

**TITLE VII: TRAFFIC CODE**

Chapter

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## CHAPTER 70: GENERAL PROVISIONS

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**GENERAL PROVISIONS**

**§ 70.000 GENERAL APPLICABILITY.**

The provisions of this title shall apply in addition to, and to the extent not inconsistent with, any applicable state statute, including but not limited to the Nebraska Rules of the Road.

**§ 70.001 DEFINITIONS.**

Except as otherwise herein defined, the words and phrases used in this title, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Neb. RS Chapter 60, Article 6, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning.

**AUTHORIZED EMERGENCY VEHICLES.** Vehicles of the Volunteer Fire Department, vehicles of firefighters responding to an emergency when properly identified, police vehicles and such ambulances or other emergency vehicles as are designated or authorized by the City Council and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General pursuant to Neb. RS 55-133.

**DRIVER.** Every person who drives or is in the actual physical control of a vehicle.

**INTERSECTION** or **STREET INTERSECTION.** The space occupied by two streets at the point where they cross each other, bounded by the lot lines extended and shall include the sidewalk space as well as the roadway.

**LOADING ZONE.** A place designated by the City Council as a place for the loading and unloading of freight, materials or merchandise and suitably marked so as to indicate its use for such purpose.

**MUFFLER.** A device consisting of a series of chamber or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

**OFFICIAL TRAFFIC SIGNS OR DEVICES.** All signs, markings and devices, other than mechanical or electrical signals, not inconsistent with this chapter, placed or erected by authority of the City Council for the purpose of directing, warning or regulating traffic.

**PASSENGER ZONE.** A place designated by the City Council as a place for the loading and



unloading of passengers and suitably marked so as to indicate its use for such purpose.

***POLICE OFFICER*** or ***TRAFFIC OFFICER***. Every officer of the Police Department of the city or any officer authorized to direct or regulate traffic or make arrests for the violation of traffic regulation.

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**SIDEWALK.** That portion of a street between the curb lines and the adjacent property lines intended for pedestrian use.

**STREET.** The entire width between the boundary limits of any street, avenue or way which is publicly maintained and open for public vehicular traffic.

**TRAFFIC.** Pedestrians, ridden animals and vehicles or other conveyances, either singly or together, while using any street, alley or public way for purposes of travel.

**VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively on stationary rails or tracks.

(Neb. RS 60-606 through 60-676) ('79 Code, § 5-101) (Am. Ord. 608, passed 1-17-95; Am. Ord. 1091, passed 4-7-09)

#### § 70.002 LITTERING.

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

('79 Code, § 5-401) Penalty, see § 70.999

**Statutory reference:**

*Rubbish and the like on highways prohibited, see Neb. RS 39-311*

#### § 70.003 GLASS; POINTED AND OTHER OBJECTS.

No person shall throw, deposit, or place, or cause to be deposited or place upon any public property or right-of-way in the city any burning material or substance, or any material or substance posing a risk or injury to any person or animal, or risk of damage to any vehicle or other property, including but not limited to any glass bottle, glass, nail, tack wire, or can. Any person throwing, depositing, placing, or causing to be deposited or placed any burning material or substance, or any material or substance posing a risk of injury to any person or animal, or risk of damage to any vehicle or other property, shall immediately remove the same or cause it to be removed. In addition to and not in limitation of the foregoing, any person who removes a wrecked or damaged vehicle in the city shall remove any glass or other material or substance posing risk of injury or damage deposited on public property or the right-of-way from such vehicle.

('79 Code, § 5-402) Penalty, see § 70.999

**Statutory reference:**

*Rubbish and the like on highways prohibited, see Neb. RS 39-311*

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**§ 70.004 PERSONS PROPELLING PUSH CARTS; RIDING BICYCLES AND ANIMALS.**

Any person propelling push carts or riding bicycles, motorcycles, motor scooters or animals, or driving any animal, upon the streets and public ways of the city shall be subject to the provisions of this chapter applicable to the operator of any vehicle; provided that when any provision of this chapter shall be contrary in force and effect to Chapter 73 with regard to the operation of bicycles, Chapter 73 shall be controlling.

(‘79 Code, § 5-436)

***REGISTRATION***

**§ 70.020 AUTOMOBILE REGISTRATION.**

It shall be unlawful for any person to operate or park a motor vehicle, trailer, semitrailer or cabin trailer on the streets of this city, unless such motor vehicle, trailer, semitrailer or cabin trailer has been registered in accordance with Nebraska law.

(‘79 Code, § 5-501) (Am. Ord. 610, passed 1-17-95; Am. Ord. 675, passed 7-1-97) Penalty, see § 70.999

**§ 70.021 OPERATOR’S LICENSE.**

It shall be unlawful for any person to operate a motor vehicle on the streets of the city unless they have procured an operator’s license from the state of Nebraska, or from another state extending to the state of Nebraska reciprocal privileges; to operate said motor vehicle unless the driver shall have upon his or her person or in his or her car at the time of operating said motor vehicle, said operator’s license; to operate a motor vehicle while such license stands suspended or revoked; or to operate a motor vehicle other than in accordance with any limitations or conditions to which such license is subject by law or court order.

(‘79 Code, § 5-502) Penalty, see § 70.999

***EQUIPMENT; LOADS***

**§ 70.035 CHILD PASSENGER RESTRAINT SYSTEM.**

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

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(a) All children up to six years of age being transported in 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 Safety Administration as of January 1, 2006, 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 in such vehicle use an occupant protection system.

(2) This division (A) shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2006, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(B) Whenever any licensed physician determines through accepted medical procedures that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of division (A) of this section 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.

(C) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (A) of this section when operating such authorized emergency vehicles pursuant to their employment.

(Neb. RS 60-6,267)

(D) A driver of a motor vehicle shall not be subject to the requirements of division (A) of this section 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 or local ordinances and resolutions.

(E) All persons being transported by a motor vehicle operated by the holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system.

(F) Enforcement of divisions (A)(1)(b) and (E) in this section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or 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. See Neb. RS 60-6,268(2).

(‘79 Code, § 5-442) (Ord. 402, passed 11-19-85; Am. Ord. 523, passed 3-5-91; Am. Ord. 1032, passed 5-1-07) Penalty, see § 70.999

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**§ 70.036 SAFETY BELT REQUIRED.**

(A) (1) No driver shall operate a motor vehicle upon any highway or street in the city unless the driver and each front-seat occupant in the vehicle are wearing occupant protection systems, and all occupant protection systems worn are properly adjusted and fastened.

(2) Requirements for a child under the age of 16 are provided in § 70.035 of this code and state statute.

(B) Enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or some other offense.



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(C) Any person who violates this section shall be guilty of a traffic infraction, as defined in Neb. RS 39-602, and shall be fined \$25, but no court costs shall be assessed against him or her, nor shall any points be assessed against the driving record of such person. Regardless of the number of persons in such vehicle not wearing an occupant protection system pursuant to such section, only one violation shall be assessed against the driver of such motor vehicle for each time the motor vehicle is stopped and violation of such section is found.

(D) This section shall not apply to:

(1) A person who possesses written verification from a physician that the person is unable to wear an occupant protection system for medical reasons;

(2) A rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier between the first and last delivery points; and

(3) A member of an ambulance or rescue service unit while involved in patient care.

(E) Evidence that a person was not wearing a seat belt at the time he or she was injured shall not be admissible in regard to the issue of liability or proximate cause, but may be admissible as evidence concerning mitigation of damages, except that it shall not reduce recovery for damages by more than 5%.

(F) *Definitions.* Terms have the following meanings when used in this section:

***MOTOR VEHICLE.*** A vehicle designated by the manufacturer as a 1973 year model or later for operation on any highway, road, or street, except farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations, motorcycles, motor-driven cycles, mopeds, and buses.

***OCCUPANT PROTECTIONS SYSTEM.*** A system of utilizing a lap belt, shoulder belt, or any combination of belts installed in a motor vehicle which:

(1) Restrains the driver or passengers and conforms to federal motor vehicle safety standards, 49 CFR 571.208, 571.209, and 571.210, or to the federal motor vehicle safety standards for passenger restraint systems applicable for the motor vehicle's model year; or

(2) If the system has been replaced, meets the requirements of 49 CFR 571.208, 571.209, and 571.210 that applied to the originally installed occupant protection system or of a more recently issued version of such regulations.

(‘79 Code, § 5-443) (Ord. 403, passed 11-19-85) Penalty, see § 70.999

***Statutory reference:***

*Similar and additional provisions, see Neb. RS 60-6,265 through 60-6,273*

**§ 70.037 EQUIPMENT AND MAINTENANCE.**

Every motor vehicle, while in use on the streets, alleys or highways of the city 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 red 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 vehicle which is equipped with an electric light or lights that confuse travelers or pedestrians on streets or crosswalks within the city. 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 that 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 that 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 City Council.

(‘79 Code, § 5-503) (Am. Ord. 611, passed 2-7-95; Am. Ord. 676, passed 7-1-97) Penalty, see § 70.999

***Statutory reference:***

*Lights, see Neb. RS 60-6,219, 60-6,220, 60-6,224, and 60-6,235*

*Brakes, see Neb. RS 60-6,244*

*Horns, see Neb. RS 60-6,285*

**§ 70.038 UNOBSTRUCTED VIEW.**

No person shall drive on a street any motor vehicle constructed or loaded in such a way as to prevent the driver from obtaining a view of the street to the rear unless 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 nontransparent 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. Every windshield on a motor vehicle shall be equipped with a device for removing rain, snow or other moisture from the windshield, which device shall be so constructed as to be operated by the driver within the vehicle.

(Neb. RS 60-6,254, 60-6,255, 60-6,256) (‘79 Code, § 5-504) Penalty, see § 70.999



**§ 70.039 MUFFLER OR NOISE-SUPPRESSING SYSTEM; PREVENTION OF FUMES AND SMOKE.**

(A) (1) Every vehicle shall be equipped, maintained, and operated so as to prevent excessive or unusual noise. No person shall drive a motor vehicle on a highway unless the motor vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cut-out, bypass, or similar device on any motor vehicle upon a highway.

(2) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(Neb. RS 60-6,286)

(B) No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. Procedures used to establish compliance with this division (B) shall be those used to establish compliance of a new motor vehicle with the requirements of Neb. RS 60-6,363 to 60-6,374.

(Neb. RS 60-6,371) ('79 Code, § 5-505) (Am. Ord. 761, passed 2-16-99) Penalty, see § 70.999

**§ 70.040 WEIGHT AND SIZE LIMITS; PERMITS.**

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

**COMMERCIAL STREET.** The following streets within the city: 66th Street, 72nd Street, 84th Street, 96th Street, 108th Street, Harrison Street, Giles Road, Portal Road and all streets located within any type of commercial or industrial zoning district in the city.

**EXEMPT VEHICLE.** A vehicle exempted from the provisions of this section by division (B) of this section.

**PARKED ON A RECURRING BASIS** or **RECURRING PARKING.** Parking at the same premises more than four times in the same calendar year.

**RESIDENTIAL STREET.** Any street within the city that is not a commercial street.

**TOTAL VEHICLE WEIGHT.** The weight of the vehicle, including any load or cargo thereon.

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(B) *General weight and size limitations for vehicles.* No vehicle of a total vehicle weight in excess of six tons that is longer than 22.5 feet or is in excess of ten feet in height shall be operated on any of the streets of the city without a permit to do so as hereinafter provided in this section; provided that the provisions of this section shall not apply to the following:

- (1) Vehicles while being operated on a commercial street of the city;
- (2) Public service vehicles, including fire, rescue and other emergency vehicles, public transportation vehicles and city repair vehicles;
- (3) Any vehicle carrying a load destined for a point of delivery within the city limits, vehicles parked while unloading at such point of delivery within the city and vehicles making return trips after having immediately made or attempted such a delivery at a point within the city; and
- (4) Motor homes and other personal use vehicles used solely for noncommercial purposes while being driven to or from the home premises of the owner or lessee of the vehicle for purposes of storage on such premises.

(C) *Special permits for residential areas.*

(1) Vehicles with a total vehicle weight in excess of six tons but not more than ten tons, in excess of 22.5 feet in length or in excess of ten feet in height and not falling within one of the exceptions of division (B) of this section may be allowed to travel on residential streets of La Vista for a limited purpose and duration; provided that the operator or owner thereof must upon written application first obtain from the Chief of Police of the city a permit to operate said vehicle for said limited purpose and duration on a specified street or streets of La Vista. The Chief of Police is authorized to issue a special permit on either a recurring or nonrecurring basis for the purposes and in the manner hereinafter provided.

(2) The Chief shall approve the route over city residential streets that any nonexempt vehicle shall use, which route shall generally be the most direct route between the nearest commercial street and the permitted address within a residential area. The operation of any nonexempt vehicle which exceeds weight or size limitations herein prescribed on any residential street not approved by the Chief of Police shall be a violation hereof.

(D) *Special permit for recurring parking (essential vehicle).* If the vehicle is proposed to be parked in a residential zoning district on a recurring basis, a permit may be issued, subject to division (J) of this section, if all of the following conditions are met:

(1) The premises upon which the vehicle is to be parked must be the principal residence of the owner or lessee of the vehicle and the vehicle must be used in the principal trade or business of a

person residing at the premises;

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(2) The annual fee for vehicles weighing more than six tons but not more than ten tons shall be \$200 per year. Said fee shall be payable at the time of issuance of the permit and on each renewal thereof. No recurring parking permit shall be issued for any vehicle that while being driven on a residential street of the city will have a total vehicle weight exceeding ten tons;

(3) A vehicle for which a special permit for recurring parking is issued and which is licensed for a gross weight of ten tons or more shall have an empty vehicle weight of less than ten tons and shall be without any load or cargo while being operated on a residential street or parked in a residential area of the city;

(4) The Chief shall require that the owner file with the Police Department approval in writing from a minimum of 75% of neighboring landowners that they have no objections to the regular and recurring parking of said vehicle at the permitted address. As used herein, the term **NEIGHBORING LANDOWNERS** shall mean owners of property within 200 feet of the residential property on which the vehicle is to be parked. The operator or owner of said vehicle shall be responsible for obtaining and filing the necessary written approvals from neighboring landowners;

(5) The permit to be issued and exercise of any rights thereunder shall not be in conflict with the provisions of or be prohibited by any statute, ordinance or zoning regulation applicable to the premises or any restrictive or protective covenants or other property restrictions of record applicable to the premises;

(6) The permit shall be issued for a period of 12 months and any renewal thereof shall be for a like period; and

(7) Any permit for recurring parking that is issued but which does not meet all of the foregoing conditions shall be revoked.

(E) *Special permit for nonrecurring parking.* Parking of a vehicle described in division (B) above (not more often than four times per calendar year for a period of time not exceeding eight hours each) shall not be considered to be parking on a recurring basis, and the Police Chief may issue up to four single trip permits per year per vehicle for specified dates, not to exceed 72 hours each, within each calendar year without imposing the annual fee prescribed in the preceding division.

(F) *Display of permit.* All permits shall be conspicuously displayed on the vehicle during such time as it shall be in the city in the manner and in the location on the vehicle as may be designated by the Chief of Police.

(G) *Replacement vehicle.* The holder of a permit for recurring parking may substitute a vehicle purchased in replacement of the originally permitted vehicle, provided such replacement vehicle does not exceed the weight or size of the originally permitted vehicle and within ten days after purchase of

the replacement vehicle, the permit holder presents proof of replacement purchase to the Chief of Police, who shall thereupon cause notation of replacement to be made upon the permit.

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(H) *Limited to one vehicle.* No more than one vehicle may be covered by a permit. No more than one permit may be issued for the same premises.

(I) *Parking on streets.* The provisions of this section shall not be construed to authorize the parking of any vehicle on public streets in violation of § 72.19.

(J) *No permits for recurring parking to be issued after June 30, 1993.* Note: no new special permits may be issued after June 30, 1993. The provisions of this section regarding special permits only shall apply to the renewal of any special permit (in the discretion of the Chief of Police) that was originally issued on or before June 30, 1993. The period of eligibility for special permits for recurring parking shall expire on June 30, 1993, and no new permit for such purposes shall be issued thereafter. Nothing in this division shall be construed as prohibiting or limiting the Chief of Police's authority to renew permits issued on or before June 30, 1993, consistent with ordinances of the city in effect at time of renewal.

(K) *Prior permits revoked.* All permits issued under this section prior to the effective date of this chapter are hereby revoked.

(L) *No property right created.* No permit issued pursuant hereto shall create or vest any right to renewal thereof or to a continuation of the permitted activity beyond the term of the permit.

(M) *Penalty.* Any person who after June 30, 1993 operates a vehicle on a residential street in the city in violation of the provisions of this section shall be guilty of a misdemeanor and shall be subject to fine and imprisonment as provided in § 70.999.

(N) *Suspension/revocation of permit.* A person holding a recurring special parking permit who violates the provisions of such permit or of this section shall be subject to suspension of his/her permit for a period not to exceed 30 days for the second violation occurring any time after the effective date hereof and shall be subject to revocation for a third violation occurring any time after the effective date hereof.

(‘79 Code, § 5-506) (Ord. 112, passed - -; Am. Ord. 434, passed 4-7-87; Am. Ord. 559, passed 4-6-93; Am. Ord. 573, passed 9-7-93; Am. Ord. 1426, passed 9-7-21) Penalty, see § 70.999

#### **§ 70.041 TIRE SPECIFICATIONS; PERMIT.**

(A) No vehicle shall be operated on the streets or public places of the city, the wheels of which shall be equipped with other than rubber tires. By way of specification and not by way of limitation, vehicles with wheels equipped with cleats, blocks, ribs, ridges, lugs, spikes, beads, crawler tractor type treads or other protuberance shall not be operated on the streets of La Vista; provided, however, this section shall not be construed to prohibit use of cleated snow tires as authorized by § 93.049 of this

code.

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(B) A vehicle equipped with wheels of any of the foregoing prohibited types may be allowed to travel on the streets of La Vista for a limited purpose and duration; provided, that the operator or owner thereof must upon written application first obtain from the Chief of Police of the city a permit to operate said vehicle for said limited purpose and duration on a specified street or streets of La Vista; and provided that the Chief of Police, before issuing any such permit, shall first determine that the operation of said vehicle will not cause undue wear or tear on said specified street or streets. ('79 Code, § 5-507) (Ord. 99, passed - -) Penalty, see § 70.999

**§ 70.042 SCHOOL BUS QUALIFICATIONS.**

(A) No person shall operate a school bus upon the streets of the city while the number of passengers therein exceeds the seating capacity designated by the manufacturer of said bus or while any passenger therein is not seated. ('79 Code, § 5-508)

(B) Each school bus transporting school children within the city shall be equipped with:

(1) An electric signal stop lamp, red in color, located on the rear of the vehicle at a height of not less than 42 inches nor more than 60 inches from the surface of the street or highway. Such device shall be operated independently by a control in the driver's compartment of the vehicle and shall be illuminated for a distance of not less than 100 feet in advance of any point in the city at which the operator intends to stop the vehicle. Said signal stop lamp shall comply with specifications for said lamps adopted by the Nebraska Department of Transportation.

(2) Mechanical stop-signal arm, which the operator of the school bus shall cause to be extended from the left or driver's side of the school bus during such time as the bus is stopped for the purpose of loading or unloading passengers. Said mechanical stop-signal arm shall comply with specifications for same adopted by the Nebraska Department of Transportation.

(3) A seating space for each passenger allowed to enter the bus. No operator of any school bus shall permit passengers to board the bus in greater number than the seating capacity designated by the manufacturer of said bus. ('79 Code, § 5-509) (Ord. 102, passed - -; Am. Ord. 1350, passed 7-2-19)

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***ACCIDENTS*****§ 70.055 DRIVER'S DUTY.**

(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.

(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:

(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 owner of the property struck, or the driver or occupants of any other vehicle involved in the collision.

('79 Code, § 5-430)

***Statutory reference:***

*Similar provisions, see Neb. RS 60-696 et seq.*

**§ 70.056 PENALTY.**

Every person convicted of violating the provisions of this subchapter relative to the duty to stop in the event of certain accidents shall be subject to the penalties set forth in state statutes for the particular violation or violations, which statutes provide for varying penalties depending on the circumstances, in some cases providing for a fine of up to \$1,000, or up to one year imprisonment, or both. In addition, the court in some cases shall prohibit the person from driving any motor vehicle for a period of not more than one year from the date of payment, or satisfaction of fine, or discharge from jail or a correctional facility, whichever is later, and revoke any operator's or chauffeur's license for a like period.

(Neb. RS 60-696, 60-698) ('79 Code, § 5-431) (Am. Ord. 1033, passed 5-1-07)

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***TRAFFIC-CONTROL DEVICES*****§ 70.070 PLACING AND MAINTAINING TRAFFIC CONTROL DEVICES.**

The city shall place and maintain such traffic-control devices upon streets, roads, avenues, boulevards, highways, or any other publicly maintained ways under its jurisdiction and open to the use of the public for vehicular traffic as it shall deem necessary to indicate and carry out the provisions of the Nebraska Rules of the Road or to regulate, warn, or guide traffic, and such devices shall conform with the Manual on Uniform Traffic Control Devices adopted by the Nebraska Department of Transportation from time to time.

(Am. Ord. 1350, passed 7-2-19)

***Statutory reference:***

*Traffic-control devices, see Neb. RS 60-6,119 et seq.*

**§ 70.071 UNAUTHORIZED DISPLAY OF SIGNS.**

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

(‘79 Code, § 5-404) Penalty, see § 70.999

***Statutory reference:***

*Traffic-control devices, see Neb. RS 60-6,119 et seq.*

**§ 70.072 SIGNS, SIGNALS.**

The City Council may, by resolution, provide for the placing of stop signs, or other signs, signals, standards or mechanical devices, in any street or alley under the city'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.

(‘79 Code, § 5-218) Penalty, see § 70.999

***Statutory reference:***

*Regulation of highways authorized, see Neb. RS 60-680*  
*Traffic-control devices, see Neb. RS 60-6,119 et seq.*

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**§ 70.073 PRIOR SIGNS AND REGULATIONS.**

All signs, signals and markings not inconsistent herewith established pursuant to resolutions of the City Council prior to the effective date of this code shall be deemed to have been established pursuant to this code and shall remain in full force and effect until further resolution of the City Council.  
(‘79 Code, § 5-219)

**§ 70.074 OBSERVANCE OF TRAFFIC SIGNS.**

Operators of all vehicles are required to observe the instructions of all traffic or parking signs and signals placed under the provisions of this chapter. Such signs and signals shall include all lettered signs, all barricades, all mechanical traffic signs and all paint or other markings placed upon the surface of the roadway or upon curbing. Such signs and signals shall be held to have the same authority as the personal direction of a police officer.  
(‘79 Code, § 5-220) Penalty, see § 70.999

**§ 70.075 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.  
(‘79 Code, § 5-221) Penalty, see § 70.999

***Statutory reference:***

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

*Traffic-control devices, see Neb. RS 60-6,119 et seq.*

**§ 70.076 CROSSWALKS.**

The City Council may, by resolution, establish and maintain, by appropriate devices, markers or lines upon the street, crosswalks at intersections where there is particular danger to pedestrians crossing the street and at such other places as they may deem necessary.  
(‘79 Code, § 5-217)

***Statutory reference:***

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

**§ 70.077 DEFACING OR INTERFERING WITH SIGNS.**

It shall be unlawful for any person willfully or maliciously to deface, injure, remove, obstruct, knock down or interfere with any city sign or monument, traffic sign or signal, traffic-control device, traffic-control surveillance device, or any part thereof.

(Neb. RS 60-6,130) ('79 Code, § 5-403) Penalty, see § 70.999

***Statutory reference:***

*Traffic-control devices, see Neb. RS 60-6,119 et seq.*

**§ 70.078 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 that vehicles may turn on a red signal when in compliance with the provisions of this title 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.

('79 Code, § 5-201) Penalty, see § 70.999

***Statutory reference:***

*Traffic-control devices, see Neb. RS 60-6,119 et seq.*

**§ 70.079 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.

('79 Code, § 5-202) Penalty, see § 70.999

***Statutory reference:***

*Traffic-control devices, see Neb. RS 60-6,119 et seq.*

***CITATIONS*****§ 70.090 DEFINITION.**

As used in this subchapter, "citation" shall mean any citation issued by any officer of the city police to any person for any offense which is a traffic infraction, or other infraction, or for any violation or

alleged violation of any ordinance of the city or any statute of the state of Nebraska, and any copy thereof. The term does not include the City Police Department file copy of a citation which has previously been forwarded to the County Attorney, which file copy may be disposed of in such manner as the Chief of Police may determine when he or she determines that retention of such file copy is no longer necessary.

(‘79 Code, § 5-440) (Ord. 356, passed 12-20-83)

***Statutory reference:***

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

**§ 70.091 FORM AND RECORDS.**

(A) The Chief of Police shall provide, in appropriate form, citations containing notices to appear. The Chief of Police shall be responsible for the issuance of citation books to the city police and shall maintain a record of every such book, and each citation number therein, issued to the city police. The Chief of Police shall require and retain a receipt for every book so issued. The Chief of Police shall require the return of all copies of each citation which has been spoiled, or upon which any entry has been made, and not issued to an alleged violator.

(B) All records regarding issued or unissued citations may be audited by the City Council or City Administrator on request by either of them.

(‘79 Code, § 5-437) (Am. Ord. 356, passed 12-20-83)

***Statutory reference:***

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

**§ 70.092 DISPOSITION AND RECORDS.**

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

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

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

(‘79 Code, § 5-438) (Am. Ord. 356, passed 12-20-83) Penalty, see § 70.999

***Statutory reference:***



*Statutory provisions, see Neb. RS 29-422 et seq.*

**§ 70.093 ILLEGAL CANCELLATION.**

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

(‘79 Code, § 5-439) (Am. Ord. 356, passed 12-20-83) Penalty, see § 70.999

***Statutory reference:***

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

***ADMINISTRATION AND ENFORCEMENT***

**§ 70.105 EMERGENCY REGULATIONS.**

The Mayor and City Council may, with respect to streets and roads under their jurisdiction, adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions. In addition to and not in limitation of the foregoing, the Chief of Police and police officers of the city shall at all times direct all traffic in conformity with law or, in the event of a fire or other emergency or in order to expedite traffic or insure safety, to direct traffic as conditions may require.

(Neb. RS 81-2005) (‘79 Code, § 5-432)

**§ 70.106 POLICE ENFORCEMENT.**

The city 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, in parks and on bridges. The driver of any vehicle shall stop upon the signal of any police officer.

(‘79 Code, § 5-433) Penalty, see § 70.999

***Statutory reference:***

*Duty of peace officers to enforce rules and laws, see Neb. RS 60-683*

**§ 70.107 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.

(‘70 Code, § 5-434) Penalty, see § 70.999

***Statutory reference:***

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

**§ 70.108 EXEMPTION OF EMERGENCY VEHICLES.**

(A) The driver of an authorized emergency vehicle, when responding to an emergency call, when pursuing an actual or suspected violator of the law, or when responding to but not when returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in the Nebraska Rules of the Road.

(B) The driver of such emergency vehicle may stop, park, or stand, irrespective of the provisions of the rules and of this title, and disregard regulations governing direction of movement or turning in specified directions.

(C) The driver of such emergency vehicle, except wreckers towing disabled vehicles and highway maintenance vehicles and equipment, may also:

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

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

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

(E) The provisions of this section shall not relieve the driver of such emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver of such vehicle from the consequences of his or her reckless disregard for the safety of others.

(Neb. RS 60-6,114) ('79 Code, § 5-435)

**§ 70.109 UNLAWFULLY PARKED VEHICLE DECLARED OBSTRUCTION, MISDEMEANOR AND PUBLIC NUISANCE.**

The parking of a vehicle in violation of any applicable provision of this code, state law or city ordinance, rule or regulation is hereby declared to constitute an obstruction of the streets, a misdemeanor and a public nuisance.

(Ord. 924, passed 1-20-04)

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**§ 70.110 SUMMARY REMOVAL AUTHORIZED.**

Police officers of the city are hereby empowered to determine if a vehicle parked in violation of any applicable provision of this code, state law or city ordinance, rule or regulation is endangering the public health and/or safety. A police officer of the city shall order the removal pursuant to § 70.112 below of any vehicle that the officer finds is described in any one or more of divisions (A) through (C) below:

(A) Such vehicle is parked in violation of any applicable provision of this code, state law or city ordinance, rule or regulation, and:

(1) Such vehicle is endangering the public health and/or safety,

(2) Such vehicle has overdue tickets or warrants pending,

(3) Such vehicle is a public nuisance pursuant to § 72.24 proscribing the parking of vehicles without current annual license plates (including current in transit decals issued by a licensed motor vehicle dealer) and registration,

(4) Such vehicle is the subject of one or more overdue orders of abatement pursuant to § 70.111,

(B) Such vehicle was being driven by or in the possession of an individual taken into police custody and the officer determines that removal of the vehicle is necessary or advisable, or

(C) Removal of such vehicle is reasonably necessary to preserve evidence of or related to a crime. (Ord. 924, passed 1-20-04)

**§ 70.111 ABATEMENT OF PARKING VIOLATION.**

If any vehicle found to be parked in violation of any applicable provision of this code, state law or city ordinance, rule or regulation is not described in § 70.110(A), (B) or (C) above, a police officer of the city shall affix to such vehicle a complaint and notice of a public nuisance and misdemeanor, and order to abate such nuisance within the time stated therein. The Police Department shall develop and apply a uniform schedule of time for abating nuisances based on the violation giving rise to the nuisance. The owner or person in possession of such vehicle shall, within the time specified in such order, abate such nuisance. Each separate period of time that a vehicle is found to be parked in violation of any applicable provision of this code, state law or city ordinance, rule or regulation shall constitute a separate and distinct nuisance and misdemeanor and a separate and distinct complaint, notice and order of abatement shall be affixed to such vehicle for each such period of time.

(Ord. 924, passed 1-20-04)

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**§ 70.112 TOWING OF VEHICLES AUTHORIZED.**

Whenever any vehicle is found coming under the provisions of § 70.110, the same shall be removed by a police officer and taken by him, or others acting under his supervision and direction, to a garage or lot designated by the city or Chief of Police for such purpose. It shall be the duty of the person in charge of the garage or lot to which a vehicle is towed to keep, and provide to the Chief of Police from time to time as requested, a record of the names of the owners of all vehicles received, together with the make, model, color, license and registration numbers of each vehicle, the nature and circumstances of each violation, any visible damage to the vehicle from inspection upon receipt, and all amounts collected that are related to the removal and storage of vehicles for the city.

(Ord. 924, passed 1-20-04)

**§ 70.113 PAYMENT OF COSTS OF REMOVAL AND STORAGE: PROOF OF LICENSING AND REGISTRATION.**

(A) A vehicle towed into a garage or lot under the provisions of §§ 70.109 through 70.113, inclusive, shall not be released therefrom except upon payment by the owner to the city or, if directed by the city, to the person in charge of such garage or lot the cost of removal, towing and daily storage, and any other administrative costs or fees of or incurred by the city or said garage or lot related to the removal, towing or storage of said vehicle. A receipt for such costs and fees shall be issued to the owner of such vehicle. To ensure that the vehicle is released to the proper owner, a vehicle towed to a garage or lot without current license plates and current registration shall not be released therefrom except upon proof of proper licensing and registration of the vehicle as required by state statute or city ordinance.

(B) With respect to a recovered stolen vehicle, the owner of which is readily apparent from license plates, registration and city law enforcement or motor vehicle records, the required payment of any impound administrative fee shall be waived for up to three days after the owner of the vehicle has been notified, or an attempt has been made to notify him or her, at his or her last known address as recorded in city law enforcement or motor vehicle records that the vehicle is available to be reclaimed. Other than the impound administrative fee, costs or fees of or related to the removal, towing or storage of the vehicle shall not in any event be waived. If the vehicle has not been reclaimed within three days after such notification or attempt to notify, the impound administrative fee shall apply.

(C) If the owner of any vehicle towed into a garage or lot for a violation described in § 70.110(A) above protests to the person in charge of the garage or lot against the payment of any cost or fee described in this section for the towing or storage of such vehicle or related administrative costs or fees, the person in charge of the garage or lot shall, upon payment of the costs and/or fees to which a protest is made, issue a receipt therefor marked 'Paid Under Protest.' Thereupon it shall be the duty of the owner or operator of the garage or lot to safely keep such fees and report such fact to the Chief of



Police, who shall forthwith cause a complaint to be filed against the owner of the vehicle charging him

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with causing or contributing to the creation or maintenance of a public nuisance. If, upon trial thereof, such person is found not guilty of the offense, it shall be the duty of the lot or garage operator to refund to the person the fees paid under protest.

(D) The remedies of the city to remove, tow and provide for the storage of vehicles, and payment of costs of such removal, towing and storage and administrative costs and fees, pursuant to §§ 70.109 through 70.113, are in addition to any other applicable remedies or penalties under this code or other applicable law.

(Ord. 924, passed 1-20-04)

**§ 70.999 PENALTY.**

Any person who violates any of the prohibitions or provisions of any chapter or section of this title shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular chapter or section for which the person stands convicted of violating or unless administered by and paid through the La Vista Violations Bureau, the penalty for such violation shall be in any amount not less than \$5 and not to exceed \$500 and/or imprisonment for any length of time not to exceed three months, in the discretion of the court.

(‘79 Code, § 5-801) (Am. Ord. 514, passed 12-4-90)

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## CHAPTER 71: TRAFFIC REGULATIONS

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**GENERAL PROVISIONS****§ 71.001 WILLFUL RECKLESS DRIVING.**

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

(‘79 Code, § 5-413)

***Statutory reference:***

*Definition, see Neb. RS 60-6,212*

*Misdemeanor classification, see Neb. RS 60-6,215*

*Point system, see Neb. RS 60-4,182*

**§ 71.002 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.

(‘79 Code, § 5-412) Penalty, see § 70.999

***Statutory reference:***

*Definition, see Neb. RS 60-6,212*

*Misdemeanor classification, see Neb. RS 60-6,215*

*Point system, see Neb. RS 60-4,182*

**§ 71.003 CARELESS DRIVING.**

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

(‘79 Code, § 5-414) (Am. Ord. 262, passed 12-4-79) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,212*

**§ 71.004 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.

(‘79 Code, § 5-415) Penalty, see § 70.999

***Statutory reference:***

*State point system, see Neb. RS 60-4,182*

**§ 71.005 IMPROPER DRIVING.**

Any person who shall operate a motor vehicle upon any street of the city in an improper and unreasonable manner without regard for the rules of the road or so as to endanger the property of others shall be deemed guilty of improper driving.

(‘79 Code, § 5-416) Penalty, see § 70.999

**§ 71.006 LESSER INCLUDED OFFENSES.**

Any person charged with operating a vehicle in a reckless manner under §§ 71.001 or 71.002 may be convicted under said charge of operating a vehicle in a careless manner under § 71.003 or in a negligent manner under § 71.004 or in an improper manner under § 71.005 which offenses shall be included within the offense of operation of a motor vehicle in a reckless manner as lesser offenses. The offenses of negligent driving under § 71.004 and improper driving under § 71.005 shall be lesser offenses, included within the offense of careless driving and the offense of improper driving under this shall be a lesser offense included within the offense of negligent driving.

(‘79 Code, § 5-417) Penalty, see § 70.999

**§ 71.007 BACKING.**

Before backing, ample warning shall be given, and, while backing, unceasing vigilance must be exercised not to injure those behind or interfere with other traffic. The driver of a parked vehicle about to back shall give moving vehicles the right-of-way.

(‘79 Code, § 5-418) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,169*

**§ 71.008 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 the directions of a peace officer, or to yield the right-of-way to pedestrians or to other vehicles.

(‘79 Code, § 5-419) Penalty, see § 70.999

***Statutory reference:***

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

*Stops prohibited by statute, see Neb. RS 60-6,166*

**§ 71.009 FOLLOWING DISTANCE.**

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of the vehicles and the traffic and condition of the street. (Neb. RS 60-6,140(1)) ('79 Code, § 5-423) Penalty, see § 70.999

**§ 71.010 FOLLOWING FIRE APPARATUS AND PUBLIC WORKS VEHICLES.**

The driver of any vehicle:

(A) Shall not follow, closer than 500 feet, any fire apparatus traveling in response to a fire alarm or drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm; and

(B) Except when overtaking and passing any other vehicle, shall not follow any public works vehicle more closely than 100 feet when traveling upon a roadway outside of a business or residential district if:

(1) Such public works vehicle is engaged in plowing snow, removing deposited material from the surface of the road or spreading salt, sand or other material upon the surface of the road or is in motion on or near the traveled portion of a road performing other maintenance duties; and

(2) Such public works vehicle is displaying a flashing amber or white light. (Neb. RS 60-6,140 and 60-6,183) ('79 Code, § 5-424) (Am. Ord. 674, passed 7-1-97) Penalty, see § 70.999

**§ 71.011 FUNERAL PROCESSIONS.**

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

('79 Code, § 5-425) Penalty, see § 70.999

***Statutory reference:***

*Authority, see Neb. RS 60-680(1)(c)*

*Restrictions on following vehicles, see Neb. RS 60-6,140*

**§ 71.012 CROWDING FRONT SEAT.**

No person shall drive a motor vehicle when it is so loaded, or there is in the front seat such a number of persons exceeding three, or there is a package, pet, other person, or other encumbrance in the vehicle, such 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 vehicle.

(‘79 Code, § 5-426) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,179*

**§ 71.013 OBSTRUCTING DRIVER’S VIEW.**

(A) No person shall drive a motor vehicle, other than a motorcycle, on a highway when the motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position unless such vehicle is equipped with a right-side and a left-side outside mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle. Temporary outside mirrors and attachments used when towing a vehicle shall be removed from the motor vehicle or retracted within the outside dimensions thereof when it is operated upon the highway without such trailer.

(Neb. RS 60-6,254)

(B) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster, or other nontransparent material upon the front windshield, side wing vents, or side or rear windows of the motor vehicle other than a certificate or other paper required to be so displayed by law. The front windshield, side wing vents, and side or rear windows may have a visor or other shade device which is easily moved aside or removable, is normally used by a motor vehicle operator during daylight hours, and does not impair the driver's field of vision.

(Neb. RS 60-6,255(2))

(C) Every windshield on a motor vehicle, other than a motorcycle, shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(Neb. RS 60-6,255(3)) (‘79 Code, § 5-427) Penalty, see § 70.999

**§ 71.014 RIDING OUTSIDE VEHICLE.**

No person shall permit any other person to ride on the running board, hood, top or fenders of any motor vehicle. Nor shall any person ride on the running board, hood, top or fenders of any motor vehicle.

(‘79 Code, § 5-428) Penalty, see § 70.999

***Statutory reference:***

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

*Similar provisions, see Neb. RS 60-6,179*

**§ 71.015 CLINGING TO MOTOR VEHICLES.**

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

(‘79 Code, § 5-429) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,316*

***Cross reference:***

*Bicycles, see Chapter 73*

**§ 71.016 DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS.**

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

- (1) While under the influence of alcoholic liquor or of any drug;
- (2) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per 100 milliliters of his or her blood; or
- (3) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per 210 liters of his or her breath.

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

(C) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of the city may require any person arrested for any offense arising out of acts alleged to have been committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs to submit to a chemical test or tests of his or her blood, breath or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath or urine when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in the city while under the influence of alcoholic liquor or drugs in violation of this section.

(D) Any peace officer who has been duly authorized to make arrests for violation of traffic laws of the state or of ordinances of the city may require any person who operates or has in his or her actual

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physical control a motor vehicle in the city to submit to a preliminary test of his or her breath for alcohol concentration if the officer has reasonable grounds to believe that such person has alcohol in his or her body, has committed a moving traffic violation or has been involved in a traffic accident. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicated an alcohol concentration in violation of division (A) of this section shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of an offense.

(E) Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood, breath or urine for a determination of the concentration of alcohol or the presence of drugs. If the chemical test discloses the presence of a concentration of alcohol in violation of division (A) of this section, the person shall be subject to the administrative revocation procedures provided in Neb. RS 60-498.01 to 60-498.04, and upon conviction shall be punished as provided in Neb. RS 60-6,197.02 to 69-6,197.08. Any person who refuses to submit to such test or tests required pursuant to this section, shall be subject to the administrative revocation procedures provided in Neb. RS 60-498.01 to 60-498.04, and shall be guilty of a crime and, upon conviction, punished as provided in Neb. RS 60-6,197.02 to 60-6,197.08.

(F) Upon the conviction of any person for the violation of this section, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Neb. RS 60-6,201, for the test administered and the analysis thereof if such test was actually made.

(Neb. RS 60-6,196, 60-6,197, 60-6,203) ('79 Code, § 5-511) (Am. Ord. 1034, passed 5-1-07)

***Statutory reference:***

*Statutory penalties, see Neb. RS 60-6,196 et seq.*

**§ 71.017 OPERATOR QUALIFICATIONS.**

No person shall operate a motor vehicle upon any streets of this city who is subject to any physical handicap or impairment of sight, hearing, reflex or dexterity which limits or impairs his or her ability to operate such vehicle with safety.

('79 Code, § 5-510) Penalty, see § 70.999

***PEDESTRIANS***

**§ 71.030 RIGHT-OF-WAY.**

The driver of any vehicle shall yield the right-of-way to a pedestrian crossing the street within any marked crosswalk or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by the Chief of Police or other authorized police officers or officials.

(‘79 Code, § 5-301) Penalty, see § 70.999

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### **§ 71.031 OVERTAKING STOPPED VEHICLE.**

Whenever any vehicle has been stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the street it shall be unlawful for the driver of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

(‘79 Code, § 5-302) Penalty, see § 70.999

### **§ 71.032 CROSSING AWAY FROM CROSSWALK.**

Every pedestrian crossing a street at any point other than within a marked or unmarked crosswalk shall yield the right-of-way to vehicles upon the street.

(‘79 Code, § 5-303) Penalty, see § 70.999

### **§ 71.033 WALK ON SIDEWALKS.**

Pedestrians must at all times use the sidewalk when walking between intersections.

(‘79 Code, § 5-304) Penalty, see § 70.999

### **§ 71.034 WALKING IN ROADWAY.**

Pedestrians walking in the roadway when no sidewalk is provided shall walk only on the shoulder as far as practicable from the edge of the roadway. If no sidewalk or shoulder is provided, pedestrians shall walk as near as practicable to the edge of the roadway and, if on a two-way roadway, shall walk on the left side of the roadway, facing the oncoming traffic.

(‘79 Code, § 5-305) Penalty, see § 70.999

### **§ 71.035 STANDING IN ROADWAY.**

Pedestrians must not stand, sit or lie down in the roadway except when making emergency repairs

on a vehicle in order to render it operable.  
(‘79 Code, § 5-306) Penalty, see § 70.999

**§ 71.036 DUE CARE REQUIRED.**

Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon a roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(‘79 Code, § 5-307) Penalty, see § 70.999

**§ 71.037 SOLICITING RIDES.**

No person shall stand in a roadway or in the sidewalk area for the purpose of soliciting a ride, employment, contributions, or business from the occupant of any vehicle.

(Neb. RS 60-6,157(1)) ('79 Code, § 5-308) Penalty, see § 70.999

***TURNING*****§ 71.050 TURNING GENERALLY.**

(A) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(B) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and, after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the extreme left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(C) The city, on roads and streets under its jurisdiction, may cause traffic control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

(Neb. RS 60-6,159) ('79 Code, § 5-209) Penalty, see § 70.999

**§ 71.051 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 City Council has the authority to prohibit turning right on red at any intersection within the city where it deems such a prohibition necessary, provided that 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.

('79 Code, § 5-203) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,123*

**§ 71.052 U TURNS.**

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection, provided, however, that no vehicle shall be turned so as to proceed in the opposite direction at any intersection (i) that is on a curve, the approach to or crest of a grade or hill, or under any other circumstances where the vehicle is not visible to the driver of any other vehicle approaching from either direction within 500 feet, or (ii) where a sign is posted indicating that U-turns are prohibited. (Neb. RS 60-6,160) ('79 Code, § 5-207) Penalty, see § 70.999

***Statutory reference:***

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

**§ 71.053 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 Transportation. The hand and arm signals herein required shall be given from the left side of the vehicle in the following manner: stop or decreased speed, hand and arm extended downward; left turn, hand and arm extended horizontally; right turn, hand and arm extended upward. Required signals shall be given by a signal device of a type approved by the Department of Transportation under any condition when a hand and arm signal would not be visible for 100 feet to the front and rear of the signaling driver. Any person operating a bicycle may signal a right turn by fully extending the right arm and pointing.

(Neb. RS 60-6,161 through 60-6,163) ('79 Code, § 5-208) (Am. Ord. 1351, passed 7-2-19) Penalty, see § 70.999

**§ 71.054 CAUTION REQUIRED.**

The operator of a vehicle shall, before stopping, turning or changing the course of such vehicle, see that there is sufficient space to make such movement in safety. If any pedestrian might be affected by such movement, the operator shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, the operator shall give some unmistakable signal to the driver of all other vehicles of his or her intention to make such movement.

('79 Code, § 5-210) Penalty, see § 70.999

***Statutory reference:***

*Hand and arm signals, see Neb. RS 60-6,163*

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***RIGHT-OF-WAY*****§ 71.065 GENERALLY.**

(A) 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 peace officer stationed at the intersection.

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

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

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

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

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

(‘79 Code, § 5-211) (Am. Ord. 609, passed 1-17-95) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,146 through 60-6,154*

**§ 71.066 DRIVING ON RIGHT-HAND SIDE OF STREET.**

(A) The driver in a vehicle shall drive the same upon the right half of the street or roadway, except:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;



(2) When the right half is out of repair or for some reason obstructed, in which case the driver shall yield the right-of-way in accordance with applicable law; or

(3) Upon a roadway restricted to one-way traffic.

(B) When approaching any bridge, underpass or viaduct or when approaching or crossing an intersection of streets, the driver of the vehicle shall at all times keep such vehicle on the right half of the roadway unless such right half is out of repair and for such reasons impassable.

(‘79 Code, § 5-212) Penalty, see § 70.999

### **§ 71.067 OVERTAKING VEHICLE.**

(A) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of such overtaken vehicle.

(B) The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(C) The driver of an overtaking vehicle shall give visual signal before passing or attempting to pass another vehicle proceeding in the same direction.

(‘79 Code, § 5-213) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,135 and 60-6,136*

### **§ 71.068 LIMITATION ON DRIVING ON LEFT SIDE OF STREET.**

A vehicle shall not be driven to the left side of the center line 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.

(‘79 Code, § 5-214) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,135 and 60-6,136*

### **§ 71.069 FOLLOWING TOO CLOSELY.**

No driver of a vehicle shall follow another vehicle moving in the same direction more closely than is reasonable and prudent, having due regard for the speed of such vehicle, the traffic and condition of the street, nor approach any stopped or parked vehicle from the rear in such a manner as to collide

therewith.

('79 Code, § 5-215) Penalty, see § 70.999

***Statutory reference:***

*Restrictions on following vehicles, see Neb. RS 60-6,140*

**§ 71.070 EMERGENCY VEHICLES.**

(A) Upon the approach of an authorized emergency vehicle which makes use of proper audible or visual signals:

(1) The driver of any other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until the emergency vehicle passes unless otherwise directed by any police officer; and

(2) Any pedestrian using the roadway shall yield the right-of-way until the emergency vehicle passes unless otherwise directed by any peace officer.

(B) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Neb. RS 60-6,151) ('79 Code, § 5-216) Penalty, see § 70.999

***PASSING*****§ 71.080 INTERSECTION.**

The driver of a vehicle shall not, within 100 feet of the approach of or while traversing a street intersection, overtake and pass another vehicle proceeding in the same direction if such passing requires such overtaking vehicle to drive to the left of the center of the street.

('79 Code, § 5-420) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,135 and 60-6,136*

**§ 71.081 HINDRANCE.**

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

(Neb. RS 60-6,133) ('79 Code, § 5-421) Penalty, see § 70.999

**§ 71.082 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. ('79 Code, § 5-422) Penalty, see § 70.999

***Statutory reference:***

*Additional requirements, see Neb. RS 60-6,139 and 60-6,308*

***STREET DESIGNATION***

**§ 71.095 AUTHORITY.**

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

- (1) Regulate or prohibit stopping, standing, or parking;
- (2) Regulate traffic by means of peace officers or traffic control devices;
- (3) Regulate or prohibit processions or assemblages on the highways;
- (4) Designate highways or streets for use by traffic moving in one direction;
- (5) Establish speed limits for vehicles in public parks;
- (6) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
- (7) Restrict the use of highways as authorized by applicable statutes;
- (8) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
- (9) Regulate operation of electric personal assistive mobility devices;
- (10) Regulate or prohibit the turning of vehicles or specified types of vehicles;
- (11) Alter or establish speed limits authorized in the Nebraska Rules of the Road;

(12) Designate no-passing zones;

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(13) Prohibit or regulate use of controlled-access highways by any class or kind of traffic except those highways which are a part of the state highway system;

(14) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Transportation;

(15) Establish minimum speed limits as authorized in the Rules;

(16) Designate hazardous railroad grade crossings as authorized in the Rules;

(17) Designate and regulate traffic on play streets;

(18) Prohibit pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in the Rules;

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

(20) Regulate persons propelling push carts;

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

(22) 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 division, engine brake means a device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss;

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

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

(B) No ordinance or regulation enacted under divisions (A)(4), (5), (6), (7), (10), (11), (12), (13), (14), (16), (17) or (19) 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) (Am. Ord. 1370, passed 10-1-19)

***Statutory reference:***

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

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**§ 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) (Am. Ord. 1370, passed 10-1-19) Penalty, see § 70.999

***Statutory reference:***

*Municipal authority, see Neb. RS 60-681*

***SPEED LIMITS*****§ 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 this 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) (Am. Ord. 1370, passed 10-1-19) 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*

**§ 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.

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

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(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 and 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.

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(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 speed shall be observed.

(‘79 Code, §§ 5-406, 5-409) (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; Am. Ord. 1370, passed 10-1-19) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,114*

**§ 71.112 NEAR SCHOOLS.**

(A) It shall be unlawful for the driver of any vehicle, when in an area designated as a school crossing zone pursuant to § 71.125, during school recess or while children are going to or leaving school during the opening or closing hours to drive such vehicle at a rate of speed in excess of 15 miles per hour in such school crossing zone, and such driver shall stop at all stop signs located in such school crossing zone, and it shall be unlawful for such driver to make a U-turn at any such stop sign or otherwise within a school crossing zone.

(B) It shall further be unlawful for the driver of any vehicle to overtake and pass another vehicle in any school crossing zone in which the roadway has only one lane of traffic in each direction.

(Neb. RS 60-6,134.01) (‘79 Code, § 5-407) (Am. Ord. 772, passed 4-4-99) Penalty, see § 70.999

***Statutory reference:***

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

**§ 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) (Am. Ord. 1370, passed 10-1-19) Penalty, see § 70.999

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**§ 71.114 ELECTRONIC DETECTOR.**

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.

(‘79 Code, § 5-411) (Am. Ord. 1370, passed 10-1-19)

***SCHOOL CROSSING ZONES***

**§ 71.125 AUTHORITY TO DESIGNATE.**

The City Council may, by resolution, designate to the public any area of a roadway, other than a freeway, as a school crossing zone, as defined in Neb. RS 60-658.01 through the use of a sign or traffic-control device as specified by the City Council in conformity with the manual on uniform traffic-control devices. Any school crossing zone so designated starts at the location of the first sign or traffic-control device identifying the school crossing zone and continues until a sign or traffic-control device indicates that the school crossing zone has ended.

(Neb. RS 60-658.01) (Am. Ord. 771, passed 4-4-99)

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## CHAPTER 72: PARKING REGULATIONS

### Section

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**GENERAL PROVISIONS****§ 72.01 AUTHORITY OF CITY COUNCIL.**

The City Council shall have authority by resolution to establish no parking zones, limited parking zones and loading zones and to regulate the manner and direction of parking upon all streets of the city. ('79 Code, § 5-709)

**Statutory reference:**

*Parking regulations authorized, see Neb. RS 60-680*

**REGULATIONS****§ 72.15 TIME LIMIT.**

It is unlawful to park any vehicle at one location on any street for longer than 72 hours. ('79 Code, § 5-702) (Am. Ord. 235, passed 10-17-78) Penalty, see § 70.999

**Statutory reference:**

*Parking regulations authorized, see Neb. RS 60-680*

**§ 72.16 MANNER OF PARKING.**

It is unlawful to park any vehicle on a street or part of a street designated as a no parking zone, or in violation of any requirement of a designated limited parking zone or loading zone. Where parking is permitted and during times when parking is permitted it shall be in the following manner:

(A) Parked vehicles shall be parked headed in the direction of lawful traffic movement.

(B) Parked vehicles shall be parallel with the outside edge of the roadway.

(C) The side of the parked vehicle located nearest to the curb or edge of the roadway shall be no more than one foot from such curb or edge of the roadway.

(D) All wheels of the parked vehicle must be on the street surface and no part of any wheel shall be on or over the curb or beyond the edge of the street.

(E) No vehicle shall park within three feet of another parked vehicle when three or more cars are

parked in succession.

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(F) No vehicle shall be parked within three feet of the point at which the end of the apron of any driveway or alley intersects the curb, nor within five feet of the outer edge of any driveway or alley where such driveway or alley intersects the curb without an apron.

(‘79 Code, § 5-703) (Am. Ord. 432, passed 4-7-87; Am. Ord. 498, passed 3-6-90; Am. Ord. 1177, passed 6-19-12) Penalty, see 70.999

**Statutory reference:**

*Parking regulations authorized, see Neb. RS 60-680*

**§ 72.17 OBSTRUCTING DRIVEWAYS, ALLEYS, OR SIDEWALKS.**

It is unlawful to park a vehicle so as to obstruct a private drive or alley, on a sidewalk, in a private drive within two feet of the house-side edge of the sidewalk, in a private drive within ten feet of the street's curb in cases where no sidewalk exists, in an intersection or beside other vehicles parked at the curb, whether such second vehicle is in or out of the traveled part of the street, provided however, parking of the vehicles for the following purposes shall not be in violation of this section: a personal automobile or pickup truck may park in the private drive up to the house-side edge of the sidewalk, without the allowance of two feet from the house-side edge of the sidewalk for sight distance as stipulated above, so long as the personal automobile or pickup truck does not encroach into the sidewalk.

(‘79 Code, § 5-704) (Am. Ord. 659, passed 10-1-96) Penalty, see § 70.999

**Statutory reference:**

*Parking regulations authorized, see Neb. RS 60-680*

**§ 72.18 PUBLIC ALLEYS AND EASEMENTS.**

It is unlawful to park a vehicle in any public alley or easementway, except for the time necessary for the actual loading or unloading thereof. As used herein, the term "public alley or easementway" shall mean a passageway or easementway between buildings or lots or across a tract or tracts of property and intended for vehicular use by the public but not constituting a street of the city.

(‘79 Code, § 5-705) (Am. Ord. 366, passed 12-18-84) Penalty, see § 70.999

**Statutory reference:**

*Parking regulations authorized, see Neb. RS 60-680*

**§ 72.19 PARKING OF TRUCKS, TRAILERS, AND LARGE VEHICLES IN RESIDENTIAL DISTRICTS.**

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



***SEMITRAILER.*** Any vehicle, with or without motive power, designed to carry persons or property and to be drawn by a motor vehicle and so constructed that some part of its weight rests upon or is carried by another vehicle.

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**TRAILER.** Any vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**TRUCK-TRACTOR.** Any motor vehicle designed and primarily used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

**VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved solely by human power or used exclusively upon stationary rails or tracks.

(B) No person shall park any truck, tractor, semitrailer, delivery truck, delivery van, or other vehicle, which individually or in combination with a trailer exceeds a length of 22.5 feet or a height of ten feet, or which individually or in combination with a trailer has a total weight or is licensed for a total weight, including load and cargo therein, in excess of six tons, on any residential zoned lot or on any street or other public property within a residential zoning district or adjacent to residential zoned property; provided, however, that parking of any such vehicle for the following purposes shall not be a violation of this section:

(1) A vehicle and any attached trailer being used only for the purpose of delivery or pickup of goods or materials at a point of delivery or pickup within a residential zoning district may be parked in such a district on or adjacent to a residential zoned lot during loading and unloading of the vehicle at or upon such lot;

(2) A vehicle and any attached trailer being used in connection with repair, service, or moving operations may be parked in such a district on or adjacent to a residential zoned lot while the repair, service, or moving operations are actually in progress at or upon such lot;

(3) A vehicle for which, prior to July 1, 1993, a valid special permit for recurring parking had been issued pursuant to § 70.040 or its predecessor may continue to park such vehicle, or an authorized replacement vehicle, for the remaining period of such permit, or any renewal thereof, in accordance with the terms and conditions of such permit and § 70.040; or

(4) A vehicle (other than a truck-tractor) and any attached trailer may be parked in a private drive of a residential zoned lot without restriction of length or height if the vehicle and any attached trailer is owned by a resident or the employer of a resident of the lot, is not so long as to violate § 72.17 and is not parked in violation of § 72.17 or of any other applicable law or section of this code, and if the total weight of the vehicle and any attached trailer, including any load and cargo therein, does not exceed six tons in weight and is not licensed for a weight in excess of six tons.

(‘79 Code, § 5-701) (Am. Ord. 435, passed 6-16-87; Am. Ord. 570, passed 7-20-93; Am. Ord. 1156,

passed 9-6-11; Am. Ord. 1426, passed 9-7-21) Penalty, see § 70.999

***Statutory reference:***

*Parking regulations authorized, see Neb. RS 60-680*

**§ 72.20 REPAIRING OR STORAGE OF MOTOR VEHICLES IN STREETS PROHIBITED.**

No person shall adjust or repair any automobile or motorcycle while it is standing on the public streets or alleys of this city, except in case of breakdown or other emergency, and no person shall use streets for storage purposes during the day or night or for the purpose of working on or upon automobiles or motor-driven vehicles of any description.

(‘79 Code, § 5-707) Penalty, see § 70.999

***Statutory reference:***

*Parking regulations authorized, see Neb. RS 60-680*

**§ 72.21 PARKING AFTER SNOW.**

Whenever there may have fallen two or more inches of snow, ice and/or sleet on the streets of the city, or when the Mayor shall declare a snow emergency, with notice thereof to the news media, it shall be unlawful for any automobile to be parked on any public street within the city for 24 hours or until after such accumulated snow shall have been removed by snow removers provided by the city - whichever is later. Any automobile left parked in violation of this section may be ordered removed by

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the Chief of Police and such illegal parking shall constitute appointment of the Chief of Police as agent of the owner and any mortgagee thereof to contract with any other party to remove said automobile and grant a lien to such remover of said automobile of his or her charges for removal and storage thereof. If such unlawfully parked automobile is not removed, and by reason of its presence any part of the streets of the city are impossible to plow clear the snow, the person in violation of this section shall be civilly liable to the city for any added plowing expense necessarily incurred as a result of such unlawful parking, unless the violator shall promptly clean such unplowed area himself or herself.  
 ('79 Code, § 5-708) (Am. Ord. 539, passed 11-5-91) Penalty, see § 70.999

**§ 72.22 FIRE HYDRANTS AND STATIONS.**

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. The curb space within such area of 15 feet in either direction of such fire hydrant may be painted red to indicate such prohibition.  
 ('79 Code, § 5-711) (Am. Ord. 331, passed 12-7-82) Penalty, see § 70.999

***Statutory reference:***

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

**§ 72.23 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, nor where said curb lines are painted red to indicate such prohibition.  
 ('79 Code, § 5-712) Penalty, see § 70.999

***Statutory reference:***

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

**§ 72.24 CURRENT LICENSE.**

It shall be unlawful, and it is hereby declared to be a public nuisance as provided in § 70.110, to park or place on the streets, alleys, or other public property any motor vehicle without first securing current annual license plates and registration as provided by law. Properly licensed and registered motor vehicles shall be allowed to be parked or placed on the streets, alleys, or other public property where parking is permitted for a period of not more than 72 consecutive hours.

('79 Code, § 5-713) (Am. Ord. 925, passed 1-20-04; Am. Ord. 1177, passed 6-19-12) Penalty, see § 70.999

***Statutory reference:***

*Statutory requirement, see Neb. RS 60-323*

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**§ 72.25 NONMOTORIZED VEHICLES.**

While not attached to a motor vehicle, a nonmotorized vehicle, other than official municipal equipment, shall not be parked or stored on any public street in the city, except for emergency purposes. As used in this section, *NONMOTORIZED VEHICLE* means any trailer or other device without motive power that is designed for carrying persons or property while being drawn by a motor vehicle.

(‘79 Code, § 5-714) (Ord. 148, passed - -; Am. Ord. 1156, passed 9-6-11) Penalty, see § 70.999

***Statutory reference:***

*Parking regulations authorized, see Neb. RS 60-680*

**§ 72.26 ARTERIAL STREETS.**

(A) No vehicles, except official municipal equipment for emergency or maintenance purposes, shall be parked on arterial streets. Arterial streets are identified in the city’s Comprehensive Plan.

(B) Arterial streets identified are: Harrison Street, Giles Road, West Giles Road, 66th Street, 72nd Street, 84th Street, 96th Street, and 108th Street.

(Ord. 1177, passed 6-19-12)

**§ 72.27 CUL DE SACS.**

There shall be no parking within the circular turn-around portion of cul de sac streets and there shall be no parking on either side of the non turn-around portion of the streets within 25 feet of the beginning or end of the curvature of the pavement for the circular turn-around portion of the pavement. Parking is allowed on one side as designated within the rest of the non turn-around portion of a cul de sac street unless a no parking zone or other applicable limitation is specifically designated on both sides of the portion. Portions of a cul de sac street on which parking is allowed shall be subject to other applicable requirements or limitations set forth in this chapter or other laws, rules or regulations, including, but not limited to, parking restrictions in relation to driveways and intersections.

(Ord. 1177, passed 6-19-12)

**§ 72.28 RECREATIONAL VEHICLE PARKING; TEMPORARY PARKING PERMITS.**

(A) No person shall park a recreational vehicle on any street or any public property within a residential zoning district, unless:

- (1) The recreational vehicle is less than 20 feet in length as measured from its extreme

forward point to its extreme rear point, including extensions and any attached vehicle or trailer;

(2) The recreational vehicle, including extensions and any attached vehicle or trailer, is less than ten feet in height;

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(3) The recreational vehicle, including extensions and any attached vehicle or trailer, is less than eight feet in width as measured at its widest point excluding attached side mirrors; and

(4) A valid temporary parking permit has been issued pursuant to division (C) of this section.

(B) As used in this section, **RECREATIONAL VEHICLE** means a motor vehicle designed for living quarters, and includes but is not limited to travel trailers, folding trailers, pop up trailers, and motor homes.

(C) *Temporary parking permit for recreational vehicles under 20 feet in length, ten feet in height, and eight feet in width.*

(1) Upon receipt of a properly completed application, the Chief of Police shall issue a temporary parking permit to any individual who submits an application to park a recreational vehicle in a residential district for 72 or fewer consecutive hours, if such parking would not violate any other applicable provision of this code.

(2) (a) Application for a permit under this division shall be made on a form provided by the Police Department. If a recreational vehicle is brought into the city and such a parking permit is required by this section, application for the permit shall be made not later than the first day upon which the Police Department office is open following the arrival of the recreational vehicle in the city. The parking permit shall include, to the extent practicable:

1. The license plate number of the recreational vehicle to be parked;

2. The make, model, and serial number or vehicle identification number of the recreational vehicle to be parked, or so much of such information as may be discerned from inspection of the recreational vehicle;

3. The date of issuance of the permit;

4. The date or dates upon which the parking permit shall be valid;

5. The address of the residence adjacent to which the parking permit shall pertain;

and

6. Such additional information as may be specified by the Chief of Police.

(b) An issued permit shall be placed and kept in or upon the recreational vehicle in such a manner as to be plainly visible to police and code enforcement officers.

(3) No fee shall be required for the issuance of any permit or any extension of any permit required by this section.

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(4) One extension of a permit issued under this section may be granted, up to a maximum of 72 hours of extension. Not more than one extension shall be granted. The extension shall be considered one of the four permits allowable under division (C)(5) below during any period of 12 consecutive months.

(5) During any period of 12 consecutive months:

(a) Not more than four permits may be issued for parking of the same recreational vehicle; and

(b) Not more than four permits may be issued to any inhabitant or inhabitants of, or visitor or visitors to, a single dwelling within the city or the city's zoning jurisdiction, allowing parking of any recreational vehicle or recreational vehicles within 1,000 feet of any property line of such single dwelling.

(6) A recreational vehicle covered by a parking permit issued under this section must be parked at least 30 feet distant from intersections and 15 feet distant from fire hydrants.

(7) A recreational vehicle covered by a parking permit issued under this section shall be parked adjoining the residence described on the permit, to the extent practicable, and shall be promptly moved or relocated as any police or other law enforcement officer or code enforcement officer may direct.

(8) Individuals may not reside or sleep in a recreational vehicle overnight while it is so parked, or run water, waste, or power lines to the vehicle across any public-right-of way.  
(Ord. 1179, passed 7-3-12)

***Statutory reference:***

*Parking regulations authorized, see Neb. RS 60-680*

***PARKING FOR PERSONS WITH DISABILITIES***

**§ 72.40 DEFINITIONS; STATE STATUTES ADOPTED BY REFERENCE.**

This section hereby adopts by reference all state statutes governing parking for persons with disabilities, including but not limited to Neb. RS 18-1736 through 18-1742, into this code of ordinances as if fully set forth herein. Terms related to parking for persons with disabilities shall have the definitions set forth in Neb. RS 18-1738 and 18-1741.01.

(‘79 Code, § 5-715(A)) (Ord. 265, passed 12-4-79; Am. Ord. 612, passed 2-7-95; Am. Ord. 677,

passed 7-1-97; Am. Ord. 704, passed 10-21-97)

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**§ 72.41 RESERVATION OF HANDICAPPED PARKING SPACES.**

The city may designate on-street parking spaces, and the city and any person in lawful possession of any off-street parking facility may designate stalls or spaces in such facility owned or operated by the city or person for the exclusive use of persons with disabilities. Any such designations shall be made and be posted as required by state law, and any person using such spaces shall display an appropriate permit as provided by state law.

(‘79 Code, § 5-715(B)) (Ord. 265, passed 12-4-79; Am. Ord. 612, passed 2-7-95; Am. Ord. 677, passed 7-1-97; Am. Ord. 704, passed 10-21-97)

**§ 72.42 APPLICATION FOR AND ISSUANCE OF PERMITS; VIOLATIONS AND PENALTIES.**

Permits for parking for persons with disabilities shall be issued in a form and manner in accordance with state law. The amount to be charged for a permit shall be set by state law or, if no such amount is established, shall be determined from time to time as necessary by the City Council. Violations related to parking for persons with disabilities shall be prosecuted and be subject to penalty in accordance with state law.

(‘79 Code, § 5-715(C) and (D)) (Ord. 265, passed 12-4-79; Am. Ord. 612, passed 2-7-95; Am. Ord. 677, passed 7-1-97; Am. Ord. 704, passed 10-21-97)

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***ADMINISTRATION AND ENFORCEMENT***

**§ 72.55 PRESUMPTION OF OWNER.**

Whenever a vehicle is found to be in violation of parking regulations, proof of the identity of the registered owner of such shall raise a presumption that such person is guilty of the violation, rebuttable only by establishment by such owner of the identity of the actual violator.

(‘79 Code, § 5-706)

**§ 72.56 TEMPORARY REGULATIONS BY CHIEF OF POLICE.**

The Chief of Police of the city shall have the authority to prohibit or limit parking on any streets or portions of streets of the city for a period not to exceed 48 hours; provided that he or she shall make such temporary regulations known by signs or by direction of police officers.

(‘79 Code, § 5-710)

**§ 72.57 ACCESS REQUIRED FOR ENFORCEMENT OF HANDICAPPED PARKING DESIGNATION.**

(A) This section shall apply to all off-street parking facilities that include a stall or place designated as parking for handicapped or disabled, or temporarily handicapped or disabled persons or any wheelchair ramp constructed or created in accordance and in conformity with the Americans with Disabilities Act of 1990.

(B) A written agreement, approved by the Chief of Police and for the benefit of the city, shall be required to provide the city with the access necessary to enforce §§ 72.40 through 72.43 and § 72.57 of this chapter.

(‘79 Code, § 5-716) (Ord. 323, passed 10-19-82; Am. Ord. 678, passed 7-1-97)

**§ 72.58 VIOLATIONS BUREAU.**

(A) *Establishment.* There is hereby established the Violations Bureau which shall function as a part of the office of the City Clerk, under the direction of the City Clerk or the City Clerk's lawful designee.

(B) *Duties.* The Violations Bureau shall collect and account for all moneys paid in accordance with the provisions of this section, issue receipts therefor and keep records of all payments, showing

the names, time and date of payment; as well as receive, review and make determinations and recommendations on disputed violations pursuant to division (F) below. It shall be the duty of the City Clerk to credit to the city such amounts as shall be collected for the payment of administrative costs. The City Clerk shall fix the days and the hours during which the office of the Violations Bureau shall be open to the public for the transaction of business coming under the provisions of this section.

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(C) *Waiver of appearance; penalties and costs.* Whenever any person is alleged to have violated any of the provisions of this title, such person may, under such conditions as are herein prescribed, execute a waiver of appearance, enter a plea of guilty and make payment of penalty and administrative fees as follows:

(1) If paid within seven days of the date of the violation, a penalty in the sum as set forth by the Master Fee Ordinance, plus administrative fees;

(2) If paid after seven days of the date of the violation, but within 30 days, a penalty in the sum as set forth by the Master Fee Ordinance, plus administrative fees;

(3) If paid after 30 days of the date of the violation, but prior to the filing of a complaint, a penalty in the sum as set forth by the Master Fee Ordinance, plus administrative fees; or

(4) If a complaint has been filed, a penalty in the sum as set forth by the Master Fee Ordinance and such other penalty as the court, in its discretion, may impose pursuant to the penalty provisions of §§ 72.43 or 70.999, plus court costs.

(D) *Issuance of warrant and complaint.* Whenever any person refuses, neglects or fails to pay any such penalty and administrative fees within 30 days of the date of the violation or otherwise refuses, neglects or fails to comply with any of the provisions of this section, a complaint charging such violation shall be filed in Sarpy County court and a warrant issued for the arrest of such person; provided, however, that the complaint for a handicapped parking infraction must be issued and filed at least 24 hours before the time set for the appearance of the cited person or such person shall be released from the obligation to appear as specified.

(E) *Notice.* At the time of issuance of a citation for the alleged violation coming under the provisions of this section, the accused shall be served with a printed notice advising the accused:

(1) That a waiver of appearance may be executed, a plea of guilty entered and the payment of such penalty and administrative fees made as provided by this section;

(2) That upon the neglect, refusal or failure of the accused to pay such penalty and administrative fees as provided by this section or upon the failure, refusal or neglect of the accused to otherwise comply with the provisions of this section, a complaint shall be filed and a warrant issued for the arrest of the accused;

(3) Of the violation or violations charged as defined by this section;

(4) Of the form of waiver which the accused shall be required to execute and present to the Parking Violations Bureau in order to comply with this section;

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(5) Of the amount of penalty and administrative fees which the accused shall be required to pay in order to comply with this section.

(F) (1) *Petition procedure for parking violations.* A person receiving notice of a parking violation may file an informal notice of dispute with the city within seven days of the occurrence of the violation. Receipt of this notice of dispute within seven days means that the fine indicated in division (C)(1) above will apply for each violation that the defendant timely disputes and is not determined in defendant's favor, provided that payment is made within seven days of the date of a notice to the defendant of the determination. For purposes of notice to the defendant, defendant will be deemed to have received notice upon hand delivery or two days after it is placed in the United States Mail, whichever occurs first. If full payment is not received within seven days of the notice of determination, the fines shall increase as indicated in division (C) above as though the notice of dispute was never received. Notices of dispute must be written and filed with the La Vista City Clerk at 8110 Park View Blvd., La Vista, Nebraska.

(2) Informal notices of dispute will be evaluated by the Violations Bureau and a decision will be made whether or not to recommend the City Attorney dismiss the violation. The parking violator shall be notified by United States Mail sent to his or her last known address as to the decision.

(G) *Administrative fees.* The administrative fee, as provided in § 72.59, for each violation citation paid through the Violations Bureau shall be collected by the City Clerk in addition to the penalty provided herein and such administrative fee shall be deposited in the General Fund of the city. The administrative fee shall be uniform for all citations without regard to the amount of the penalty assessed and shall represent the cost to the city for the operation of the Violations Bureau which may include the wages and fringe benefits of operating personnel; the cost of printing citations and forms; postage; office supplies; office equipment, maintenance and repair; and necessary overhead, including heating and air conditioning, lights, rents, telephone expense and data processing expenses.

(H) *Nonexclusive penalty.* The penalties and administrative fees provided herein shall not preclude the assessment or collection of additional amounts. Such penalties and administrative fees shall be in addition to any other applicable fees, penalties, costs or towing charges. ('79 Code, § 5-719) (Ord. 513, passed 11-20-90; Am. Ord. 680, passed 7-1-97; Am. Ord. 1131, passed 11-2-10)

**Statutory reference:**

*Prevention and abatement of nuisances, see Neb. RS 18-1720*

**§ 72.59 ADMINISTRATIVE FEES.**

An administrative fee is hereby established in an amount as set forth in the Master Fee Ordinance which represents the actual cost to the city of the operation of the Violations Bureau and which shall be

assessed pursuant to § 72.58. Such administrative fee shall be uniform for all citations without regard to the amount of penalty assessed and shall be collected by the city in addition to such penalty as provided in § 72.58 and in addition to any other applicable fees, costs or penalties.  
(‘79 Code, § 5-720) (Ord. 513, passed 11-20-90; Am. Ord. 690, passed 9-16-97; Am. Ord. 1131, passed 11-2-10)

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## CHAPTER 73: BICYCLES

### Section

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**GENERAL PROVISIONS****§ 73.01 DEFINITIONS.**

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

***BICYCLE.***

(1) Every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is of more than 14 inches in diameter; or

(2) A device with two or three wheels, fully operative pedals for propulsion by human power, and an electric motor with a capacity not exceeding 750 watts which produces no more than one brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than 20 miles per hour on level ground.

***VEHICLE.*** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power, devices used exclusively upon stationary rails or tracks, electric personal assistive mobility devices, and bicycles.  
(‘79 Code, § 5-621) (Am. Ord. 1279, passed 4-19-16)

**§ 73.02 APPLICATION OF ARTICLE; PARENTAL RESPONSIBILITY.**

(A) These regulations, applicable to bicycles, shall apply whenever a bicycle is operated upon any roadway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(B) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this chapter.  
(Neb. RS 60-6,117) (‘79 Code, § 5-601) Penalty, see § 70.999

***Statutory reference:***

*Rules of the road applicable to bicycles, see Neb. RS 60-6,314*

***LICENSES***

**§ 73.15 LICENSE REQUIRED.**

No person shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license decal or plate is attached thereto as provided herein.

(‘79 Code, § 5-602) Penalty, see § 70.999

***Statutory reference:***

*Municipal authority to regulate, see Neb. RS 60-6,317*

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**§ 73.16 APPLICATION.**

Application for a bicycle license and license decal or plate shall be made upon a form provided by the city and shall be made to the City Police Department.

(‘79 Code, § 5-603) (Am. Ord. 336, passed 4-5-83; Am. Ord. 433, passed 4-7-87; Am. Ord. 763, passed 4-6-99)

***Statutory reference:***

*Municipal authority to regulate, see Neb. RS 60-6,317*

**§ 73.17 ISSUANCE.**

(A) The Chief of Police of the city, upon receiving proper application, is authorized to issue a bicycle license which shall be effective until the ownership of the bicycle changes or the bicycle is destroyed or significantly altered.

(B) The Chief of Police shall not issue a license for any bicycle when he or she knows or has reasonable grounds to believe that the applicant is not the owner or entitled to possession of such bicycle.

(C) The Chief of Police shall keep a record of the number of such license issued, the name and address of the persons to whom issued, the date issued and the manufacturer’s serial number on the frame of the bicycle for which issued. If the manufacturer’s serial number of any bicycle shall be defaced or illegible, the Police Department shall, on request of the owner, stamp the bicycle with a distinctive number which shall be recorded in the same manner as that of the manufacturer’s serial number.

(‘79 Code, § 5-604) (Am. Ord. 336, passed 4-5-83; Am. Ord. 433, passed 4-7-87; Am. Ord. 763, passed 4-6-99)

***Statutory reference:***

*Municipal authority to regulate, see Neb. RS 60-6,317*

**§ 73.18 LICENSE ATTACHMENT.**

(A) The Chief of Police, upon issuing a bicycle license, shall also issue a license decal or plate showing the license number assigned to the bicycle, the name of the city and the calendar year in which issued.

(B) The Chief of Police shall cause such license decal or plate to be firmly attached to the front frame of the bicycle for which issued in such position as to be plainly visible.

(C) Except in those cases where the bicycle has been dismantled and is no longer operated on any street in the city, no person shall remove a license decal or plate from a bicycle during the period for which issued.

(‘79 Code, § 5-605) Penalty, see § 70.999

**Statutory reference:**

*Municipal authority to regulate, see Neb. RS 60-6,317*

**§ 73.19 LICENSE REPLACEMENT.**

In the event that an owner shall lose his or her license decal or plate or the same shall be stolen or destroyed, he or she shall report the same to the Chief of Police immediately, and the Chief of Police shall then issue to such owner a new license decal or plate.

(‘79 Code, § 5-606)

**Statutory reference:**

*Municipal authority to regulate, see Neb. RS 60-6,317*

**§ 73.20 ALTERATION OF LICENSE PROHIBITED.**

It shall be unlawful for any person to alter or counterfeit any license decal or plate or other means of identification issued in conformity with this chapter.

(‘79 Code, § 5-607) Penalty, see § 70.999

**Statutory reference:**

*Municipal authority to regulate, see Neb. RS 60-6,317*

**§ 73.21 INSPECTION.**

The Chief of Police, or an officer assigned such responsibility, shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he or she determines to be in an unsafe mechanical condition or which fails to meet the requirements of § 73.44(A), (B) and (C) of this chapter.

(‘79 Code, § 5-608)

**Statutory reference:**

*Municipal authority to regulate, see Neb. RS 60-6,317*

**§ 73.22 LICENSE RENEWAL.**

Upon the expiration of any bicycle license, the same may be renewed upon application.

('79 Code, § 5-609)

***Statutory reference:***

*Municipal authority to regulate, see Neb. RS 60-6,317*



**REGULATIONS****§ 73.35 TRAFFIC REGULATIONS APPLICABLE.**

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a motor vehicle by this title, except as to the special regulations in this chapter and except as to those provisions of this title which by their nature can have no application.

(Neb. RS 60-6,314(1)) ('79 Code, § 5-610)

**§ 73.36 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

(A) Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles unless otherwise directed by a police officer.

(B) Whenever authorized signs are erected indicating that no right, left or U turn is permitted, no person operating a bicycle shall disobey the directions of such signs, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

('79 Code, § 5-611) Penalty, see § 70.999

***Statutory reference:***

*Municipal authority to regulate, see Neb. RS 60-6,317*

**§ 73.37 PARKING.**

No person shall park a bicycle upon a street other than upon the roadway, against the curb or upon the sidewalk except in a rack to support the vehicle or against a building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

('79 Code, § 5-612) Penalty, see § 70.999

**§ 73.38 RIDING ON SIDEWALKS.**

(A) The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when such signs are posted no person shall disobey the same.

(B) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. ('79 Code, § 5-613) Penalty, see § 70.999

***Statutory reference:***

*Municipal authority to regulate, see Neb. RS 60-6,317*

**§ 73.39 RIDING REGULATIONS.**

(A) Any person who rides a bicycle shall not ride other than upon or astride a permanent or regular seat attached thereto.

(B) Any person who rides a bicycle shall not remove his or her feet from the pedals and shall have at least one hand on the handlebars at all times.

(C) Any person who operates a bicycle shall not carry any package, bundle, or article which prevents the operator from keeping at least one hand upon the handlebars.

(D) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Neb. RS 60-6,315) ('79 Code, § 5-614) Penalty, see § 70.999

***Statutory reference:***

*Nebraska Rules of the Road applicable to persons operating bicycles, see Neb. RS 60-6,314*

*Limitations on overtaking and passing on the left and the like, see Neb. RS 60-6,135*

*General rules and municipal authority to regulate, see Neb. RS 60-6,317*

**§ 73.40 FOLLOWING EMERGENCY VEHICLES.**

No person riding a bicycle shall at any time follow fire trucks or other emergency vehicles. ('79 Code, § 5-615) Penalty, see § 70.999

**§ 73.41 CLINGING TO VEHICLES PROHIBITED.**

No person riding upon any bicycle, scooter, skateboard, roller blades, or roller skates shall attach the same or himself or herself to any moving vehicle upon any roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person traveling upon any bicycle or roller skates to cling to or attach himself or herself or his or her bicycle or roller skates to such vehicle so driven and operated by him or her.

('79 Code, § 5-616) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,316*

**§ 73.42 RIDING ON ROADWAYS AND BICYCLE PATHS.**

(A) Every person operating a bicycle upon the roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles upon a roadway shall ride only in single file, except on paths or parts of roadways set aside for the exclusive use of bicycles.

(C) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(‘79 Code, § 5-617) Penalty, see § 70.999

***Statutory reference:***

*General rules and municipal authority to regulate, see Neb. RS 60-6,317*

**§ 73.43 CARRYING ARTICLES.**

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebar or in any other way impairs the safety of the operator or others.

(Neb. RS 60-6,315(3)) (‘79 Code, § 5-618) Penalty, see § 70.999

**§ 73.44 LAMP AND OTHER EQUIPMENT.**

(A) Every bicycle when in use during the hours from one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible on a clear night from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Police Department which shall be visible on a clear night from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light, visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(B) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(C) Every bicycle shall be equipped with a brake which will enable the operator to stop the bicycle within 25 feet of the point of initial braking when moving at speed of 10 miles per hour on dry, level, clean pavements.

(Neb. RS 60-6,318) ('79 Code, § 5-619) Penalty, see § 70.999

***ADMINISTRATION AND ENFORCEMENT*****§ 73.55 LOST OR ABANDONED BICYCLES.**

The Chief of Police will make a reasonable attempt to identify bicycles found to be lost or abandoned and return them to the rightful owners. In those cases where the owner cannot be identified, the bicycles will be disposed of in the manner described in § 130.10 of this code.

('79 Code, § 5-620)

***Statutory reference:***

*Municipal authority to regulate, see Neb. RS 60-6,317*

**§ 73.56 IMPOUNDMENT.**

The City Police Department may impound, for a period not exceeding 30 days, any bicycle that has been used, operated or parked in violation of any of the provisions of this chapter.

('79 Code, § 5-622)

***Statutory reference:***

*Municipal authority to regulate, see Neb. RS 60-6,317*

## **CHAPTER 74: RAILROADS**

*[This chapter reserved for future legislation.]*

***Statutory reference:***

*Authority to create ordinances related to railroads  
and railroad crossings, see Neb. RS 16-211 and 16-212*

