

**TITLE VII: TRAFFIC CODE**

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## CHAPTER 70: GENERAL REGULATIONS

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### § 70.01 DEFINITIONS.

(A) The words and phrases used in this title, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Neb. RS Chapter 60, Article 6, as now existing or hereafter amended.

(B) If not defined in the designated statutes, the word or phrase shall have its common meaning. (Neb. RS 60-606 through 60-676) (1999 Code, § 5-101)

### § 70.02 TRUCK ROUTES.

(A) The governing body may, by resolution, designate certain streets in the municipality 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 municipality.

(B) The governing body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes.  
(Neb. RS 60-681) (1999 Code, § 5-102) Penalty, see § 70.99

**§ 70.03 ONE-WAY TRAFFIC.**

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

(Neb. RS 60-680) (1999 Code, § 5-103)

**§ 70.04 TRAFFIC LANE; DESIGNATION.**

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

(Neb. RS 60-680) (1999 Code, § 5-104)

**§ 70.05 CROSSWALKS.**

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

(Neb. RS 60-680) (1999 Code, § 5-105)

**§ 70.06 SIGNS, SIGNALS.**

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

(Neb. RS 60-6,119 through 60-6,121, 60-680) (1999 Code, § 5-106) Penalty, see § 70.99

**§ 70.07 SCHOOL CROSSING ZONES.**

(A) *Designation.*

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

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

(3) The governing body may, by resolution, designate to the public any area of a roadway, other than a freeway, as a school crossing zone through the use of a sign or traffic control device as specified by the governing body 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.

(1999 Code, § 5-107)

(B) *Overtaking and passing.* A person operating a motor vehicle may not overtake and pass another vehicle in any school crossing zone designated by the governing body in which the roadway has only one lane of traffic in each direction.

(Neb. RS 60-658.01, 60-6,134.01) (1999 Code, § 5-108) Penalty, see § 70.99

**§ 70.08 PROHIBITIONS ON OPERATION OF VEHICLES.**

(A) The city may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed 180 days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which the city is responsible whenever any such highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. The city shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until such signs are erected and maintained.

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

(Ord. 874, passed 9-6-2017) Penalty, see § 70.99

**§ 70.99 PENALTY.**

(A) Any person, or any person’s agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

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(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Neb. RS 17-505, 18-1720, 18-1722) (1999 Code, § 5-401) (Ord. 744, passed 7-10-2000)

## CHAPTER 71: TRAFFIC REGULATIONS

### Section

- 71.01 Turning; U-turns
- 71.02 Speed limits
- 71.03 Speed near schools
- 71.04 Enforcement
- 71.05 Traffic officers
- 71.06 Emergency; regulations
- 71.07 Traffic citations; disposition and records
- 71.08 Use of engine and compression brakes (“jake brakes”) prohibited
  
- 71.99 Penalty

### § 71.01 TURNING; U-TURNS.

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation, or where a sign is posted indicating that U-turns are prohibited. (Neb. RS 60-680) (1999 Code, § 5-201) Penalty, see § 71.99

### § 71.02 SPEED LIMITS.

No person shall operate a motor vehicle on any street, alley or other place at a rate of speed greater than 25 mph within the residential district, and 20 mph within the business district, unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. (Neb. RS 60-6,185, 60-6,186, 60-6,190) (1999 Code, § 5-202) Penalty, see § 71.99

### § 71.03 SPEED NEAR SCHOOLS.

It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located, and which are used for school purposes, during school recess, or while children are going to, or leaving school during the opening or closing hours to drive such vehicle at a rate of speed in excess of 15 mph past such premises, and such driver shall stop at all stop signs located at, or near, such

school premises, and it shall be unlawful for such driver to make a U-turn at any intersection where such stop signs are located at, or near, such school premise.

(Neb. RS 60-6,190) (1999 Code, § 5-203) Penalty, see § 71.99

#### **§ 71.04 ENFORCEMENT.**

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

(Neb. RS 60-683) (1999 Code, § 5-205) Penalty, see § 71.99

#### **§ 71.05 TRAFFIC OFFICERS.**

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

(Neb. RS 60-680, 60-683) (1999 Code, § 5-206) Penalty, see § 71.99

#### **§ 71.06 EMERGENCY; REGULATIONS.**

The County Sheriff is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

(Neb. RS 81-2005) (1999 Code, § 5-207)

#### **§ 71.07 TRAFFIC CITATIONS; DISPOSITION AND RECORDS.**

(A) The County Sheriff's Department 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 County 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, or 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 County Sheriff's Department 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. (Neb. RS 29-422, 29-424) (1999 Code, § 5-208) Penalty, see § 71.99

**§ 71.08 USE OF ENGINE AND COMPRESSION BRAKES (“JAKE BRAKES”) PROHIBITED.**

(A) The purpose of this section is to prohibit the excessive, loud, unusual or explosive use of engine and compressed air-braking devices within the city limits of the city.

(B) For the purposes of this section, the terms "engine brake," "compression brake," and "jake brake" shall each mean any transmission brake or other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression.

(C) It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated upon any street, alley or public way in the city, any engine brake, compression brake, jake brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid eminent danger.

(D) The prohibition set forth herein shall apply to the operation of vehicles on all streets, alleys, or other public areas within the city limits of the city. Signs identifying the prohibition of engine brakes, compression brakes, jake brakes or similar devices may be installed at locations deemed appropriate by the Mayor and City Council, to advise motorists of the prohibitions contained in this section. The provisions of this section shall be in full force and effect even if no signs are installed.

(E) Emergency vehicles shall be exempt from the application of this section. (Ord. 864, passed 12-5-2016) Penalty, see § 71.99

**§ 71.99 PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Neb. RS 17-505, 18-1720, 18-1722) (1999 Code, § 5-401) (Ord. 744, passed 7-10-2000)



## CHAPTER 72: PARKING REGULATIONS

### Section

#### *General Provisions*

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- 72.04 Alleys
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### *GENERAL PROVISIONS*

#### **§ 72.01 GENERALLY.**

(A) No person shall park any vehicle, or approach the curb with a vehicle, except when headed in the direction of the traffic.

(B) Vehicles, when parked, shall stand parallel with and adjacent to the curb or edge of the roadway, in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway, and so as to leave at least four feet between the vehicle so parked and any other parked vehicles, except where the governing body designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway.

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

(D) No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.

(Neb. RS 60-680, 60-6,167) (1999 Code, § 5-301) Penalty, see § 72.99

#### **§ 72.02 DESIGNATION.**

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

(Neb. RS 60-6,167, 60-680) (1999 Code, § 5-302)

#### **§ 72.03 PARKING AREAS.**

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

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

(Neb. RS 60-680) (1999 Code, § 5-303) Penalty, see § 72.99

**§ 72.04 ALLEYS.**

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

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

(Neb. RS 60-680) (1999 Code, § 5-304) Penalty, see § 72.99

**§ 72.05 UNLOADING; FREIGHT VEHICLES.**

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

(Neb. RS 60-680) (1999 Code, § 5-305) Penalty, see § 72.99

**§ 72.06 FIRE HYDRANTS AND STATIONS.**

(A) 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.

(B) The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted red to indicate such prohibition.

(Neb. RS 60-6,166) (1999 Code, § 5-306) Penalty, see § 72.99

**§ 72.07 SCHOOLS, THEATERS.**

The governing body may, by resolution, prohibit the parking or stopping except for loading or unloading of passengers or freight, of vehicles at the curb on streets directly in front of any entrance to a school house, school building or theater, and such curbs adjacent to the entrance of said school house, school building or theater shall be painted red to indicate such prohibition.

(Neb. RS 60-680) (1999 Code, § 5-307) Penalty, see § 72.99

**§ 72.08 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.

(Neb. RS 60-6,166) (1999 Code, § 5-308) Penalty, see § 72.99

**§ 72.09 OBSTRUCTING TRAFFIC.**

No person shall, except in case of an accident or emergency, stop any vehicle in any location where such stopping will obstruct any street, intersection or entrance to an alley or public or private drive. (Neb. RS 60-680) (1999 Code, § 5-309) Penalty, see § 72.99

**§ 72.10 CURRENT LICENSE.**

It shall be unlawful to park, or place on the streets, alleys or other public property any motor vehicle without first securing a current license as provided by law, and no such licensed motor vehicle shall be allowed to stand for a longer period than 24 hours. (Neb. RS 60-323) (1999 Code, § 5-310) Penalty, see § 72.99

**§ 72.11 REPAIR.**

(A) No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this municipality, excepting in case of breakdown or other emergency requiring same.

(B) No person or employee connected with a garage or repair shop shall use sidewalks, streets or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Neb. RS 60-680) (1999 Code, § 5-311) Penalty, see § 72.99

**§ 72.12 TIME LIMIT.**

The governing body may, by resolution, entirely prohibit or fix a time limit for the parking and stopping of vehicles and/or trailers in any street, streets or district designated in such resolution, and the parking or stopping of any vehicle and/or trailer in any such street, streets or district for a period of time longer than fixed in such resolution shall constitute a violation of this chapter. (Neb. RS 60-680) (1999 Code, § 5-312) Penalty, see § 72.99

**§ 72.13 MAXIMUM TIME LIMIT.**

(A) *Maximum limit for parking.* No person shall park or leave standing any motor vehicle and/or trailer upon any street or alley in the municipality, where parking is permitted or allowed for a period of time longer than 48 hours.

(B) *Angle parking.* See Chapter 75, Schedule I.

(C) *Parallel parking.* On streets and avenues elsewhere within the corporate limits, unless otherwise indicated by stalls, traffic signs or standards, all vehicles and/or trailers when parked, shall stand parallel with and adjacent to the curb.

(1999 Code, § 5-313) Penalty, see § 72.99

**§ 72.14 REMOVAL OF ILLEGALLY PARKED VEHICLES.**

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

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

(Neb. RS 60-6,165, 60-680) (1999 Code, § 5-325) Penalty, see § 72.99

**§ 72.15 BUREAU OF VIOLATIONS; FINES; COLLECTION.**

(A) There is hereby created the Bureau of Violations within the powers and duties of the office of the Municipal Clerk. A copy of each citation issued for non-moving traffic violations shall be deposited with the Municipal Clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid to him or her.

(B) Fines shall be payable at the office of the Clerk. Such fines shall be in the amount of \$10 for each violation if paid within 30 days from the date of issuance. Should any fine not be paid within the 30-day period, the Clerk shall ask the appropriate court to issue a warrant for the arrest of the violator. The fine for any such violation after a warrant is issued shall be \$15, plus costs.

(1999 Code, § 5-326)

***HANDICAPPED PARKING***

**§ 72.30 DEFINITIONS.**

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

**HANDICAPPED OR DISABLED PERSON.** Any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than 200 feet without the use of a wheelchair, crutch, walker or prosthetic, orthotic or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV, according to standards set by the American Heart Association, and any individual who has permanently lost all or substantially all the use of one or more limbs.

**HANDICAPPED PARKING INFRACTION.** The violation of any section of this chapter regulating: the use of parking spaces designated for use by handicapped or disabled persons; or the obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the Federal Americans with Disabilities Act of 1990.

**TEMPORARILY HANDICAPPED OR DISABLED PERSON.** Any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one year. (Neb. RS 18-1741.01 through 18-1741.07) (1999 Code, § 5-315)

#### **§ 72.31 DESIGNATION OF ON-STREET PARKING SPACES; DISPLAY OF PERMITS.**

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

(1) Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. RS 60-6,113;

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

(3) Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the municipality, whose motor vehicles display the permit specified in Neb. RS 18-1741.01 through 18-1741.07; and

(4) Such other motor vehicles, as certified by the municipality, which display such permit All such permits shall be displayed by attaching the permit to the motor vehicle's rearview mirror so as to be clearly visible through the front windshield.

(B) When there is no rearview mirror, the permit shall be displayed on the dashboard.

(C) If the governing body so designates a parking space, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space a sign which is in conformance with the Manual on Uniform Traffic Control Devices. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. (Neb. RS 18-1736, 18-1737) (1999 Code, § 5-316) Penalty, see § 72.99



**§ 72.32 OFF-STREET PARKING STALLS OR SPACES.**

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

(1) Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to Neb. RS 60-6,113;

(2) Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the municipality, whose vehicles display the permit specified in Neb. RS 18-1741.01 through 18-1741.07; and

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

(B) Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space a sign which is in conformance with the Manual on Uniform Traffic Control Devices.

(Neb. RS 18-1737) (1999 Code, § 5-317)

**§ 72.33 PERMIT ISSUANCE.**

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

(B) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to the provisions of Neb. RS 18-1741.01 through 18-1741.07.

(C) A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity, and shall submit a completed medical form signed by a physician, physician assistant or nurse practitioner certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant or nurse practitioner shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less.

(D) A person may hold only one permit under this section and may hold either a permit under this section or a permit under § 72.34, but not both.

(E) The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons applying for a permit pursuant to this section.  
(Neb. RS 18-1741.01 through 18-1741.07) (1999 Code, § 5-318)

#### **§ 72.34 MOTOR VEHICLE PERMIT ISSUANCE.**

(A) The Municipal Clerk shall take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided for by this chapter if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces.

(B) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to Neb. RS 18-1741.01 through 18-1741.07.

(C) A person applying for a permit or for the renewal of a permit pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the Municipal Clerk by the Department of Motor Vehicles, and shall demonstrate to the Municipal Clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. A copy of the completed application form shall be given to each applicant.

(D) No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under § 72.33, but not both.

(E) The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons applying for a permit pursuant to this section.  
(Neb. RS 18-1741.01 through 18-1741.07) (1999 Code, § 5-319) Penalty, see § 72.99

#### **§ 72.35 PERMIT CONTENTS, PROHIBITED ISSUANCE; DUPLICATE PERMITS.**

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

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

(C) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to § 72.37. At the expiration of such suspension, a permit may be renewed upon the payment of the permit fee.

(D) A duplicate permit may be provided without cost if the original permit is destroyed, lost or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the Municipal Clerk. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. (Neb. RS 18-1741.01 through 18-1741.07) (1999 Code, § 5-320) Penalty, see § 72.99

**§ 72.36 PERIOD PERMITS VALID; RENEWAL; FEE.**

(A) All permits authorized under this chapter for handicapped or disabled parking prior to September 10, 1993, shall be issued for a period ending January 1 of the fourth year following the date of issuance. All permits authorized under this chapter for handicapped or disabled parking after September 9, 1993, and before September 10, 1995, shall be issued for a period of three years. Upon the expiration of a permanent permit, it may be renewed pursuant to the provisions of this section and §§ 72.33 or 72.34. All permanently issued permits for handicapped or disabled parking authorized by this subchapter issued prior to August 1, 2005, shall be valid for a period ending on September 30 of the third year after the date of issuance and shall expire on that date. Permanently issued permits issued on or after August 1, 2005, shall be valid for a period ending on the last day of the month of the third year after the date of issuance and shall expire on that date. The possession of an expired but otherwise valid handicapped parking permit with 30 days following the date of its expiration shall serve as a full and complete defense in any action for a handicapped parking infraction resulting from the absence of a handicapped parking permit arising during that 30-day period.

(B) All permits authorized under this chapter after September 9, 1995, for temporarily handicapped or disabled parking shall be issued for a period ending not more than six months after the date of issuance but may be renewed for a one-time period not to exceed six months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee.

(C) A permit fee of \$3 shall be charged for each permit, \$2 of which shall be retained by the Municipal Clerk and \$1 of which shall be forwarded on a quarterly basis to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. (Neb. RS 18-1741.01 through 18-1741.07) (1999 Code, § 5-321) Penalty, see § 72.99

**§ 72.37 PERMITS NONTRANSFERABLE; VIOLATIONS; SUSPENSION.**

Permits issued under this chapter shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to this chapter. No person shall knowingly hold more than one permit or knowingly provide false information on an application for a permit. Any violation of this section shall be cause for suspension of such permit for a period of six months. At the expiration of such period, a suspended permit may be renewed upon payment of the permit fee.

(Neb. RS 18-1741.01 through 18-1741.07) (1999 Code, § 5-322) Penalty, see § 72.99

**§ 72.38 REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY.**

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

(B) Anyone who parks a vehicle in any on-street parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons, or in any so exclusively designated parking space in any off-street parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space shall be guilty of a handicapped parking infraction as defined in § 72.30, and shall be subject to the procedures set forth in § 72.39, and the penalty provided for in this title. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in this title.

(C) In the case of a privately owned off-street parking facility, the owner or person in lawful possession of such facility shall not be required to inform the municipality of a violation of this section prior to the municipality issuing the violator a handicapped parking infraction citation.

(Neb. RS 18-1737) (1999 Code, § 5-323) Penalty, see § 72.99

**§ 72.39 CITATION, ISSUANCE; COMPLAINT; TRIAL; DISMISSAL.**

(A) For any offense classified as a handicapped parking infraction, a handicapped parking citation may be issued by any peace officer or by any person designated by ordinance by the governing body to exercise the authority to issue a citation for any handicapped parking infraction.

(B) When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the handicapped parking citation shall enter thereon all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicle, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the handicapped parking citation. One copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

(C) At least 24 hours before the time set for the appearance of the cited person, either the Municipal Attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such person shall be released from the obligation to appear as specified.

(D) The trial of any person for a handicapped parking infraction shall be by the court without a jury. A person cited for a handicapped parking violation may waive his or her right to trial.

(E) For any handicapped parking citation issued for a handicapped parking infraction by reason of the failure of a vehicle to display a handicapped parking permit issued pursuant to Neb. RS 18-1741.01 through 18-1741.07, the complaint shall be dismissed if, within seven business days after the date of issuance of the citation, the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit issued under Neb. RS 18-1741.01 through 18-1741.07, and that the peace officer has personally viewed the permit.

(Neb. RS 18-1741.01 through 18-1741.07) (1999 Code, § 5-324)

**§ 72.99 PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Neb. RS 17-505, 18-1720, 18-1722) (1999 Code, § 5-401) (Ord. 744, passed 7-10-2000)

## CHAPTER 73: RECREATIONAL VEHICLES

### Section

73.01	Definitions
73.02	Compliance
73.03	Requirements
73.04	Registration
73.05	Sticker displayed
73.06	Operation
73.07	Permit

### § 73.01 DEFINITIONS.

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

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

- (1) Is 50 inches or less in width;
- (2) Has a dry weight of 900 pounds or less;
- (3) Travels on three or more low pressure tires;
- (4) Is designed for operator use only with no passengers or as specifically designed by the original manufacturer for the operator and one passenger;
- (5) Has a seat or saddle designed to be straddled by the operator; and
- (6) Has handle bars or any other steering assembly for steering control.

***SCOOTER.*** Any two wheel motorized (50 cc or less) vehicle.

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

**UTILITY VEHICLE.** Any side by side vehicle (e.g., gator, mule or prowler) or golf cart.  
(Ord. 833, passed 4-2-2012)

### § 73.02 COMPLIANCE.

An all-terrain vehicle, scooter or utility vehicle may be operated on the streets and highways within the corporate limits of the city, only if the operator and the vehicle comply with the provisions of this section.

(Ord. 833, passed 4-2-2012) Penalty, see § 10.99

### § 73.03 REQUIREMENTS.

An all-terrain vehicle, scooter or utility vehicle may be operated on the streets and highways within the corporate limits of the city, only if such vehicle is equipped with headlights, taillights, brake lights an OEM muffler and a federally approved bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(Ord. 833, passed 4-2-2012)

### § 73.04 REGISTRATION.

In order to be authorized for operation on the streets and highways of the city, an all-terrain vehicle, scooter or utility vehicle must be registered with the office of the City Clerk. A registration sticker will be issued upon submitting proof of the following:

(A) A certificate of the County Sheriff indicating that the all-terrain vehicle, scooter or utility vehicle has been inspected and complies, in full, with the equipment requirements identified in § 73.03;

(B) Proof of liability insurance coverage for the all-terrain vehicle, scooter or utility vehicle while operating such vehicle on a street or highway; and

(C) Payment of a \$10 annual fee for registration of the vehicle. A \$25 annual fee shall be required of dealers of all-terrain vehicles, scooters or utility vehicles within the city. All such fees paid shall be credited to the street fund of the city.

(Ord. 833, passed 4-2-2012)

### § 73.05 STICKER DISPLAYED.

Upon compliance with the registration requirements identified herein, the City Clerk shall issue a registration sticker for the all-terrain vehicle, scooter or utility vehicle being registered. Said registration



sticker must be prominently displayed upon the rear of said vehicle at all times while such vehicle is in operation on the streets and highways of the city.

(Ord. 833, passed 4-2-2012)

**§ 73.06 OPERATION.**

Any person operating an all-terrain vehicle, scooter or utility vehicle authorized by this chapter shall be at least 21 years old and shall possess a valid driver's license issued by the state, or another state. The individual operating the all-terrain vehicle, scooter or utility vehicle shall provide proof of such insurance coverage, as required elsewhere in this chapter, to any peace officer requesting such proof within five days of the request being made. No person shall operate an all-terrain vehicle, scooter or utility vehicle on the streets or highways of the city, in violation of the state rules of the road as established by the revised statutes of the state.

(Ord. 833, passed 4-2-2012) Penalty, see § 10.99

**§ 73.07 PERMIT.**

Upon compliance with the registration requirements identified herein, the City Clerk shall issue a registration permit for the all-terrain vehicle, scooter or utility vehicle being registered. Said registration permit must be carried in the registered vehicle at all times that the vehicle is in operation on streets or highways of the city. In addition to the registration permit, the City Clerk shall issue a registration sticker. The registration sticker will entitle the vehicle to be operated on the streets and highways of the city from May 1 of any year to April 30 of the following year and shall be renewable annually. The annual fee shall not be prorated for any part of a year. The registration sticker shall be displayed on the left lower corner of the windshield of the registered vehicle or, if the vehicle is not equipped with a windshield, at the left front of the vehicle.

(Ord. 833, passed 4-2-2012)



## **CHAPTER 74: TRAFFIC SCHEDULES**

### Schedule

#### I. Speed limits

#### **SCHEDULE I: SPEED LIMITS.**

The speed limits on the portion of U.S. Highway 81 which falls within the corporate limits of the municipality shall be 40 mph from the north corporate line of the municipality south to Union Avenue; 35 mph from Union Avenue south to South Avenue, formerly known as Howell Street; and 45 mph from South Avenue, formerly known as Howell Street, to the south end of the bridge spanning the Little Blue River.

(1999 Code, § 5-204) Penalty, see § 70.99



## CHAPTER 75: PARKING SCHEDULES

### Schedule

- I. Parking restricted
- II. Long vehicles

### **SCHEDULE I: PARKING RESTRICTED.**

No motor vehicle or trailer shall be parked or allowed to stand for any period of time whatever, unless otherwise permitted in Chapter 70, on 4th Street between Union Avenue and the Chicago, Rock Island and Pacific right-of-way; on Lincoln Avenue between 1st Street and the alley East of 5th Street; on 5th Street between Jefferson Avenue and Olive Avenue, except between Lincoln Avenue and Olive Avenue on the east side of 5th Street; on Olive Avenue East from 5th Street one half block; on Eads Avenue between 3rd Street, 4th Street and between 9th Street and 10th Street; on 4th Street between Academy Avenue North to the bridge, on the north side of Jefferson Avenue; on the east side of 6th Street North from Jefferson Avenue one half block; unless the motor vehicle and/or trailer is headed in the direction of the traffic and is parked not more than one tier deep at an angle of 45 degrees on either side of portions of the streets mentioned above, except as otherwise provided.

(1999 Code, § 5-313) Penalty, see § 70.99



**SCHEDULE II: LONG VEHICLES.**

It shall be unlawful for the operator of any vehicle of an overall length of 25 feet, including load, to stop or park such vehicle for any period of time longer than two hours, except as hereinafter provided, on the following streets within the municipality: upon Lincoln Avenue between Second Street and Thirteenth Street (U.S. Highway 81), upon 4th Street or 5th Street between Jefferson Avenue and Olive Avenue, or upon any other street or avenue where there is paving 35 feet or less in width. Such vehicles may stop or park for such time as is necessary, in no case longer than one-half hour, expeditiously load or unload their contents in alleys where such stopping is possible; provided, it shall be lawful for such vehicle to stop or park elsewhere on highways in said prohibited area if stopping for loading or unloading in alleys is impossible, only after the operator of the designated vehicle shall have obtained written permission from the City Supervisor to do so. It shall also be unlawful for the operator of any such truck, tractor or semi-trailer regardless of length of same, to park said vehicle with the end-gates of the same down and extended beyond the body of said vehicle; nor shall such vehicle stop, stand; or park within a street intersection, on a crosswalk, in front of a private driveway or on a sidewalk, job sites excepted.

(1999 Code, § 5-314) Penalty, see § 70.99

