his or her designee. The emblem shall be visible and not obscured in any manner including but not limited to mud, dirt, debris, or equipment. The registration of the all-terrain vehicle or utility-type vehicle shall be valid for the calendar year in which it is issued. The all-terrain vehicle and utility-type vehicle shall be registered for each calendar year. The fee for registration of the all-terrain vehicle and utility-type shall be paid at the time of registration and shall be \$25. A written certification from the Police Department shall be presented to the City Clerk at the time of registration status that the all-terrain vehicle or utility-type vehicle meets the requirements established by the state and city.

(B) All all-terrain vehicles or utility-type vehicles operated within the corporate limits shall be registered as required by the state statutes.
(Ord. 643, passed 8-26-2008; Am. Ord. 665, passed 11-17-2010) Penalty, see ● 72.99

● 72.04 ACCIDENT REPORT.

If an accident occurs within the corporate limits that results in the death of any person or the injury of any person which requires the treatment of the person by a physician, the operator of the all-terrain vehicle or utility-type vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. RS 60-699.
(Neb. RS 60-2807) (1992 Code, ● 5-607) (Am. Ord. 643, passed 8-26-2008; Am. Ord. 665, passed 11-17-2010) Penalty, see ● 72.99

● 72.05 SIDEWALKS; OPERATION PROHIBITED.

No all-terrain vehicles shall operate on the sidewalks within the corporate limits.
(Ord. 643, passed 8-26-2008; Am. Ord. 665, passed 11-17-2010) Penalty, see ● 72.99

BICYCLES

● 72.20 LICENSE REQUIRED.

No person shall ride or propel a bicycle on any street, alley, sidewalk, or public path within the city unless that bicycle has been licensed and a license plate is attached thereto.
(1992 Code, ● 5-801) Penalty, see ● 72.99

● 72.21 LICENSE APPLICATION; FEE; ISSUANCE.

(A) Application for a bicycle license and license plate shall be made upon a form provided by the city and shall be made to the City Clerk. An annual fee of \$1 shall be paid to the city before each license

or renewal thereof is granted. The City Clerk upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective for the current calendar year. All bicycle licenses shall expire on the last day of the calendar year and may be renewed on or before the first day of the succeeding year upon application and payment of the annual \$1 license fee.

(B) The City Clerk shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, the number of the frame of the bicycle or some equivalent identification of the bicycle for which issued, and a record of all bicycle license fees collected by him or her. A copy of this record shall be furnished the Chief of Police, together with all current changes.
(1992 Code, ● 5-802)

● 72.22 ATTACHMENT OF LICENSE PLATE; BICYCLE INSPECTION.

The City Clerk, upon issuing a license, shall also issue a license plate bearing the license number assigned to the bicycle, the name of the city, and the calendar year for which issued. This license plate shall be firmly attached to the rear mud guard or frame of the bicycle for which issued in such a position as to be plainly visible from the rear. No person shall remove a license plate from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated within the city. If the City Clerk considers it necessary, he or she shall cause inspection to be made of each bicycle before licensing the same, and a license for any bicycle shall be refused if that bicycle is in unsafe mechanical condition. The inspection shall be made by the Chief of Police, or an officer assigned that responsibility.
(1992 Code, ● 5-803) Penalty, see ● 72.99

● 72.23 TRANSFER OF OWNERSHIP.

The licensee shall remove the license plate and shall either surrender the same to the City Clerk or may, upon proper application, but without payment of additional fee, have the plate assigned to another bicycle owned by the applicant.
(1992 Code, ● 5-804) Penalty, see ● 72.99

● 72.24 OPERATING RULES.

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

(B) 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.

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

(D) No bicycle shall be operated on any street or highway from sunset to sunrise without a headlight

visible from the front thereof for not less than 500 feet on a clear night and a red reflector on the rear of a type which shall be 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 the red reflector.

(E) Any person who operates a bicycle upon a street or highway shall not ride more than single file except on parts of streets or highways set aside for the exclusive use of bicycles.

(F) 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 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.

(G) 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 1 direction of movement and which has 2 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.

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

(I) No person shall operate a bicycle on the sidewalks within the business district.

(Neb. RS 60-6,315, 60-6,317, and 60-6,318) (1992 Code, ●5-805) (Am. Ord. 484, passed - -) Penalty, see ●72.99

●72.25 CLINGING TO MOTOR VEHICLE PROHIBITED.

No person riding upon any bicycle or roller skates shall attach the same or himself or herself to any moving vehicle upon any roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person traveling upon any bicycle or roller skates to cling to or attach himself or herself, or his

or her bicycle or roller skates, to the vehicle so driven and operated by him or her.
(Neb. RS 39-689) Penalty, see • 72.99

SNOWMOBILES

•72.40 EQUIPMENT.

(A) Every snowmobile operated within the city 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 head lamp, 1 tail lamp, 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 60-2002 and 60-2013) (1992 Code, • 5-701) Penalty, see • 72.99

•72.41 UNLAWFUL ACTS.

It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by him or her, to be operated:

(A) Within the congested area of the city unless weather conditions are such that it provides the only practicable method of safe vehicular travel, or the snowmobile is engaged in responding to an emergency;

(B) At a rate of speed greater than reasonable or proper under the surrounding circumstances;

(C) In a careless, reckless, or negligent manner so as to endanger person or property;

(D) Without a lighted headlight and taillight when they would be required by conditions;

(E) In any tree nursery or planting in a manner which damages or destroys growing stock; or

(F) Upon any private lands without first having obtained permission of the owner, lessee, or operator of those lands.

(Neb. RS 60-2013 and 60-2015) (1992 Code, • 5-702) Penalty, see • 72.99

•72.42 PUBLIC LANDS.

Snowmobiles shall be prohibited from operation on the public lands owned by the city, except where allowed by resolution of the City Council.

(Neb. RS 60-2016) (1992 Code, ●5-703) Penalty, see ●72.99

●72.99 PENALTY.

(A) Any violation of this chapter for which no other penalty is prescribed shall be punishable as set forth in ●70.99 of this code.

(B) Any person violating any provisions of ●●72.02 - 72.05 of this code shall be fined in a sum not to exceed \$500 and assessed the court costs of prosecution, provided, however, if any person is convicted of a second or subsequent offense within the period of three years, the minimum fine for the second or subsequent offense shall be \$200.

(Neb. RS 60-2808) (1992 Code, ●5-608) (Ord. 643, passed 8-26-2008; Am. Ord. 665, passed 11-17-2010)

CHAPTER 73: PARKING REGULATIONS

Section

General Provisions

- 73.01 Regulation or prohibition authorized
- 73.02 Roadway outside business or residential district
- 73.03 General prohibitions; exceptions
- 73.04 Obstructing street, intersection, or entrance
- 73.05 Intersections
- 73.06 Display or repair of vehicle
- 73.07 Current registration
- 73.08 Time limits
- 73.09 Snow; weather emergencies; highway maintenance
- 73.10 Parallel, angle, and center parking
- 73.11 Backing freight vehicle to curb
- 73.12 Unattended motor vehicle
- 73.13 Painting of curbs
- 73.14 City parking lots; use restrictions
- 73.15 Double parking prohibited
- 73.16 Designation of type of parking
- 73.17 Alleys; restrictions
- 73.18 Fire hydrants and stations
- 73.19 Schools, theaters

Truck Parking and Loading

- 73.30 Truck parking, loading and unloading
- 73.31 Residential zones
- 73.32 Alleys

Parking for Handicapped or Disabled Persons

- 73.45 Definitions
- 73.46 Designation of on-street parking spaces
- 73.47 Designation of off-street parking spaces
- 73.48 Removal of unauthorized vehicle
- 73.49 Citation; complaint; trial

Administration and Enforcement

- 73.65 Tickets
- 73.66 Removal of illegally parked vehicles

GENERAL REGULATIONS

•73.01 REGULATION OR PROHIBITION AUTHORIZED.

(A) The City Council with respect to highways under its jurisdiction and within the reasonable exercise of the police power may regulate or prohibit stopping, standing, or parking. (Neb. RS 60-680)

(B) If the City Council regulates or prohibits stopping, standing, or parking all vehicles or a particular kind or class of vehicles on a highway or a portion of a highway, no person shall stop, stand, or park a vehicle subject to such regulation or prohibition on the highway or portion thereof longer than a period of time necessary to load and unload freight or passengers. (1992 Code, •5-403) Penalty, see •70.99

•73.02 ROADWAY OUTSIDE BUSINESS OR RESIDENTIAL DISTRICT.

(A) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon a roadway outside of a business or residential district when it is practicable to stop, park, or leave such vehicle off such part of a highway, but in any event an unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway. Such parking, stopping, or standing shall in no event exceed 24 hours.

(B) No person shall stop, park, or leave standing any vehicle on a freeway except in areas designated or unless so directed by a peace officer, except that when a vehicle is disabled or inoperable or the driver of the vehicle is ill or incapacitated, such vehicle shall be permitted to park, stop, or stand on the shoulder facing in the direction of travel with all wheels and projecting parts of such vehicle completely clear of the traveled lanes, but in no event shall such parking, standing, or stopping upon the shoulder of a freeway exceed 12 hours.

(C) No person, except law enforcement, fire department, emergency management, public or private ambulance, or authorized Department of Roads or local authority personnel, shall loiter or stand or park any vehicle upon any bridge, highway, or structure which is located above or below or crosses over or under the roadway of any highway or approach or exit road thereto.

(D) Whenever a vehicle is disabled or inoperable in a roadway or for any reason obstructs the regular flow of traffic for reasons other than an accident, the driver shall move or cause the vehicle to be moved as soon as practical so as to not obstruct the regular flow of traffic.

(E) This section does not apply to the driver of any vehicle which is disabled while on the roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position until such time as it can be removed pursuant to division (D) of this section.

(Neb. RS 60-6,164) Penalty, see • 70.99

• **73.03 GENERAL PROHIBITIONS; EXCEPTIONS.**

(A) Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a peace officer or traffic control device, no person shall:

(1) Stop, stand, or park any vehicle:

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(b) On a sidewalk;

(c) Within an intersection;

(d) On a crosswalk;

(e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone unless the City Council indicates a different length by signs or markings;

(f) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(g) Upon any bridge or other elevated structure over a highway or within a highway tunnel;

(h) On any railroad track; or

(i) At any place where official signs prohibit stopping.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(a) In front of a public or private driveway;

(b) Within 15 feet of a fire hydrant;

(c) Within 20 feet of a crosswalk at an intersection;

(d) Within 30 feet of any flashing signal, stop sign, yield sign, or other traffic control device located at the side of a roadway;

(e) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted;

(f) At any place where official signs prohibit standing; or

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing; or

(b) At any place where official signs prohibit parking.

(B) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as shall be unlawful.

(Neb. RS 60-6,166) Penalty, see ● 70.99

● 73.04 OBSTRUCTING STREET, INTERSECTION, OR ENTRANCE.

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.

(1992 Code, ● 5-409) Penalty, see ● 70.99

● 73.05 INTERSECTIONS.

Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a peace officer or traffic control device, no person shall park a vehicle or leave a vehicle 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, or where the curb lines are painted red or another color specified by the City Council to indicate such prohibition.

Penalty, see ● 70.99

● 73.06 DISPLAY OR REPAIR OF VEHICLE.

It shall be unlawful for any person to park upon any highway or public place within the city any vehicle displayed for sale. Except when necessary due to a breakdown or other emergency, no person shall adjust or repair, or race the motor of, any motor vehicle or motorcycle while standing on the highways of the city. No person or employee connected with a garage or repair shop shall use sidewalks or highways in the vicinity of the garage or shop for the purpose of working on vehicles of any description.

(1992 Code, ● 5-411) Penalty, see ● 70.99

●73.07 CURRENT REGISTRATION.

It shall be unlawful to park or place on the highways or other public property any vehicle required to be registered by the Motor Vehicle Registration Act that is not registered in accordance with the Act.

Penalty, see ●70.99

Statutory reference:

Motor Vehicle Registration Act, see Neb. RS 60-301

●73.08 TIME LIMITS.

(A) It shall be unlawful to park a vehicle on a public street for over 24 consecutive hours except where a different maximum time limit is posted.

(B) If the City Council adopts a resolution entirely prohibiting, or fixing a time limit for, the parking and stopping of vehicles on any highway, it is unlawful to park or stop any vehicle in such highway for a period of time longer than fixed in the resolution.

(1992 Code, ●5-421) Penalty, see ●70.99

●73.09 SNOW; WEATHER EMERGENCIES; HIGHWAY MAINTENANCE.

(A) Unless the City Council provides otherwise, it is unlawful to park or stand any vehicle on any highway in the city at any time within 12 hours after a snowfall of 3 inches or more has occurred within a 24 hour period if the snow has not been removed within that time.

(B) The Police Chief, the city police, or any other designated person may order any highway or portion thereof vacated for weather emergencies or highway maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such highway or by posting appropriate signs along the highway not less than 4 hours prior to the time that the vacation order is to be effective. It is unlawful to park a vehicle on a highway or portion thereof vacated in accordance with this division (B).

(C) A vehicle parked in violation of this section may be removed and parked, under the supervision of the city police, to a suitable nearby location without further notice to the owner or operator of such vehicle.

Penalty, see ●70.99

●73.10 PARALLEL, ANGLE, AND CENTER PARKING.

(A) Except as otherwise provided in this section, any vehicle stopped or parked upon a 2-way roadway where parking is permitted shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of such roadway. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.

(B) Except when otherwise provided by the City Council, every vehicle stopped or parked upon a 1-way roadway shall be so stopped or parked parallel to the curb or edge of such roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway or its left-hand wheels within 12 inches of the left-hand curb or edge of such roadway.

(C) The City Council may permit angle or center parking on any roadway, except that angle or center parking shall not be permitted on any federal-aid highway or on any part of the state highway system unless the Director-State Engineer has determined that such roadway is of sufficient width to permit angle or center parking without interfering with the free movement of traffic.

(D) The City Council may prohibit or restrict stopping, standing, or parking on highways under its jurisdiction and erect and maintain proper and adequate signs thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.
(Neb. RS 60-6,167)

(E) Where stalls are designated either on the curb or pavement, vehicles shall be parked within those stalls.

(F) 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.
(1992 Code, ● 5-401) (Am. Ord. 486, passed - -) Penalty, see ● 70.99

● 73.11 BACKING FREIGHT VEHICLE TO CURB.

The operator of a vehicle of an over-all length of less than 20 feet, including load, while loading or unloading freight may back the vehicle to the curb but shall occupy as little of the street as possible.
Penalty, see ● 70.99

● 73.12 UNATTENDED MOTOR VEHICLE.

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended on a highway without first stopping the motor of such vehicle, locking the ignition, removing the key from the ignition, and effectively setting the brakes thereon and, when standing upon any roadway, turning the front wheels of such vehicle to the curb or side of such roadway.
(Neb. RS 60-6,168) Penalty, see ● 70.99

● 73.13 PAINTING OF CURBS.

(A) The curb space within 15 feet in either direction of a fire hydrant shall be painted red, or another color specified by the City Council, to indicate that parking is prohibited in such area.

(B) If the City Council adopts a resolution regulating or prohibiting the parking or stopping of vehicles at the curb on highways in front of certain facilities or at certain locations, the curbs adjacent to

any such facility or location shall be painted in such manner as directed by the City Council to indicate such regulation or prohibition.

(C) It shall be the duty of the City Council or its agent to cause the curb space to be painted and to keep the same painted as provided in this chapter or as specified by the City Council. The marking or designating of portions of highways where the parking of vehicles is prohibited or limited shall be done only by the city through its proper officers, at the direction of the City Council. No person shall paint the curb of any highway or in any manner set aside, or attempt to prevent the parking of vehicles in, any highway or part thereof, except at such places where the parking of vehicles is prohibited by the provisions of this chapter or by a resolution adopted by the City Council.

(1992 Code, ●5-410) Penalty, see ●70.99

●73.14 CITY PARKING LOTS; USE RESTRICTIONS.

(A) It shall be unlawful and a violation for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by that person to be parked in excess of 24 hours on parking lots owned, leased, controlled, or operated by the city.

(B) It shall be unlawful and a violation for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by that person to park any vehicle across any line or marking of a parking space or in such a position that the vehicle shall not be entirely within the area designated by the lines or markings.

(1992 Code, ●5-424) (Ord. 423, passed 2-5-1991) Penalty, see ●70.99

●73.15 DOUBLE PARKING PROHIBITED.

It shall be unlawful for any person to double park any motor vehicle on any of the streets of the city, except for the period of time that passengers are actually getting in or out of the motor vehicle.

(1992 Code, ●5-423) Penalty, see ●70.99

●73.16 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.

(1992 Code, ●5-402)

●73.17 ALLEYS; RESTRICTIONS.

(A) No vehicle, while parked, shall have any portion thereof projecting into any alley entrance.

(1992 Code, ●5-404)

(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.

(1992 Code, ● 5-405)

Penalty, see ● 70.99

● 73.18 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) (1992 Code, ● 5-406) Penalty, see ● 70.99

● 73.19 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.

(1992 Code, ● 5-407) Penalty, see ● 70.99

TRUCK PARKING AND LOADING

● 73.30 TRUCK PARKING, LOADING AND UNLOADING.

(A) It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to park or stop such vehicle on a street within the business district except to load or unload when loading or unloading in an alley is impossible and then only for the period of time reasonably necessary to load or unload.

(B) If the City Council provides truck parking areas adjoining or adjacent to the business district, all truck operators shall use such parking areas for all parking purposes.

(C) Except in an area provided for by the City Council by resolution, it shall be unlawful for the operator of any truck, including an oil tanker, to park or stop for any period of time within the limits of any street outside the business district except for the purpose of loading or unloading the cargo thereof in the ordinary course of business.

Penalty, see ● 70.99

Cross-reference:

Truck parking; business zones, see Chapter 75, Sched. I

●73.31 RESIDENTIAL ZONES.

It shall be unlawful for any person to park semi-trailers on any street or alley within any residential zone within the city, unless the trailer is in that residential zone for the purpose of making a service call, pickup or delivery of merchandise, or being used in connection with construction. The provisions of this section shall apply to all semi-trailers, whether loaded or unloaded.
(1992 Code, ●5-501) Penalty, see ●70.99

●73.32 ALLEYS.

It shall be unlawful for any person to park any motor vehicle of any kind or description in any alley or entrance thereto anywhere in the city, except when the driver of that vehicle is engaged in the pickup and delivery of merchandise, and only for such time as is reasonably necessary to complete that pickup and/or delivery and provide service or repairs. Notwithstanding anything contained in this section to the contrary, no driver of any vehicle, except emergency vehicles, shall park any motor vehicle in any alley or entrance thereto anywhere in the city, so as to completely block motor vehicle passage through the alley.
(1992 Code, ●5-503) Penalty, see ●70.99

PARKING FOR HANDICAPPED OR DISABLED PERSONS**●73.45 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 the use of parking spaces, including access aisles, designated for use by handicapped or disabled persons; the unauthorized possession, use, or display of handicapped or disabled parking permits; or 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 such manner for no longer than 1 year.
(Neb. RS 18-1738)
(1992 Code, ● 5-414) (Am. Ord. 489, passed - -; Am. Ord. 544, passed 3-17-1998)

● 73.46 DESIGNATION OF ON-STREET PARKING SPACES.

(A) The City Council may designate parking spaces, including access aisles, for the exclusive use of 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; handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state; such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the city, whose motor vehicles display the permit specified in Neb. RS 18-1739; and such other motor vehicles, as certified by the city, which display this type of permit. 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 aboveground and immediately adjacent to and visible from each space or access aisle a sign as described in Neb. RS 18-1737. In addition to this 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) (1992 Code, ● 5-412) (Am. Ord. 487, passed - -; Am. Ord. 542, passed 3-17-1998; Am. Ord. 567, passed 11-16-1999) Penalty, see ● 70.99

● 73.47 DESIGNATION OF OFF-STREET PARKING SPACES.

The city and any person in lawful possession of any off-street parking facility may designate stalls or spaces, including access aisles, in that facility owned or operated by the city or person, for the exclusive use of handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to Neb. RS 60-311.14; such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the city, whose motor vehicles display the permit specified in Neb. RS 18-1739; and such other motor vehicles, as certified by the city, which display this type of permit. This designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space, including access aisles, a sign which is in conformance with the requirements in Neb. RS 18-1737.
(Neb. RS 18-1737) (1992 Code, ● 5-413) (Am. Ord. 488, passed - -; Am. Ord. 543, passed 3-17-1998) Penalty, see ● 70.99

●73.48 REMOVAL OF UNAUTHORIZED VEHICLE.

(A) The owner or person in lawful possession of an off-street parking facility, after notifying the city police, and the city, 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 aboveground 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 ●73.54. 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 city shall not require the owner or person in lawful possession of the facility to inform the city of a violation of this section prior to the city issuing the violator a handicapped parking infraction citation.

(Neb. RS 18-1737) (1992 Code, ●5-420) (Am. Ord. 472, passed 12-7-1993; Am. Ord. 491, passed - -; Am. Ord. 551, passed 3-17-1998) Penalty, see ●70.99

●73.49 CITATION; COMPLAINT; TRIAL.

(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 City Attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging the 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) (1992 Code, ● 5-420.01) (Ord. 492, passed - -; Am. Ord. 550, passed 3-17-1998) Penalty, see ● 70.99

ADMINISTRATION AND ENFORCEMENT

● 73.65 TICKETS.

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

- (A) The amount of the fine if paid within 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.

● 73.66 REMOVAL OF ILLEGALLY PARKED VEHICLES.

(A) Whenever any peace officer, or any authorized employee of a law enforcement agency who is employed by the city and specifically empowered by ordinance to act, finds a vehicle standing upon a highway in violation of any of the provisions of this chapter, the individual may remove the vehicle, have

such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of the highway or from the highway.

(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 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 the vehicle until the charges are paid. The lien provided for in this section shall not apply to the contents of any vehicle.

(Neb. RS 60-6,165)

(1992 Code, ● 5-422)

CHAPTER 74: TRAFFIC SCHEDULES

Schedule

I. Speed limits

SCHEDULE I. SPEED LIMITS.

(A) There are hereby established within the city, speed zones, and it shall be unlawful to operate motor vehicles upon and over the streets located within the speed zones at a rate of speed in excess of that hereinafter designated.

(B) The speed zones established by this schedule and the maximum speeds permitted therein are as follows.

<i>Street or Highway</i>	<i>Location</i>	<i>Speed Limit</i>
6th Street	Commencing at the east side of the intersection of 6th Street and Maple Street to 150 feet west of the northeast corner of Lot 1, Hull's Subdivision of 32-15-15	15 mph between the hours of 7:00 a.m. and 5:00 p.m.
South Oak Street	Commencing 150 feet south of the intersection of 9th Street and Oak Street to the intersection of Oak Street and Highway 71	35 mph
State Highway 71 (Chestnut Street)	Between a point 350 feet south of the south line of 9th Street and 6th Street	40 mph
State Highway 71 (Chestnut Street)	Between 6th Street and 3rd Street	30 mph
State Highway 71 (Chestnut Street)	Between 3rd Street and a point 40 feet north of the north line of Main Street	25 mph
State Highway 71 (Chestnut Street)	Between a point 40 feet north of the north line of Main Street and the north city limits	40 mph
U.S. Highway 30 (3rd Street)	Between the east city limits and East County Road 43	45 mph
U.S. Highway 30 (3rd	Between East County Road 43 and a point 460 feet	

<i>Street or Highway</i>	<i>Location</i>	<i>Speed Limit</i>
Street)	east of the east line of High School Street	40 mph
U.S. Highway 30 (3rd Street)	Between a point 460 feet east of the east line of High School Street and Myrtle Street	35 mph
U.S. Highway 30 (3rd Street)	Between Myrtle Street and Locust Street	30 mph
U.S. Highway 30 (3rd Street)	Between Locust Street and Pine Street	40 mph
U.S. Highway 30 (3rd Street)	Between Pine Street and the west city limits	50 mph

(Ord. 524, passed 9-16-1997; Am. Ord. 633, passed 11-1-2006; Am. Ord. 655, passed 8-19-2009)
Penalty, see ● 70.99

Cross-reference:

Speed Limits, see ● 71.025 et seq.

CHAPTER 75: PARKING SCHEDULES

Schedule

- I. Truck parking; business zones

SCHEDULE I. TRUCK PARKING; BUSINESS ZONES.

(A) It shall be unlawful for any person to park trucks, tractor-trailer units, truck trailers, pickups, or panel trucks on the streets and alleys and other public places within the area encompassed by the following boundaries, except on those streets in this area as are designated by the Mayor and Council by resolution on which truck parking will be permitted.

<i>Truck Parking Prohibited Zone</i>
Commencing on the west line of Oak Street where it intersects the north line of Third Street, thence west along the north line of Third Street to the point where it intersects the east line of Howard Street, thence north along the east line of Howard Street to the point where it intersects the north line of First Street, thence east along the north line of First Street to the point where it intersects the west line of Oak Street, thence south along the west line of Oak Street to the point of beginning

(B) On those streets in this area where truck parking will be permitted, appropriate signs will be erected. The provisions of this section shall not apply to trucks, tractor-trailer units, pickups, or panel trucks in the area making a service call, engaged in pickup or delivery of merchandise, or being in connection with construction for which a permit has been issued by the city as provided by law, and then only for such time as is reasonably required for the purpose. The provisions of this section shall not apply to pickups having a capacity of not to exceed 3/4 ton. The provisions of this section shall not apply to panel trucks having a capacity of not to exceed 1 ton.
(1992 Code, ●5-502) Penalty, see ●70.99

