

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1370

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING AND RENUMBERING LA VISTA MUNICIPAL CODE SECTIONS 71.095, 71.096, 71.097, 71.110, 71.111, 71.113, 71.114 AND 71.115 TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 71.095 **Traffic Lanes** of the La Vista Municipal Code is amended and replaced in its entirety with Section 71.095 **Authority** as follows:

§ 71.095 AUTHORITY.

The city council may by resolution, with respect to streets or highways under its jurisdiction and within the reasonable exercise of the police power may:

- (a) Regulate or prohibit stopping, standing, or parking;
- (b) Regulate traffic by means of peace officers or traffic control devices;
- (c) Regulate or prohibit processions or assemblages on the highways;
- (d) Designate highways or streets for use by traffic moving in one direction;
- (e) Establish speed limits for vehicles in public parks;
- (f) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
- (g) Restrict the use of highways as authorized by applicable statutes;
- (h) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
- (i) Regulate operation of electric personal assistive mobility devices;
- (j) Regulate or prohibit the turning of vehicles or specified types of vehicles;
- (k) Alter or establish speed limits authorized in the Nebraska Rules of the Road;
- (l) Designate no-passing zones;
- (m) Prohibit or regulate use of controlled-access highways by any class or kind of traffic except those highways which are a part of the state highway system;
- (n) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Transportation;
- (o) Establish minimum speed limits as authorized in the rules;
- (p) Designate hazardous railroad grade crossings as authorized in the rules;
- (q) Designate and regulate traffic on play streets;
- (r) Prohibit pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in the rules;
- (s) Restrict pedestrian crossings at unmarked crosswalks as authorized in the rules;

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(t) Regulate persons propelling push carts;

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

(v) Notwithstanding any other provision of law, adopt and enforce an ordinance or resolution prohibiting the use of engine brakes on the National System of Interstate and Defense Highways that has a grade of less than five degrees within its jurisdiction. For purposes of this subdivision, engine brake means a device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss;

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

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

No ordinance or regulation enacted under subsection (d), (e), (f), (g), (j), (k), (l), (m), (n), (p), (q) or (s) of this section shall be effective until traffic control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.

('79 Code, § 5-206)

Statutory reference:

Regulation of highways authorized, see Neb. RS 60-680

SECTION 2. Section 71.096 **One Way Traffic** of the La Vista Municipal Code is eliminated and Section 71.097 is amended and renumbered to Section 71.096 **Truck Routes** to read as follows:

§ 71.096 TRUCK ROUTES.

The City Council may, by resolution, designate certain streets in the city that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares or merchandise, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through or about the city. The City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes.

('79 Code, § 5-204) Penalty, see § 70.999

Statutory reference:

Municipal authority, see Neb. RS 60-681

SECTION 3. Section 71.110 of the La Vista Municipal Code is amended to read as follows:

§ 71.110 GENERALLY.

No person shall operate a motor vehicle on any street, alley or other place at a rate of speed greater than 25 miles per hour, unless otherwise posted, specified by the Code, or permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted.

('79 Code, § 5-405) Penalty, see § 70.999

Statutory reference:

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

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

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

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SECTION 4. Section 71.111 of the La Vista Municipal Code is amended to read as follows:

§ 71.111 EXCEPTIONS.

(A) The driver of an emergency vehicle, except wreckers towing disabled vehicles and highway maintenance vehicles and equipment, may as set forth in § 71.108 and Neb. RS 60-6,114 exceed the maximum speed limits set forth in § 71.110, so long as he or she does not endanger life, limb, or property.
(Neb. RS 60-6,114) (79 Code, § 5-409)

(B) The following are specific exceptions to the general speed limits within the city set forth in § 71.110 above:

(1) *84th Street between Giles Road and Harrison Street.* Except during school hours, no person shall operate a motor vehicle at a speed greater than 45 miles per hour on 84th Street between Giles Road and Harrison Street in the city, provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed. During school hours, no person shall operate a motor vehicle at a speed greater than 40 miles per hour in designated school zones on this section of 84th Street.

(2) *72nd Street between Giles Road and Harrison Street.* Except during school hours, no person shall operate a motor vehicle at a speed greater than 35 miles per hour on 72nd Street between Giles Road and Harrison Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112 and 71.113, said lower speed shall be observed. During school hours, no person shall operate a motor vehicle at a speed greater than 15 miles per hour in designated school zones on this section of 72nd Street

(3) *North side of Giles Road; between 66th and 96th Street.* No person shall operate a motor vehicle at a speed greater than 35 miles per hour on the north half of Giles Road between 66th Street and 96th Street in the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 said lower speed shall be observed.

(4) *Giles Road between 96th Street and Harrison Street.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on Giles Road between 96th Street and Harrison Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112 said lower speed shall be observed.

(5) *South side of Harrison Street between 69th Street and 96th Street, and also between 104th Street and Hell Creek.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on Harrison Street between 69th Street and 96th Street, and also between 104th Street and Hell Creek in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(6) *North and south side of Harrison Street between Hell Creek Giles Road.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on Harrison Street between Hell Creek and Giles Road in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(7) *96th Street between Harrison Street and Portal Road.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on 96th Street between Harrison Street and Portal Road in the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 and 71.113, said lower speed shall be observed.

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(8) *108th Street between Giles Road and Harrison Street.* No person shall operate a motor vehicle at a speed greater than 40 miles per hour on 108th Street between Giles Road and Harrison Street in the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 and 71.113, said lower speed shall be observed.

(9) *Portal Road between 96th Street and 107th Street.* No person shall operate a motor vehicle at a speed greater than 40 miles per hour on Portal Road between 96th Street and 107th Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(10) *West Giles Road between Giles Road and the BNSF Railroad Crossing.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on West Giles Road between Giles Road and the BNSF Railroad Crossing in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(11) *114th Street between Giles Road and one-half mile south of Giles Road.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on 114th Street between Giles Road and one-half mile south of Giles Road in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(12) *120th Street between Giles Road and one-half mile south of Giles Road.* No person shall operate a motor vehicle at a speed greater than 35 miles per hour on 120th Street between Giles Road and one-half mile south of Giles Road in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(13) *Harry Andersen Avenue between Harrison Street and the county line between Sarpy and Douglas Counties.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on Harry Andersen Avenue between Harrison Street and the county line between Sarpy and Douglas Counties in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(14) *83rd Avenue between Main Street and 450 feet south of Main Street.* No person shall operate a motor vehicle at a speed greater than 15 miles per hour on 83rd Street between Main Street and 450 feet south of Main Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(15) *Main Street between 84th Street and City Centre Drive.* No person shall operate a motor vehicle at a speed greater than 15 miles per hour on Main Street between 84th Street and City Centre Drive in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(16) *Barmettler Drive between 84th Street and 450 feet east of Main Street.* No person shall operate a motor vehicle at a speed greater than 15 miles per hour on Barmettler Drive between 84th Street and 450 feet east of Main Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(17) *City Centre Drive between 84th Street and 900 feet east of 84th Street.* No person shall operate a motor vehicle at a speed greater than 15 miles per hour on City Centre Drive between 84th Street and 900 feet east of 84th Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower

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speed shall be observed.

('79 Code, § 5-406) (Ord. 85, passed - -; Ord. 135, passed - -; Ord. 174, passed - -; Am. Ord. 304, passed 4-20-82; Am. Ord. 1012, passed 10-17-06; Am. Ord. 1081, passed 11-4-08) Penalty, see § 70.999

SECTION 5. Section 71.113 **Street crossings and intersections, curves, steep descents and the like** of the La Vista Municipal Code is eliminated and Section 71.114 is amended and renumbered as 71.113 **Minimum Speed** to read as follows:

§ 71.113 MINIMUM SPEED.

It shall be unlawful for any person unnecessarily to drive at such a slow speed as to impede or block the normal and reasonable movement of traffic.

('79 Code, § 5-410) Penalty, see § 70.999

SECTION 6. Section 71.115 of the La Vista Municipal Code is amended and renumbered as Section 71.114 to read as follows:

§ 71.114 ELECTRONIC DETECTOR.

(A) Determinations made regarding the speed of any motor vehicle based upon the visual observation of any peace officer, while being competent for all other purposes, shall be corroborated by the use of radio microwave, mechanical, or other electronic speed measurement device. The results of such radio microwave, mechanical, or electronic speed measurement device 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, subject to satisfaction of any applicable statutory requirements.

(Neb. RS 60-6,192) ('79 Code, § 5-411)


SECTION 7. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 8. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 9. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.


PASSED AND APPROVED THIS 1ST DAY OF OCTOBER 2019

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC
City Clerk