

**TITLE VII: TRAFFIC CODE**

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## CHAPTER 70: GENERAL PROVISIONS

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## **GENERAL PROVISIONS**

### **§ 70.01 DEFINITIONS.**

(A) The words and phrases used in this traffic code, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Neb. RS Ch. 60, Art. 6, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning.

(B) A **MOTOR VEHICLE** is every self-propelled land vehicle not operated upon rails, except bicycles, mopeds, self-propelled chairs used by persons who are disabled and electric personal assistive mobility devices.

(1976 Code, § 5-101) (Ord. 1125, passed 2-6-1995; Ord. 1461, passed 2-8-2016)

**Statutory reference:**

*Related provisions, see Neb. RS 60-606 through 60-676*

**§ 70.02 LITTERING FROM VEHICLES.**

It shall be unlawful for any person to drop, or cause to be left, upon any municipal highway, street or alley, except at places designated by the governing body, any rubbish, debris or waste, and any person so doing shall be guilty of littering.

(1976 Code, § 5-301) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-683*

**§ 70.03 SIGNS; DEFACING, UNAUTHORIZED DISPLAY.**

(A) *Defacing or interfering with.* It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal.

(1976 Code, § 5-302)

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

(1976 Code, § 5-303)

Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-618, 39-619*

**ADMINISTRATION AND ENFORCEMENT**

**§ 70.15 ACCIDENTS.**

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

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

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

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

(B) The driver of any vehicle involved in an accident, whether upon the public highway, private road or private drive, resulting in damage to property shall immediately stop such vehicle at the scene of the accident and give his or her name, address and the registration number of his or her vehicle, and exhibit his or her operator's or chauffeur's license to the owner of the property struck, or the driver, or occupants of any other vehicle involved in the collision.

(1976 Code, § 5-323) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-6,104.01, 39-6,104.02*

**§ 70.16 EMERGENCY REGULATIONS; AUTHORITY.**

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

(1976 Code, § 5-325)

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

(1976 Code, § 5-326)

**Statutory reference:**

*Related provisions, see Neb. RS 39-6,192*

**§ 70.17 REFUSAL TO OBEY POLICE.**

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

(1976 Code, § 5-327) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-697*

**§ 70.18 TRAFFIC OFFICERS.**

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

(1976 Code, § 5-328) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see Neb. RS 39-669.21, 39-697, 39-6,192*

***REGISTRATION, EQUIPMENT AND OPERATION REQUIREMENTS*****§ 70.30 OPERATOR AND VEHICLE LICENSE.**

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

(B) No person shall operate a motor vehicle upon any street, alley or public highway without having obtained a motor vehicle operator’s license in accordance with Neb. RS Ch. 60, Art. 4. It shall be unlawful for any person to operate a motor vehicle upon any street, alley or public highway during the period that his or her operator’s license has been revoked or canceled.

(1976 Code, § 5-401) (Ord. 1051, passed 3-23-1992; Ord. 1128, passed 2-6-1995; Ord. 1194, passed 1-22-1996) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see Neb. RS 60-302, 60-320, 60-320.01, 60-321, 60-323, 60-4,186*

**§ 70.31 TRAILERS.**

No trailer, semi-trailer or cabin trailer shall be operated or parked on any street, alley or public highway within the municipality without having first registered the same in accordance with Neb. RS

Ch. 60, Art. 3, and Neb. RS 60-321, except as provided in this section. A person may pull such trailer, semi-trailer or cabin trailer without registration for a period not to exceed 30 days from the date of purchase. Upon registration, such trailer, semi-trailer or cabin trailer shall have the required number plate displayed upon said trailer as provided for by Neb. RS 60-311. If a citation is issued to an owner or operator of a vehicle for a violation of this section and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten days after the issuance of the citation, no prosecution for the offense cited shall occur.

(1976 Code, § 5-402) (Ord. 1129, passed 2-6-1995; Ord. 1195, passed 1-22-1996) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 60-302, 60-320, 60-321*

**§ 70.32 LICENSE PLATES.**

The license plates, required on every motor vehicle by laws of the state, or by laws of any other state while such vehicle is operated within the corporate limits, shall be kept clear and free from grease, dust or other blurring matter so they will be plainly visible at all times, and shall be attached in such manner as to be clearly readable at a distance of 100 feet and under no circumstances shall they be obstructed by any portion of the vehicle.

(1976 Code, § 5-403) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 60-324, 60-325*

**§ 70.33 EQUIPMENT AND MAINTENANCE.**

Every motor vehicle, while in use on the streets, alleys or highways of the municipality shall be equipped with efficient brakes adequate to control the movement of, to stop and to hold such vehicle, including two separate means of applying the brakes, and shall be further equipped with a good and sufficient horn in good working order or other efficient signal devices. From sunset to sunrise, and any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the street, alley or highway at a distance of 500 feet, every motor vehicle shall be equipped with lighted headlights and every motor vehicle and trailer shall be equipped with one or more taillights, at the rear of the motor vehicle or trailer, exhibiting a red light visible from a distance of at least 500 feet to the rear of such vehicle. No person shall operate any crosswalks within the municipality. Every motor vehicle having a width of 80 inches or more shall display clearance lights as required by state law. All vehicle brakes shall be maintained in good working order; provided, motorcycles need only be equipped with one brake. All horns on motor vehicles shall be capable of emitting sound audible under normal conditions from a distance of not less than 200 feet; provided, no vehicle, except as herein provided, shall be equipped with, nor shall any person use upon a vehicle, any siren or horn otherwise than as reasonable warning; nor shall any person use any horn or warning device upon a vehicle to make any

unnecessary, loud or harsh sound; and, provided further that, every Police and Fire Department vehicle, ambulance or other authorized emergency vehicle used for emergency calls shall be equipped with a bell, siren or whistle of the type approved by the governing body.

(1976 Code, § 5-404) (Ord. 1130, passed 2-6-1995; Ord. 1196, passed 1-22-1996) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 60-6,219, 60-6,220, 60-6,224, 60-6,235, 60-6,244, 60-6,285*

**§ 70.34 UNOBSTRUCTED VIEWS.**

(A) No person shall drive on a street any motor vehicle constructed or loaded in such a way as to prevent the driver from obtaining a view of the street to the rear unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the street for a distance of at least 200 feet to the rear of such vehicle. It shall be unlawful for any person to drive upon a street, any vehicle with a sign, poster or other non-transparent material upon the front windshield, side windows or rear windows of such motor vehicle other than a certificate, or paper required to be so displayed by law.

(B) Every windshield on a motor vehicle shall be equipped with a device for removing rain, snow or other moisture from the windshield, which device shall be so constructed as to be operated by the driver within the vehicle.

(1976 Code, § 5-405) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-6,124, 39-6,136, 39-6,170*

**§ 70.35 LOADS.**

(A) *Projecting.* When any vehicle shall be loaded in such a manner that any portion of the load extends more than four feet beyond the rear of the bed or the body of such vehicle, a red flag of not less than 12 inches both in length and width shall be carried by day, and red light after sunset at the extreme rear end of such load.

(1976 Code, § 5-406)

(B) *Spilling.* All vehicles used for carrying coal, earth, cinders, sand, gravel, rock, asphalt, tar or any similar substance shall be so constructed as to prevent the sifting or spilling of any of the contents.

(1976 Code, § 5-407)

Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-6,129, 39-6,130, 39-6,137*

**§ 70.99 PENALTY.**

(A) Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this traffic code, set forth at full length herein or incorporated by reference, shall be deemed guilty



of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.  
(1976 Code, § 5-701)

(B) Every person convicted of violating the provisions of §§ 70.15 through 70.18 of this chapter, relative to the duty to stop in the event of certain accidents, shall be punished by a fine of not more than \$100. In addition thereto the court may, in its discretion, revoke the operator's or chauffeur's license of the person so convicted for a period not to exceed one year.

(1976 Code, § 5-324)

(Ord. 1449, passed 12-23-2013)

***Statutory reference:***

*Related provisions, see Neb. RS 39-6,104.02, 39-6,104.03*



## CHAPTER 71: VEHICLE OPERATION

### Section

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**GENERAL PROVISIONS****§ 71.01 AUTOMATIC LIGHTS AND SIGNALS; SIGNAL SYSTEM.**

(A) *Automatic lights and signals.* No vehicle shall turn at any intersection where an automatic signal system is in operation, except when such signal system is displaying a green light; provided, vehicles may turn on a red signal when in compliance with the provisions of this section governing such turns. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal system is in operation.

(1976 Code, § 5-201)

(B) *Automatic signal system.* At each intersection where an automatic signal system is in operation, all vehicular and pedestrian traffic crossing such street intersection shall be governed by such automatic signal system. The display of the red signal light shall be a signal for traffic to stop outside of the street intersection. The display of the yellow signal light shall announce that traffic be at attention to stop when the red light is displayed, and the green signal light shall be a signal for traffic to promptly move forward. It shall be unlawful for any person to violate any such signal.

(1976 Code, § 5-202)

(C) *Signs and signals.* The governing body may, by resolution, provide for the placing of stop signs or other signs, signals, standards or mechanical devices in any street or alley under the municipality's jurisdiction for the purpose of regulating or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect or refuse to comply with such regulation or prohibition.

(1976 Code, § 5-220)

(D) *Stop signs.* Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause such vehicle to come to a complete stop before entering or crossing any street, highway or railroad crossing. The vehicle operator shall stop at a marked stop line or, if there is no stop line, before entering the crosswalk; but, if neither is indicated, then as near the right-of-way line of the intersecting roadway as possible.

(1976 Code, § 5-221)

(E) *Signs, traffic-control devices, traffic surveillance devices; defacing or interfering with.* It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic-control device or traffic-control surveillance device.

(1976 Code, § 5-222)

(Ord. 990, passed 12-18-1989) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-609 through 39-611, 39-614, 39-619, 39-619.01, 39-697*

**§ 71.02 RIGHT TURN ON RED.**

Except where a traffic-control device is in place prohibiting a turn, vehicles facing a steady red signal may cautiously enter the intersection to make a right turn after stopping. Such turning vehicle shall yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other vehicular traffic lawfully using the intersection. The governing body of the municipality has the authority to prohibit turning right on red at any intersection within the municipality where it deems such a prohibition necessary; provided, those intersections where turning right on red is prohibited shall bear signs to that effect placed and printed in such a manner so as to be conspicuous from a vehicle about to enter the intersection.

(1976 Code, § 5-203) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-614, 39-697*

**§ 71.03 TRUCK ROUTES.**

(A) It shall be unlawful to operate on 8th Street between F Street and Highway 30 in the city any semi-tractor truck with trailer attached or unattached, trucks with beds or boxes that exceed nine feet in length or more, including agricultural and industrial equipment exceeding 10,000 pounds in gross weight.

(B) It shall not be unlawful for the following vehicles to operate upon any street or alley in the city: emergency vehicles; vehicles being used for the purpose of delivering or collecting goods, wares, merchandise; vehicles being directly used for building, repair, service, moving operations; vehicles being used to obtain materials or making repairs while dealing with regularly established businesses or equipment related thereto.

(C) Signage designating such prohibition shall be erected upon or at the entrance to said affected streets as may be most appropriate.

(1976 Code, § 5-204) (Ord. 1462, passed 5-23-2016) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-6,189*

**§ 71.04 ONE-WAY TRAFFIC.**

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

(1976 Code, § 5-205)

**Statutory reference:**

*Related provisions, see Neb RS 39-697*

**§ 71.05 TRAFFIC LANES, ARTERIAL STREETS DESIGNATED.**

(A) The governing body may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable.

(1976 Code, § 5-206)

(B) The governing body may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated.

(1976 Code, § 5-207)

***Statutory reference:***

*Related provisions, see Neb. RS 39-697*

**§ 71.06 TURNING MOVEMENTS.**

(A) “U” turns. No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation or where a sign is posted indicating that U-turns are prohibited.

(1976 Code, § 5-208)

(B) *Hand signals.* A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The signals herein required shall be given either by means of the hand and arm, or by a signal device of a type approved by the Department of Roads. The hand and arm signals herein required shall be given from the left side of the vehicle in the following manner:

(1) Stop or decreased speed: hand and arm extended downward;

(2) Left turn: hand and arm extended horizontally; and

(3) Right turn: hand and arm extended upward.

(1976 Code, § 5-209)

(C) *Generally.*

(1) Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right hand side of the highway and must turn the corner as near the right-hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach such centerline of the highway and, in turning, shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left.

(2) For the purposes of this section, the *CENTER OF THE INTERSECTION* shall mean the meeting point of the medial lines of the highways intersecting one another.

(1976 Code, § 5-210)

Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-650, 39-651, 39-652 through 39-654, 39-697*

**§ 71.07 RIGHT-OF-WAY.**

(A) (1) When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a municipal police officer stationed at the intersection.

(2) The driver of a vehicle intending to turn left within an intersection, or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

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

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

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

(6) The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals.

(1976 Code, § 5-211)

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

(1976 Code, § 5-212)

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

(1976 Code, § 5-213)

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

(1976 Code, § 5-214)

(Ord. 1126, passed 2-6-1995) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-622, 39-640, 39-697, 60-6,146 through 60-6,154*

**§ 71.08 POSITION OF VEHICLE ON HIGHWAY.**

(A) *Generally.* Upon all highways of sufficient width, one-way streets excepted, the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least one-half of the main traveled portion of the roadway.

(1976 Code, § 5-215)

(B) *Passing.* A vehicle shall not be driven to the left of the centerline of the highway in overtaking or passing another vehicle proceeding in the same direction, unless such left side is clearly visible and free from oncoming traffic for a sufficient distance to permit such overtaking and passing to be made in safety.

(1976 Code, § 5-216)

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

(1976 Code, § 5-217)

Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-620, 39-622, 39-625, 39-697*

**§ 71.09 STOPS; CROSSING SIDEWALKS.**

All vehicles, before crossing a sidewalk, emerging from a garage, alley, filling station or other place within the Business District shall come to a complete stop and after giving sufficient warning shall proceed slowly and with extreme caution while crossing such sidewalk, or leaving such garage, alley, filling station or other place. The term **SLOWLY** shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic thereon.

(1976 Code, § 5-218)

**Statutory reference:**

*Related provisions, see Neb. RS 39-638*



**§ 71.10 CROSSWALKS.**

The governing body may, by resolution, establish and maintain, by appropriate devices, markers or lines upon the street, crosswalks, at intersections where there is particular danger to pedestrians crossing the street, and at such other places as it may deem necessary.

(1976 Code, § 5-219)

**Statutory reference:**

*Related provisions, see Neb. RS 39-697*

**§ 71.11 CHILD PASSENGERS; RESTRAINT SYSTEM.**

(A) For purposes of this section, **OCCUPANT PROTECTION SYSTEM** has the meaning provided in Neb. RS 60-6,265.

(B) (1) Any person who drives any motor vehicle which has or is required to have an occupant protection system shall ensure that:

(a) All children up to six years of age being transported by such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213, as developed by the National Highway Traffic Safety Administration, as such standard existed on 1-1-2004, and which is correctly installed in such vehicle; and

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

(2) Division (B)(1) shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on 1-1-2004, 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) above shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

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

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

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

(2) Enforcement of division (B)(1)(b) above 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.

(1976 Code, § 5-332) (Ord. 1017, passed 1-21-1991; Ord. 1357, passed 11-8-2004) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 60-6,267, 60-6,268*

### ***PROHIBITED OPERATION***

#### **§ 71.25 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.

(1976 Code, § 5-308) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-669.01, 39-669.02, 39-669.26*

#### **§ 71.26 CARELESS DRIVING.**

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

(1976 Code, § 5-309) (Ord. 619, passed 8-23-1979) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-669*

#### **§ 71.27 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.

(1976 Code, § 5-310) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-669.26*

**§ 71.28 BACKING VEHICLES.**

It shall be unlawful for any person to back a motor vehicle on the municipal streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety and in no case shall the distance of the backing exceed one and one-half lengths of the vehicle.

(1976 Code, § 5-311) Penalty, see § 70.99

**§ 71.29 UNNECESSARY STOPPING.**

It shall be unlawful for any person to stop any vehicle on any public street or alley, other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic-control devices and regulations or to yield the right-of-way to pedestrians or to other vehicles.

(1976 Code, § 5-312) Penalty, see § 70.99

**§ 71.30 PASSING; INTERSECTIONS; HINDERANCE.**

(A) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction, while traversing a street intersection, if such passing requires such overtaking vehicle to drive to the left of the center of the street.

(1976 Code, § 5-313)

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

(1976 Code, § 5-314)

Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-622, 39-625*

**§ 71.31 DRIVING ABREAST.**

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

(1976 Code, § 5-315) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-628, 39-694*

**§ 71.32 FOLLOWING VEHICLES.**

(A) *Distance.* The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of the vehicles, and the traffic and condition of the street.

(1976 Code, § 5-316)

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

(1976 Code, § 5-317)

Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-629, 39-681*

**§ 71.33 CROWDING IN FRONT SEAT.**

No person shall drive a motor vehicle when it is so loaded, or when there is in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of such vehicle.

(1976 Code, § 5-318) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-677*

**§ 71.34 DRIVING IN SIDEWALK SPACE.**

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

(1976 Code, § 5-319) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-676*

**§ 71.35 UNNECESSARY NOISE; MUFFLERS.**

(A) It shall be unlawful for any person to create any unreasonably loud, disturbing and unnecessary noise of such character, intensity and duration as to be detrimental to the health and welfare of the municipality.

(1976 Code, § 5-320)

(B) Every motor vehicle operated within the municipality shall be provided with a muffler in good working order to prevent excessive or unusual noise as provided in the previous section. It shall be unlawful to use a “muffler cut-out” on any motor vehicle upon any streets; provided, the provisions of this section shall not apply to authorized emergency vehicles.

(1976 Code, § 5-321)

Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-6,137, 60-2,209*

**§ 71.36 WRONGFUL TAKING.**

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

(1976 Code, § 5-322) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 28-521*

**§ 71.37 RADAR DEVICES.**

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

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

**POSSESSION.** To have a device defined above in a motor vehicle if such device is not:

(a) Disconnected from all power sources; and

(b) In the rear trunk, which shall include the spare tire compartment, or any other compartment which is not accessible to the driver or any other person in the vehicle while such vehicle is in operation. If no such compartment exists in a vehicle, then such device must be disconnected from all power sources and be placed in a position not readily accessible to the driver or any other person in the vehicle.

**RADAR TRANSMISSION DEVICE.** Any mechanism designed to interfere with the reception of radio microwaves in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles.

**TRANSCEIVER.** An apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver.

(1976 Code, § 5-329) (Ord. 697, passed 8-5-1982)

**Statutory reference:**

*Related provisions, see Neb. RS 39-6,205 through 39-6,207*

**§ 71.38 DRIVING ON HIGHWAY SHOULDERS.**

No person shall drive on the shoulders of highways; except that:

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

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

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

(1976 Code, § 5-331) (Ord. 955, passed 9-26-1988) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-631*

**§ 71.39 ENGINE BRAKES.**

(A) *Definition.* For the purposes of this section, the term **ENGINE BRAKE** is hereby defined as a specific braking mechanism which utilizes the release of compressed air as part of an engine retarder or engine brake on any motor vehicle as a means of slowing or stopping said vehicle.

(B) *Prohibition of engine brakes.* It shall be unlawful for anyone to operate a motor vehicle and use engine retarders or engine brakes as a means of slowing or stopping said vehicle within the city limits.

(C) *Affirmative defense.* The use of an engine retarder or brake in an emergency situation to avoid an imminent accident which would otherwise result in damage or injury to person(s) or property, or the fact that the motor vehicle is equipped with a proper muffler system which eliminates noise emitted or caused by the use of an engine retarder or brake system shall constitute affirmative defenses to the application of the provisions of this section.

(1976 Code, § 5-334) (Ord. 1307, passed 9-16-2002) Penalty, see § 70.99

**§ 71.40 SNOW EMERGENCY ROUTES.**

(A) *Movement of snow from private property into city streets.* Whenever a snow emergency has been declared, no person shall move the snow from lots, driveways or sidewalks owned or controlled by them onto the streets after snow has been cleared from the streets by agents of the city. Once a street has been cleared it shall be unlawful for persons to move snow into street traffic lanes or street parking lanes. (1976 Code, § 5-629)

(B) *Operation of motor vehicles on snow emergency routes.*

(1) Whenever an emergency has been declared pursuant to Ch. 75, Schd. II of this code of ordinances, no person operating a motor vehicle on a snow emergency route shall allow such vehicle to become stalled or stuck so that it remains in such a position longer than momentarily.

(2) No person operating a motor vehicle on a snow emergency route during the declaration of emergency snow conditions shall allow such vehicle to become stalled because the motor fuel supply is exhausted, or the battery has become inoperative.

(3) Whenever a motor vehicle becomes stalled for any reason, whether or not in violation of this section, on any snow emergency route on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route. No person shall abandon or leave his or her vehicle in the roadway of a snow emergency route, except for the purpose of securing assistance for removal. (1976 Code, § 5-630)

(C) *Emergency declarations of the Mayor or Street Commissioner.*

(1) The Mayor and/or Street Commissioner shall cause each declaration of a snow emergency which shall be made by him or her, pursuant to this section, to be publicly announced by means of broadcasting or telecast from broadcasting stations with a normal operating range covering the city, and he or she may, in addition, cause such declaration to be announced in newspapers of general circulation within the city when feasible. Each announcement shall describe the action taken by the Mayor and/or Street Commissioner, including the time the emergency became or will become effective. The announcement shall specify the streets or areas affected. The Mayor and/or Street Commissioner shall make or cause to be made a record of each time and date when an emergency declaration is announced to the public by issuing an executive order as soon after the declaration of any emergency as is feasible.

(2) Whenever the Mayor and/or Street Commissioner shall find that some or all of the conditions which gave rise to a parking prohibition placed in effect pursuant to the provisions of this section no longer exist, he or she shall declare the prohibition terminated, in whole or in part, effective immediately upon the announcement or at a later specified time. (1976 Code, § 5-631)

(D) *Provisions temporarily effective to take precedence.* Any provision of this section which becomes effective by declaration of the Mayor and/or Street Commissioner upon the occurrence of a snow emergency, while temporarily in effect, takes precedence over other conflicting provisions of law, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a Police Officer.

(1976 Code, § 5-632)

(Ord. 1393, passed 2-5-2007; Ord. 1478, passed 2-19-2018; Ord. 1488, passed 9-23-2019) Penalty, see § 70.99



## CHAPTER 72: PARKING RULES

### Section

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**GENERAL PROVISIONS****§ 72.01 PARKING BUREAU OF VIOLATIONS.**

(A) There is hereby created the Bureau of Violations within the powers and duties of the office of the Municipal Clerk.

(B) (1) A copy of each citation issued for non-moving traffic violations shall be deposited with the Municipal Clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid to him or her.

(2) Fines shall be payable at the office of the Clerk.

(3) Such fines shall be in the amount of \$10 for each violation if paid within 15 days from the date of issuance.

(4) The fine for any such violation after 15 days from date of issuance shall be \$20. Should any such fine not be paid within 30 days from the date of issuance of the citation, the Clerk shall forward said citation to the prosecuting attorney together with a request that a complaint be filed in the appropriate court.

(C) All money collected by the Municipal Clerk under this section shall be transferred to the school district in which the municipality lies.

(1976 Code, § 5-618) (Ord. 679, passed 1-21-1982; Ord. 1033, passed 5-7-1991)

**Statutory reference:**

*Related provisions, see Neb. RS 18-1729*

**§ 72.02 PARKING CITATIONS.**

All citations issued for violations of non-moving traffic regulations contained in this subchapter shall, in addition to information normally stated on such citations, carry the following information:

(A) The amount of the fine if paid within 15 days;

(B) The amount of the fine if not paid within 15 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.

(1976 Code, § 5-619) (Ord. 1033, passed 5-7-1991)

**Statutory reference:**

*Related provisions, see Neb. RS 29-423*

**§ 72.03 SUMMONS; DESTRUCTION PROHIBITED.**

It shall be unlawful for any person to tear up, or destroy, a parking tag placed upon any vehicle by the municipal police, or to disregard the summons contained on such tag, and fail to appear in court as directed by said tag.

(1976 Code, § 5-620) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see Neb. RS 39-697*

**§ 72.04 IMPOUNDMENT AND REMOVAL.**

**(A) Fees, release.**

(1) There is hereby created in the city a pound for the impounding of automobiles and other vehicles of any character, which is designated as an “automobile pound”.

(2) The Mayor of the city is hereby empowered and directed to locate the automobile pound for the placement of impounded vehicles where and as may be appropriate for said purpose and as may be necessary to accommodate the vehicles impounded. The Mayor of the city may change the location of the automobile pound designated for the placement of impounded vehicles as may be appropriate for said purpose and as may be necessary to accommodate the vehicles impounded. The city may enter into a contract with private persons, firms and corporations for the use of the impoundment area or for the towing of such impounded vehicles found to be in violation of this municipal code.

(3) Whenever any vehicle is found by a police officer parked or left standing in the streets, alleys, public ways or parking facilities or other public places of the city which has previously been in violation of, or which is at present in violation of this municipal code of the city, the police officer may remove and convey the vehicle by means of towing it or otherwise to the automobile pound, or such police officer may remove said vehicle or order that said vehicle be towed to the location designated by the city for the placement of impounded vehicles; and, thereupon, the vehicle shall not be discharged or removed from the automobile pound, except upon payment by the owner, driver or operator of such vehicle of a towing and storage fee as established by resolution of the City Council. In such case when such vehicle is towed or removed to the automobile pound said owner, driver or operator shall pay such towing fees as may be established between the city and such person, firm or corporation operating the towing service. When the owner, driver or operator of such vehicle presents himself or herself to the Police Department of the city to claim his or her vehicle, it shall be the duty of the Police Department to inform the owner, driver or operator of the nature and the circumstance of the violation for which the vehicle was impounded. If such person is found not guilty by the court involved of the charges for which the vehicle was impounded, the city shall refund to such person the towing and impoundment fees paid by such person.

(4) It shall be the duty of the City Clerk to account for any fees collected for the city under the provisions of this section. The Chief of Police shall keep a record of the name of the owner of each vehicle impounded, the number of the registration plates thereon, the nature and circumstances of each violation involved and the disposition of each case.

(5) Nothing set forth in divisions (A)(1) through (A)(4) above shall be construed as superseding any other provisions of the city code concerning the proper parking or operation of vehicles and the collection of fees hereunder shall not prevent or preclude the prosecution of the violation of any of the provisions of the city code concerning the parking or operation of vehicles in the city.  
(1976 Code, § 5-622)

(B) *Private lots.*

(1) (a) Any person parking a motor vehicle in a properly posted, restricted parking lot without the consent of the owner or tenant authorized to give permission shall be guilty of an infraction and the vehicle shall be subject to being towed away at the request of such lot owner or tenant.

(b) Any person found guilty under this section shall be subject to the penalties provided for infractions.

(c) If the identity of the operator of a motor vehicle in violation of this section cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such infraction.

(d) When any law enforcement officer observes or is advised that a motor vehicle may be in violation of this section, he or she shall make a determination as to whether a violation has in fact occurred and, if so, shall personally serve or attach to such motor vehicle a citation directed to the owner or operator of such vehicle, which shall set forth the nature of the violation.

(e) Any person who refuses to sign the citation or otherwise comply with the command of the citation shall be punished as provided by Neb. RS 29-426.

(2) Signs designating a restricted parking lot shall be readily visible and shall state the purpose or purposes for parking on the restricted parking lot, state the hours for restricted parking and state who to contact for information regarding a towed vehicle.  
(1976 Code, § 5-623)

(C) *Removal of illegally parked vehicles.*

(1) Whenever any police officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of this section, such individual may remove or have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle, to a position off the roadway of such street or alley or from such street or alley.

(2) (a) 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.

(b) Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims.

(c) Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid.

(d) The lien provided for in this section shall not apply to the contents of any vehicles.  
(1976 Code, § 5-624)

(D) *Provisions temporarily effective to take precedence.* Any provision of this section which becomes effective by declaration of the Mayor and/or Street Commissioner upon the occurrence of a snow emergency, while temporarily in effect, takes precedence over other conflicting provisions of law; except that, it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a police officer.  
(1976 Code, § 5-632)

(E) *Removal of stalled or parked vehicles; fees.*

(1) Members of the Police Department are hereby authorized to remove or cause to be removed a vehicle from a street to another place or location on a street or to a lot, garage, storage yard, or other similar facility designated by the Police Department when:

(a) The vehicle is parked on a snow emergency route on which a parking prohibition is in effect;

(b) The vehicle is stalled on a snow emergency route on which a parking prohibition is in effect and the person who is operating said vehicle does not appear to be removing it in accordance with the provisions of this section;

(c) The vehicle is parked on any street in violation of any parking prohibition or provision of law contained in this section.

(2) (a) Such vehicle removal may be made by towing to a private lot, garage, storage yard, or other similar facility. Any stored vehicle shall not be released from storage except upon payment by the owner of the vehicle to the person or persons in charge of the lot, garage, storage yard, or other similar facility of the cost of towing and storage.

(b) A receipt for such fees shall be issued to the owner of the vehicle.

(3) It shall be the duty of the person or persons in charge of the lot, garage, storage yard, or other similar facility designated by the Police Department for storage to keep a record of the name of the owner of all vehicles towed in under these provisions, together with the license plate number or VIN number of each vehicle, and the nature of such, and the amount of fees collected hereunder and to deliver a report of each day's transactions to the Chief of Police not later than one day following the day for which the report is made.

(1976 Code, § 5-633)

(Ord. 650, passed 12-4-1980; Ord. 669, passed 9-17-1981; Ord. 956, passed 9-26-1988; Ord. 1181, passed 11-20-1995; Ord. 1393, passed 2-5-2007; Ord. 1488, passed 9-23-2019)

***Statutory reference:***

*Related provisions, see Neb. RS 39-671, 39-697, 60-2401, 60-2402*

**§ 72.05 OWNER RESPONSIBLE FOR VIOLATIONS.**

If the identity of the person who parked a vehicle in violation of any provision of this chapter cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this chapter and in § 70.99 of this code of ordinances.

(1976 Code, § 5-634) (Ord. 1086, passed 3-8-1993; Ord. 1089, passed 4-12-1993)

***REGULATIONS AND CONDITIONS***

**§ 72.20 UNATTENDED VEHICLES.**

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended on a highway without first doing the following:

(A) Stopping the motor of such vehicle;

(B) Except for vehicles equipped with motor starters that may be actuated without a key, locking the ignition, removing the key from the ignition;

(C) Effectively setting the brakes thereon; and

(D) When standing upon any roadway, turning the front wheels of such vehicles to the curb or side of such roadway.

(1976 Code, § 5-601) (Ord. 1479, passed 2-5-2018) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see Neb. RS 39-674, 60-6,168*

**§ 72.21 PARKING GENERALLY.**

No person shall park any vehicles, or approach the curb with a vehicle, except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb or edge of the roadway, in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway, and so as to leave at least four feet between the vehicle so parked and any other parked vehicles, except where the governing body designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicles shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.

(1976 Code, § 5-602) (Ord. 1138, passed 2-6-1995) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 60-680, 60-6,167*

**§ 72.22 DESIGNATED PARKING.**

(A) The governing body may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb.

(1976 Code, § 5-603)

(B) (1) The governing body may, by resolution, set aside any street, alley, public way, or portion thereof, where the parking of a particular kind or class of vehicle shall be prohibited or where the parking of any vehicle shall be prohibited.

(2) No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way or portion thereof, longer than a period of time necessary to load and unload freight or passengers.

(1976 Code, § 5-604)

**Statutory reference:**

*Related provisions, see Neb. RS 39-673, 39-697*

**§ 72.23 ALLEYS; OBSTRUCTION.**

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

(1976 Code, § 5-605)

(B) (1) No vehicle shall be parked in any alley, except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one-half hour.

(2) Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley.

(1976 Code, § 5-606)

Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-697*

#### **§ 72.24 UNLAWFUL OBSTRUCTIONS.**

(A) It shall be unlawful for the operator of any vehicle to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway or on a sidewalk.

(1976 Code, § 5-607)

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

(1976 Code, § 5-611)

Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-697*

#### **§ 72.25 TRUCK PARKING; NON-MOTORIZED VEHICLE PARKING; EQUIPMENT PARKING.**

(A) No semi-tractor, semi-trailer or combination of semi-trailer and pup-trailer more than 30 feet in length, or truck having a gross vehicle weight greater than 26,000 pounds shall remain on any public street or alley between the hours of 9:00 p.m. and 6:00 a.m. in any residential zoned district.

(B) (1) Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload.

(2) It shall be unlawful for the owner or operator of any vehicle referenced in this section to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway or on a sidewalk at any time.

(3) The governing body may, by resolution, provide truck parking areas within the municipality and, when such parking areas are provided, it shall be the duty of all truck operators and owners to use such parking areas for all parking purposes.

(C) No motorized or non-motorized recreational vehicle, no non-motorized vehicle, camper, trailer, boat trailer, or similar wheeled vehicle shall park on any street within the City of Cozad from October 1 of each year through and including March 31 of each year. A construction trailer or similar non-motorized vehicle may be parked on a city street in conjunction with work on an adjoining property,



as long as a permit allowing such parking is issued in conjunction with a building permit by the city building inspector, and only for the period of time shown in said permit.

(D) No tractors, farm machinery or construction equipment, except those being used on work in the immediate vicinity, shall be permitted to remain on any street or alley in any residential zoned district. (1976 Code, § 5-608) (Ord. 887, passed 11-25-1985; Ord. 1228, passed 3-24-1997; Ord. 1487, passed 9-23-2019) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 60-680*

**§ 72.26 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. (1976 Code, § 5-609) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-672*

**§ 72.27 STREET INTERSECTIONS.**

Except in compliance with traffic-control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection or curb lines or, if none, then within 15 feet of the intersection of property lines. (1976 Code, § 5-610) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-672*

**§ 72.28 CURBS; CURBSIDE PARKING.**

(A) (1) No vehicle shall park on any street with its left side to the curb, unless said street has been designated to be a “one-way” street by the governing body.

(2) 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. (1976 Code, § 5-612)

(B) (1) It shall be the duty of the Street Commissioner to cause the curb space to be painted and keep the same painted as provided in this chapter.

(2) No person, firm or corporation shall paint the curb of any street, or in any manner set aside, or attempt to prevent the parking of vehicles in any street, or part thereof, except at such places where the parking of vehicles is prohibited by the provisions of this chapter.

(3) The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the municipality through its proper officers, at the direction of the City Administrator.

(1976 Code, § 5-613)

Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-673, 39-697*

**§ 72.29 PARKING FOR DISPLAY OR REPAIR.**

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

(1976 Code, § 5-614) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-697*

**§ 72.30 TIME LIMIT PARKING.**

(A) The governing body may, by resolution, entirely prohibit, or fix a time limit for, the parking and stopping of vehicles on any street, streets or district designated by such resolution, and the parking, or stopping, of any vehicle in any such street, streets or district, for a period of time longer than fixed in such resolution shall constitute a violation of this chapter.

(1976 Code, § 5-615)

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

(1976 Code, § 5-616)

(Ord. 983, passed 10-10-1989; Ord. 1298, passed 1-7-2002) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-697*

**§ 72.31 SNOW REMOVAL AND MAINTENANCE.**

(A) It shall be unlawful to park or stand any vehicle on any street in the Business District between the hours of 1:30 a.m. and 4:30 a.m., except on Saturday and Sunday morning.

(B) The municipal police may order any street or alley, or portion thereof, vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley, or by posting appropriate signs along such streets or alleys. Such signs shall be posted not less than four hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in § 70.99 of this code of ordinances, and such vehicle may be removed and parked, under the supervision of the municipal police, to a suitable nearby location.

(1976 Code, § 5-617) (Ord. 708, passed 11-18-1982) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 17-557*

**PARKING FOR THE HANDICAPPED OR DISABLED**

**§ 72.45 ON-STREET PARKING SPACES; DISPLAY OF PERMITS.**

(A) (1) The governing body may designate parking spaces for the exclusive use of:

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

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

(c) Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the municipality, whose motor vehicles display the permit specified in § 72.49 of this chapter; and

(d) Such other motor vehicles, as certified by the municipality, which display the permit specified in § 72.49 of this chapter.

(2) All such permits shall be displayed by attaching the permit to the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. When there is no rearview mirror, the permit shall be displayed on the dashboard.

(B) If the governing body so designates a parking space, it shall be indicated by a sign which is in conformance with the *Manual on Uniform Traffic-Control Devices*. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space.

(1976 Code, § 5-621) (Ord. 1139, passed 2-6-1995; Ord. 1197, passed 1-22-1996) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 18-1736, 18-1737*

**§ 72.46 OFF-STREET PARKING SPACES.**

(A) The governing body and any person in lawful possession of any off-street parking facility may designate stalls or spaces in such facility for the exclusive use of:

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

(2) Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the governing body, whose vehicles display the identification specified in § 72.49 of this chapter; and

(3) Such other motor vehicles, as certified by the governing body, which display such identification.

(B) Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign which is in conformance with the *Manual on Uniform Traffic-Control Devices*, adopted pursuant to Neb. RS 60-6,118, as the Federal Americans with Disabilities Act of 1990, being 42 USC §§ 12101 et seq. and the federal rules and regulations adopted and promulgated in response to the Act, as the Act and the rules and regulations existed on 5-31-2001.

(1976 Code, § 5-621.01) (Ord. 1140, passed 2-6-1995)

**Statutory reference:**

*Related provisions, see Neb. RS 18-1737*

**§ 72.47 DEFINITIONS.**

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

**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 mobility is limited as a result of respiratory problems and any individual who has lost all or substantially all the use of one or more limbs.

**HANDICAPPED PARKING INFRACTION.** The violation of any section of this subchapter regulating:

(1) The use of parking spaces designated for use by handicapped or disabled persons; or

(2) The obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the Federal Americans with Disabilities Act of 1990, being 42 USC §§ 12101 et seq.

**TEMPORARILY HANDICAPPED OR DISABLED PERSON.** Any handicapped or disabled person whose personal mobility is expected to be limited in such a manner for no longer than one year. (1976 Code, § 5-621.02) (Ord. 1141, passed 2-6-1995; Ord. 1198, passed 1-22-1996)

**Statutory reference:**

*Related provisions, see Neb. RS 18-1738, 18-1741.01*

**§ 72.48 PERMIT ISSUANCE.**

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

(2) A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity and shall submit a completed medical form signed by a physician, physician assistant or nurse practitioner certifying that the person who will be the holder meets the definition of handicapped or disabled person. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant or nurse practitioner shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less. A person may hold only one permit under this section or a permit under division (B) below, but not both.

(3) Before issuing a permit, the Municipal Clerk shall enter all information required in the manner prescribed in Neb. RS 18-1739. The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons receiving a permit pursuant to this section. (1976 Code, § 5-621.03)

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

(2) A person applying for a permit or for the renewal of a permit pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided by the Department of Motor Vehicles and shall demonstrate to the Municipal Clerk that each such motor vehicle

is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. A person may hold either a permit under this section or a permit under division (A) above, but not both.

(3) The Municipal Clerk shall issue a permit to an approved applicant, and before issuing such permit, shall enter all information required in the manner prescribed by Neb. RS 18-1739. The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons receiving a permit pursuant to this section.

(1976 Code, § 5-621.04)

(Ord. 1199, passed 1-22-1996; Ord. 1200, passed 1-22-1996)

**Statutory reference:**

*Related provisions, see Neb. RS 18-1738, 18-1738.01*

**§ 72.49 PERMIT CONTENTS; DUPLICATES.**

(A) The permit issued by the Municipal Clerk shall be constructed of a durable plastic designed to resist normal wear or fading for the term of the permit's issuance and printed so as to minimize the possibility of alteration following issuance. The permit shall be of a design, size, configuration, color and construction and contain such information as specified in the rules and regulations adopted and promulgated by the United States Department of Transportation in the Uniform System for Handicapped Parking, 23 C.F.R. part 1235.

(B) In addition to the requirements of division (A) above, the permit shall show such identifying information with regard to the handicapped or disabled person or temporarily handicapped or disabled person to whom it is issued as is necessary to the enforcement of this subchapter.

(C) (1) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to § 72.51 of this chapter.

(2) At the expiration of such suspension, a permit may be renewed upon the payment of the permit fee.

(D) (1) A duplicate permit may be provided by the Municipal Clerk without cost if the original permit is destroyed, lost or stolen.

(2) Such duplicate permit shall be issued in the same manner as the original permit and shall be valid for the remainder of the period for which the original permit was issued.

(1976 Code, § 5-621.05) (Ord. 1079, passed 3-8-1993; Ord. 1201, passed 1-22-1996)

**Statutory reference:**

*Related provisions, see Neb. RS 18-1739*

**§ 72.50 PERMIT RENEWAL; PERIOD VALID.**

(A) Permanently issued permits for handicapped or disabled parking authorized by Neb. RS 18-1736 to 18-1741.07 issued prior to 8-1-2005, shall be valid for a period ending on September 30 of the third year after the date of issuance and shall expire on that date. Permanently issued permits issued on or after 8-1-2005, shall be valid for a period ending on the last day of the month of the applicant's birthday in the third year after issuance and shall expire on that day.

(B) All permits authorized under Neb. RS 18-1736 to 18-1741.07 for temporarily handicapped or disabled parking shall be issued for a period ending not more than six months after the date of issuance but may be renewed one time for a period not to exceed six months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability.

(1976 Code, § 5-621.06) (Ord. 1142, passed 2-6-1995; Ord. 1202, passed 1-22-1996)

**Statutory reference:**

*Related provisions, see Neb. RS 18-1740*

**§ 72.51 PERMITS NON-TRANSFERABLE; VIOLATION OR SUSPENSION.**

Permits issued under this subchapter shall not be transferable, and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purposes for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to this subchapter. Any violation of this section shall be cause for suspension of such permit for a period of six months. At the expiration of such period, a suspended permit may be renewed upon payment of the permit fee.

(1976 Code, § 5-621.07) (Ord. 1203, passed 1-22-1996)

**Statutory reference:**

*Related provisions, see Neb. RS 18-1741*

**§ 72.52 REMOVAL OF UNAUTHORIZED VEHICLES.**

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

(B) Anyone parking in any on-street parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons, or in any so exclusively designated parking space in any off-street

parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space shall be guilty of a handicapped parking infraction, as defined in § 72.47 of this chapter, and shall be subject to the procedures as set forth in § 72.51 of this chapter and the penalty provided for in § 70.99 of this code of ordinances. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in § 70.99 of this code of ordinances.

(C) In the case of a privately owned off-street parking facility, the owner or person in lawful possession of such facility shall not be required to inform the municipality of a violation of this section prior to the municipality issuing the violator a handicapped parking infraction citation. (1976 Code, § 5-621.08) (Ord. 1080, passed 3-8-1993; Ord. 1143, passed 2-6-1995; Ord. 1204, passed 1-22-1996)

***Statutory reference:***

*Related provisions, see Neb. RS 18-1737*

**§ 72.53 CITATIONS; ISSUANCE; COMPLAINT AND 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 governing body to exercise the authority to issue a citation for any handicapped parking infraction.

(B) (1) 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.

(2) Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the handicapped parking citation.

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

(C) At least 24 hours before the time set for the appearance of the cited person, either the Municipal Attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such 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. (1976 Code, § 5-621.09) (Ord. 1144, passed 2-6-1995)

***Statutory reference:***

*Related provisions, see Neb. RS 18-1741.01, 18-1741.04, 18-1741.06*



## CHAPTER 73: RECREATIONAL VEHICLES

### Section

#### *Motorcycles*

- 73.01 Motorcycle helmet required
- 73.02 Motorcycle lights

#### *Bicycles and Toy Vehicles*

- 73.15 Bicycle operation
- 73.16 Clinging to motor vehicle
- 73.17 Mopeds
- 73.18 Skateboards
- 73.19 Utility vehicles

### ***MOTORCYCLES***

#### **§ 73.01 MOTORCYCLE HELMET REQUIRED.**

A person shall not operate or be a passenger on a motorcycle or moped on any highway unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such 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 such helmet shall consist of lining, padding and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. § 571.218, for motorcycle helmets.

(1976 Code, § 5-330) (Ord. 1133, passed 2-6-1995) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see Neb. RS 60-6,278 through 60-6,282*

**§ 73.02 MOTORCYCLE LIGHTS.**

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

(1976 Code, § 5-333) (Ord. 1132, passed 2-6-1995) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see Neb. RS 60-6, 219*

***BICYCLES AND TOY VEHICLES*****§ 73.15 BICYCLE OPERATION.**

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

(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 such 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) (1) 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:

- (a) Overtaking and passing another bicycle or vehicle proceeding in the same direction;
- (b) Preparing for a left turn onto a private road or driveway or at an intersection;

(c) 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;

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

(e) 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.

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

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

(H) No person shall operate a bicycle on the sidewalks within the Business District. (1976 Code, § 5-501) (Ord. 1131, passed 2-6-1995) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see Neb. RS 60-6,315, 60-6,318*

**§ 73.16 CLINGING TO MOTOR VEHICLE.**

No person riding upon any bicycle, coaster, roller skates, sled, skis or toy vehicle shall attach himself or herself or the bicycle, coaster, roller skates, sled, skis or toy vehicle upon a roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis or toy vehicle to cling to or attach himself or herself or the bicycle to such vehicle driven and operated by him or her.

(1976 Code, § 5-502) (Ord. 1127, passed 2-6-1995) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see Neb. RS 60-6,316, 60-6,354*

**§ 73.17 MOPEDS.**

(A) *Defined.* For the purposes of this section, **MOPEd** shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission and a motor with a cylinder capacity

not exceeding 50 cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than 30 mph on level ground. Mopeds, their owners and their operators shall be subject to Neb. RS Ch. 60, Art. 4, and amendments thereto, but shall be exempt from the requirements of Neb. RS Ch. 60, Art. 1, 3, 5 and 17, and amendments thereto.

(1976 Code, § 5-503)

(B) *Operator's license required.* No person shall operate a moped upon the streets, alleys or highways within the municipality unless such person has:

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

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

(1976 Code, § 5-504)

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

(1976 Code, § 5-505)

(D) *Operation.*

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

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

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

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

(5) Any moped which carries a passenger shall be equipped with footrests for such passenger.

(1976 Code, § 5-506)

(E) *Use of traffic lanes.*

(1) A moped shall be entitled to full use of a traffic lane or any of any highway with an authorized speed limit of 45 mph or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane; except that, mopeds and motorcycles may be operated two abreast in a single lane.

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

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

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

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

(6) Mopeds shall not be operated on the sidewalks.  
(1976 Code, § 5-507)

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

(1976 Code, § 5-508)

(Ord. 620, passed 8-23-1979; Ord. 1135, passed 2-6-1995; Ord. 1136, passed 2-6-1995; Ord. 1137, passed 2-6-1995) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-6,196, 39-6,203, 60-6,310, 60-6,311, 60-6,312, 60-6,313*

**§ 73.18 SKATEBOARDS.**

No person shall ride or operate a skateboard on sidewalks within the Business District of the municipality between the hours of 7:00 a.m. and 7:00 p.m. No person shall ride or operate a skateboard on the viaduct located within the municipality at any time. For the purposes of this section, the **BUSINESS DISTRICT OF THE MUNICIPALITY** shall be considered to include Meridian Avenue, between 6th Street and 10th Street, and 8th Street, between E Street and J Street.

(1976 Code, § 5-509) (Ord. 1009, passed 9-10-1990) Penalty, see § 70.99

**Statutory reference:**

*Related provisions, see Neb. RS 39-668, 39-690, 39-691*

**§ 73.19 UTILITY VEHICLES.**

(A) For purposes of this section, the term *UTILITY VEHICLE* shall have the definition set forth in Neb. RS 60-6,355.

(B) Any person having a valid Class O operator's license may operate a utility vehicle on the streets and alleys of the city, between sunrise and sunset.

(C) Any person operating a utility vehicle in the city shall provide proof of insurance with coverage equal to that required by the state for licensed motor vehicles to any peace officer within five days of a request by such officer.

(D) All utility vehicles operated on the streets and alleys of the city shall be equipped with a headlight and taillight. The headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(1976 Code, § 5-510) (Ord. 1456, passed 3-9-2015) Penalty, see § 70.99



## CHAPTER 74: TRAFFIC SCHEDULES

### Schedule

- I. Speed limits
- II. Snow emergency routes

### SCHEDULE I. SPEED LIMITS.

(A) (1) Except when a special hazard exists that requires lower speed for compliance with Neb. RS 60-6,185, 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:

- (a) Twenty-five miles per hour in any residential district;
- (b) Twenty miles per hour in any business district;
- (c) Fifty miles per hour upon any highway that is gravel or not dustless surfaced;
- (d) Fifty-five miles per hour upon any dustless surfaced highway not a part of the state highway system;
- (e) Sixty-five miles per hour upon any four-lane divided highway not a part of the state highway system;
- (f) Sixty-five miles per hour upon any part of the state highway system other than an expressway, a super-two highway, or a freeway.

(2) The maximum speed limit established in division (A) may be reduced by the Department of Transportation or the City Council pursuant to Neb. RS 60-6,188.

(3) 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.

(B) *Posted limits.* Speed limits for the following streets shall be established as follows and said speed limits shall be appropriately posted. No person shall operate a motor vehicle on these streets at a speed greater than the following speed limits:

## Cozad - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>
24th Street	Newell Street to O Street	40 mph
Alleys		15 mph
East 8th Street	From E Street to Locust Street	25 mph
	From Locust Street to the east city limits	35 mph
East Monroe Street	From Meridian Avenue/State Highway 21 to U.S. Highway 30	35 mph
Newell Street	From 8th Street to 10th Street	25 mph
	From 10th Street to 18th Street	35 mph
	From 18th Street north to the intersection of the first country road	45 mph
O Street	19th Street north to city limits	35 mph
School crossings	16th Street from Meridian Avenue to C Street	20 mph while flashing lights are operating between 8:00 a.m. and 4:00 p.m. on days city schools are in session; all school crossings shall have advance warning crossing signs and all crosswalks shall have crossing signs
	16th Street from Papio Lane to M Street	
	Meridian Avenue from 16th Street to 19th Street	
	C Street from 14th Street to 16th Street	
	14th Street from C Street to D Street	
	14th Street from K Street to M Street	
	M Street from 14th Street to 16th Street	
State Highway 21	From south corporate limits of the city to 250 feet south of Monroe Street	45 mph
	From 250 feet south of Monroe Street to 7th Street	35 mph
	From 7th Street to 8th Street	25 mph
	From E Street to F Street	25 mph
	From 8th Street to U.S. Highway 30	25 mph
Swimming pool crossing	14th and O Streets	20 mph while flashing lights are operated between 9:00 a.m. and 9:00 p.m. on days when the swimming pool is open or youth recreation is scheduled; the swimming pool crossing shall have advance warning crossing signs and the crosswalk shall have a crossing sign

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>
U.S. Highway 30	From O Street (west city limits) to K Street	40 mph
	From K Street to D Street	35 mph
	From D Street to 350 feet east of A Street	40 mph
	From 350 feet east of A Street to the east city limits	55 mph
West 2nd Street	State Highway 21 to west city limits	35 mph

(1976 Code, § 5-305)

(C) *Electronic detection.*

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

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

(2) The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his or her badge of authority; provided that, such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves, or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event

of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded, and must include a description of the vehicle and the recorded speed.

(1976 Code, § 5-306)

(Ord. 733, passed 9-15-1983; Ord. 892, passed 3-10-1986; Ord. 904, passed 6-9-1986; Ord. 1028, passed 3-18-1991; Ord. 1289, passed 4-9-2001; Ord. 1314, passed 3-10-2003; Ord. 1390, passed 7-10-2006; Ord. 1483, passed 2-4-2019) Penalty, see § 70.99

***Statutory reference:***

*Related provisions, see Neb. RS 39-662, 39-663, 39-664, 60-6,186*

**SCHEDULE II. SNOW EMERGENCY ROUTES.**

(A) *Establishment of snow emergency routes.* The following streets are declared to be snow emergency routes within the city. The Mayor (or someone designated by the Mayor, but always referred to herein as the Mayor) shall, at the Mayor’s discretion, place the appropriate signs or other traffic control devices indicating the existence of snow emergency routes. A designation of any street, avenue, road, or highway, or portion thereof as a snow emergency route shall in no way affect any previous designation of that street, avenue, road, or highway for any other purposes but shall be in addition thereto. The following streets or highways are designated as emergency snow arterial streets:

<i>Street</i>	<i>Location</i>
Highway 30	
8th Street	Highway 30 to H Street and F Street to the East City Limit
Highway 21	South City Limits to 8th Street
D Street	16th Street to 22nd Street
F Street	Highway 30 to 7th Street
Meridian Avenue	9th Street to 24th Street
2nd Street	O Street to Meridian Avenue
O Street	2nd Street to North City Limit
K Street	8th Street to 16th Street
E Street	8th Street to 16th Street
Newell Street	8th Street to North City Limit
A Street	Highway 30 to 8th Street
13th Street	E Street to Newell Street
14th Street	K Street to O Street and E Street to Newell Street
12th Street	O Street to Newell Street
19th Street	O Street to Newell Street
16th Street	O Street to Newell Street
Papio Lane	16th Street to 19th Street
18th Street	Meridian Avenue to Little Sioux Lane
9th Street	Meridian Avenue to L Street.

(1976 Code, § 5-626)

(B) *Declaration of emergency; prohibition of parking on snow emergency routes.* Whenever the Mayor and/or Street Commissioner shall determine, on the basis of the falling snow, sleet, or freezing rain, or on the basis of an official forecast by the U.S. Weather Bureau, of snow, sleet, or freezing rain, that imminent weather conditions will make it necessary that parking on snow emergency routes as designated by division (A) above be prohibited or restricted from snow plowing and other purposes, the Mayor and/or Street Commissioner may place into effect a parking prohibition on all snow emergency routes by declaring that such emergency conditions exist. In such declaration of emergency conditions, the Mayor and/or Street Commissioner may place into effect a parking prohibition on all snow emergency routes by declaring that such emergency conditions exist. In such declaration of emergency conditions, the Mayor and/or Street Commissioner shall state the time that the emergency shall become effective. From the time so designated, all parking of vehicles on snow emergency routes, shall be, and the same hereby is prohibited. While the prohibition is in effect, no person shall park, or allow to remain parked any vehicle on any portion of a snow emergency route. Once the emergency is in effect, the parking prohibition imposed by this section shall remain in effect until terminated by declaration of the Mayor and/or Street Commissioner. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

(1976 Code, § 5-627)

(Ord. 1073, passed 1-11-1993; Ord. 1393, passed 2-5-2007; Ord. 1488, passed 9-23-2019) Penalty, see § 70.99

## CHAPTER 75: PARKING SCHEDULES

### Schedule

- I. Robert Henri Museum parking
- II. Parking during snow emergency

#### **SCHEDULE I. ROBERT HENRI MUSEUM PARKING.**

(A) The governing body of the city authorizes the installation of “Visitor Parking” signs on the north side of Eighth Street, between E Street and F Street adjacent to and south of land belonging to the Robert Henri Museum, said land described as east 107 feet of the west 204 feet of the south 150 feet of Block Four, Gatewood’s Addition to the city, said signs to be installed with the following requirements and stipulations.

(1) The said “Visitor Parking” signs shall conform to all traffic codes and regulations.

(2) The said “Visitor Parking” signs shall include the wording: “Visitor Parking Only from 9:00 a.m. to 5:00 p.m.”.

(3) The “Visitor Parking” signs shall remain in place only during the months of May, June, July, August and September of each year during what is considered to be the tourist season. Payment of expenses involved for obtaining the signs and for the annual installation and removal thereof will be the obligation of the Robert Henri Foundation.

(B) Any individual parking in the area marked for “Visitor Parking” during such times as parking is prohibited who is not a visitor of the Robert Henri Museum shall be subject to penalties provided in § 70.99 of this code of ordinances.

(1976 Code, § 5-625) (Ord. 1001, passed 6-4-1990; Ord. 1073, passed 1-11-1993) Penalty, see § 70.99





**SCHEDULE II. PARKING DURING SNOW EMERGENCY.**

(A) *Declaration of emergency; prohibition of parking on snow emergency routes.* Whenever the Mayor and/or Street Commissioner shall determine, on the basis of the falling snow, sleet or freezing rain, or on the basis of an official forecast by the U.S. Weather Bureau, of snow, sleet or freezing rain, that eminent weather conditions will make it necessary that parking on snow emergency routes as designated by Ch. 74, Schd. II, of this code of ordinances be prohibited or restricted from snow plowing and other purposes, the Mayor and/or Street Commissioner may place into effect a parking prohibition on all snow emergency routes by declaring that such emergency conditions exist. In such declaration of emergency conditions, the Mayor and/or Street Commissioner shall state the time that the emergency shall become effective. From the time so designated, all parking of vehicles on snow emergency routes, shall be, and the same hereby is prohibited. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route. Once the emergency is in effect, the parking prohibition imposed by this schedule shall remain in effect until terminated by declaration of the Mayor and/or Street Commissioner. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law. (1976 Code, § 5-627)

(B) *Prohibition of parking on downtown commercial areas during snow emergency.* Upon declaration of snow emergency, such declaration may include or may later be expanded to include a prohibition of parking on downtown commercial areas. The declaration shall include a statement of the hours during which parking shall be prohibited for the purpose of snow removal from said downtown commercial area. Such prohibition shall not extend beyond the time reasonably required for such snow removal. There shall be no parking in the designated downtown areas from 1:00 to 4:00 a.m. The areas included are:

<i>Street</i>	<i>Location</i>
8th Street	F Street to H Street
Meridian Avenue	Highway 30 to 9th Street
7th Street	F Street to Highway 30
9th Street	E Street to Meridian Avenue
F Street	7th Street to 9th Street
H Street	Highway 30 to 9th Street

(1976 Code, § 5-628)  
 (Ord. 1073, passed 1-11-1993; Ord. 1393, passed 2-5-2007; Ord. 1488, passed 9-23-2019) Penalty, see § 70.99

