

**TITLE VII: TRAFFIC CODE**

Chapter

**70. GENERAL PROVISIONS**

**Wayne - Traffic Code**

## **CHAPTER 70: GENERAL PROVISIONS**

Section

70.01 Traffic and vehicles

### **§ 70.01 TRAFFIC AND VEHICLES.**

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## General Provisions

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***GENERAL PROVISIONS*****§ 78-1 DEFINITIONS.**

The definitions in Neb. RS Ch. 60 shall be applied throughout this chapter. Where no definition is specified, the normal dictionary usage of the word shall apply.  
(2002 Code, § 78-1)

**§ 78-2 TRUCK ROUTES.**



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The 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 Council shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes.

(2002 Code, § 78-2)

**Statutory reference:**

*Authority to prohibit the operation of trucks or other commercial vehicles on designated highways, see Neb. RS 60-681*

*Authority to regulate the use of highways by incompatible class or kind of traffic, see Neb. RS 60-680(1)(m)*

### § 78-3 ONE-WAY TRAFFIC.

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

(2002 Code, § 78-3)

**Statutory reference:**

*Authority to designate one-way streets, see Neb. RS 60-680(1)(d)*

### § 78-4 TRAFFIC LANES; DESIGNATION.

The Council may, by resolution, make lanes for traffic on street pavements at such places as it may deem advisable.

(2002 Code, § 78-4)

### § 78-5 ARTERIAL STREETS; DESIGNATION.

The Council shall have the authority to designate arterial streets within the city.

(2002 Code, § 78-5)

### § 78-6 DRIVING IN SIDEWALK SPACE.

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

(2002 Code, § 78-6)

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**§ 78-7 CROSSWALKS.**

The 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 it may deem necessary.

(2002 Code, § 78-7)

**Statutory reference:**

*Authority to restrict pedestrians crossing at unmarked crosswalks, see Neb. RS 60-68i(i)(r)*

**§ 78-8 TRAFFIC-CONTROL SIGNALS; LOCATION.**

(A) A **TRAFFIC-CONTROL SIGNAL** is any signal, whether manually, electronically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. Traffic-control signals are established at the following locations in the city:

North, south, east and west approaches to the intersection of Seventh and Main Streets
North, south, east and west approaches to the intersection of Third and Main Streets
North, south, east and west approaches to the intersection of Second and Main Streets
115 feet west of the centerline of Sherman Street at the east and west approaches of Seventh Street

(B) It shall be unlawful for any person to violate the provisions of this section, and said offense shall be punishable by the waiver and fine schedules prescribed by the Uniform County Court Rules.

(2002 Code, § 78-8)

**Statutory reference:**

*Authority to designate a highway as a stop intersection, see Neb. RS 60-680(1)(f)*

**§ 78-9 YIELD SIGNS; LOCATION.**

(A) Yield signs are established at the following locations in the city:

East 14th Street at the south approach of Providence Road
East 14th Street at the north approach of Claycomb Road
East 14th Street at the north approach of Linden Street
East 14th Street at the north approach of Vintage Hill Drive
Pearl Street at the east and west approaches of 11th Street
West First Street at the south approach of South Blaine Street

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East Sixth Street at the east and west approaches of Windom Street
East 21st Street at the south approach of Claycomb Road

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

(C) It shall be unlawful for any person to violate any provisions of this section, and said offense shall be punishable by the waiver and fine schedules prescribed by the Uniform County Court Rules. (2002 Code, § 78-9)

**Statutory reference:**

*Authority to designate intersections as a yield intersection, see Neb. RS 60-680(1)(f)*

**§ 78-10 STOP SIGN LOCATIONS; WEST OF MAIN STREET, NORTH OF SEVENTH STREET.**

(A) Stop signs are established at the following locations in the city:

Lincoln Street at the east and west approaches of West 11th Street
Main Street at the west approach of West 8th Street
Main Street at the west approach of West 9th Street
Main Street at the west approach of West 10th Street
Main Street at the west approach of West 11th Street
Main Street at the west approach of West 12th Street
Main Street at the west approach of West 13th Street
Pearl Street at the east end west approaches of West 12th Street
Pearl Street at the east and west approaches of West 10th Street
West 13th Street at the south approach of Lincoln Street
West 13th Street at the south approach of Pearl Street
West 7th Street at the north approach of Lincoln Street
West 7th Street at the north approach of Douglas Street
West 7th Street at the north approach of Sherman Street

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West 7th Street at the north approach of Haas Avenue
West 7th Street at the north approach of Milo Drive
West 7th Street at the north approach of Pheasant Run
West 7th Street at the north approach of Pearl Street
West 9th Street at the north and south approaches of Pearl Street

(B) Except where directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop, which, for the purpose of this section, shall be a completed cessation of movement, at a clearly marked stop line, but if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic from the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on such street as to constitute an immediate hazard if such driver moved across or into such intersection.

(C) It shall be unlawful for any person to violate the provisions of this section.  
(2002 Code, § 78-10) (Ord. 2001-9, passed 8-14-2001; Ord. 2012-11, passed 5-1-2012; Ord. 2013-49, passed 10-1-2013)

#### **§ 78-11 STOP SIGN LOCATIONS; EAST OF MAIN STREET, NORTH OF SEVENTH STREET.**

(A) Stop signs are established at the following locations in the city:

Centennial Road at the west approach of East 14th Street
East 10th Street at the south approach of Pine Heights Road
East 10th Street at the north approach of Lilac Lane
East 10th Street at the north and south approaches of Walnut Street
East 10th Street at the south approach of Nebraska Street
East 10th Street at the south approach of Logan Street
East 10th Street at the north approach of Hillcrest Road
East 7th Street at the north approach of Centennial Road
East 7th Street at the north approach of Hillside Drive
East 7th Street at the north approach of Providence Road

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East 7th Street at the north approach of Pine Heights Road
East 7th Street at the north approach of Logan Street
East 7th Street at the north approach of Nebraska Street
East 7th Street at the north approach of Windom Street
East 7th Street at the north approach of Walnut Drive
East 9th Street at the north approach of Walnut Street
Lindahi Drive at the south approach of Walnut Street
Logan Street at the east and west approaches of East 9th Street
Logan Street at the east and west approaches of East 8th Street
Main Street at the east approach of East 9th Street
Main Street at the east approach of East 8th Street
Main Street at the east approach of East 10th Street
Nebraska Street at the east and west approaches of East 9th Street
Pine Heights Road at the west approach of East 9th Street
Providence Road at the west approach of Poplar Street
Providence Road at the east and west approaches of Sunnyview Drive
Providence Road at the east and west approaches of East 10th Street
Walnut Street at the east approach of Hillcrest Road
Windom Street at the east and west approaches of East 10th Street
Windom Street at the east and west approaches of East 8th Street
Windom Street at the east and west approaches of East 9th Street

(B) Except where directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop, which, for the purpose of this section, shall be a completed cessation of movement, at a clearly marked stop line; but, if there is no such line, then before entering the crosswalk on the near side of the intersection, or, if no crosswalk is indicated, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic from the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on such street as to constitute an immediate hazard if such driver moved across or into such intersection.

(C) It shall be unlawful for any person to violate the provisions of this section.  
 (2002 Code, § 78-11) (Ord. 2005-15, passed 5-31-2005; Ord. 2009-22, passed 11-17-2009; Ord.

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2012-11, passed 5-1-2012; Ord. 2013-22, passed 5-7-2013)

### § 78-12 STOP SIGN LOCATIONS; EAST OF MAIN STREET, SOUTH OF SEVENTH STREET.

(A) Stop signs are established at the following locations in the city:

Dearborn Street at the east and west approaches of East 5th Street
Dearborn Street at the east and west approaches of East 6th Street
East 4th Street at the north approach of Dearborn Street
East 4th Street at the north approach of Walnut Street
East 4th Street at the north and south approaches of Windom Street
East 4th Street at the north and south approaches of Nebraska Street
East 7th Street at the south approach of Tomar Drive
East 7th Street at the south approach of Thorman Street
East 7th Street at the south approach of Valley Drive
East 7th Street at the south approach of Dearborn Street
East 7th Street at the south approach of Walnut Street
East 7th Street at the south approach of Windom Street
East 7th Street at the south approach of Nebraska Street
East 7th Street at the south approach of Logan Street
Fairground Avenue at the north approach of South Logan Street
Logan Street at the east and west approaches of East 2nd Street
Logan Street at the east and west approaches of East 6th Street
Logan Street at the east and west approaches of East 3rd Street
Logan Street at the east and west approaches of East 4th Street
Logan Street at the east and west approaches of East 5th Street
Main Street at the east approach of 6th Street
Main Street at the east approach of 11th Street
Main Street at the east approach of 5th Street
South Main Street at the east approach of Fairground Avenue

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Tomar Drive at the East approach of East 6th Street
Windom Street at the east and west approaches of East 5th Street

(B) Except where directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop, which, for the purpose of this section, shall be a completed cessation of movement, at a clearly marked stop line, but if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic from the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on such street as to constitute an immediate hazard if such driver moved across or into such intersection.

(C) It shall be unlawful for any person to violate the provisions of this section.  
 (2002 Code, § 78-12) (Ord. 2012-11, passed 5-1-2012; Ord. 2012-58, passed 10-16-2012)

**§ 78-13 STOP SIGN LOCATIONS; WEST OF MAIN STREET, SOUTH OF SEVENTH STREET.**

(A) Stop signs are established at the following locations in the city:

Donner Pass at the west approach of Nathan Drive
Grainland Road at the north approach of South Maple Street
Grainland Road at the north approach of South Blaine Street
Grainland Road at the north approach of Pheasant Run Road
Main Street at the west approach of West 4th Street
Main Street at the west approach of West 5th Street
Main Street at the west approach of West 6th Street
Main Street at the west approach of West 1st Street
Oak Drive at the west approach of 3rd Avenue
Oak Drive at the east approach of West 3rd Street
Pearl Street at the east and west approaches of West 6th Street
Pearl Street at the east and west approaches of West 5th Street
Pearl Street at the east and west approaches of West 2nd Street
Pearl Street at the east and west approaches of West 3rd Street

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Pearl Street at the east and west approaches of West 4th Street
Pheasant Run at the east and west approaches of Grainland Road
Sherman Street at the east and west approaches of West 6th Street
South Main Street at the west approach of Clark Street
West 1st Street at the north and south approaches of Douglas Street
West 1st Street at the north and south approaches of Lincoln Street
West 1st Street at the north and south approaches of Pearl Street
West 1st Street at the north and south approaches of Sherman Street
West 1st Street at the north approach of Blaine Street
West 3rd Street at the north and south approaches of Douglas Street
West 3rd Street at the north and south approaches of Sherman Street
West 3rd Street at the south approach of Blaine Street
West 3rd Street at the south approach of Wilcliff Drive
West 3rd Street at the north and south approaches of Lincoln Street
West 4th Street at the north and south approaches of Sherman Street
West 5th Street at the north and south approaches of Sherman Street
West 7th Street at the south approach of Pearl Street
West 7th Street at the south approach of Lincoln Street
West 7th Street at the south approach of Douglas Street
West 7th Street at the south approach of Sherman Street
West 7th Street at the south approach of Oak Drive
West 7th Street at the south approach of Donner Pass
West 7th Street at the south approach of Pheasant Run

(B) Except where directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop, which, for the purpose of this section, shall be a completed cessation or movement, at a clearly marked stop line, but if there is no such line, then before entering the crosswalk on the near side of the intersection or, if no crosswalk as indicated, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic from the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on such street as to constitute an immediate hazard if such driver moved across or into such intersection.



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(C) It shall be unlawful for any person to violate the provisions of this section.  
(2002 Code, § 78-13) (Ord. 2012-11, passed 5-1-2012; Ord. 2013-31, passed 6-18-2013;  
Ord. No. 2017-13, §, 6-6-2017)

### **§ 78-14 AVOIDING TRAFFIC SIGNAL; DRIVING OR TURNING ON PUBLIC OR PRIVATE PROPERTY.**

It shall be unlawful for the driver of any vehicle to drive such vehicle directly from a highway across property adjacent to two highways intersecting at an intersection and enter upon the intersecting highway to avoid following the instructions of a traffic-control device or signal erected at the intersection.  
(2002 Code, § 78-14)

## *OPERATOR AND VEHICLE QUALIFICATIONS*

### **§ 78-51 REGISTRATION OF OPERATOR AND VEHICLE LICENSE.**

No person shall operate a motor vehicle upon any street or public highway without having first registered the vehicle and without first having obtained a motor vehicle operator's license as provided by the laws of the state; and such vehicle shall have the registration number plates, furnished by the state or county, displayed upon the vehicle in the manner and place provided by the laws of the state. It shall be unlawful for any person to operate a motor vehicle upon any street or alley during the period that his or her operator's license has been revoked or canceled.  
(2002 Code, § 78-51)

### **§ 78-52 UNLICENSED OPERATOR.**

No owner or person in control of any motor vehicle shall permit any person to operate such motor vehicle unless such person shall have obtained and have in effect a license to operate a motor vehicle under the laws of the state. No owner or person in control of any motor vehicle shall permit any person issued a learner's permit or other limited permit under the laws of the state to operate such motor vehicle contrary to the terms or purposes of such limited permit.  
(2002 Code, § 78-52)

### **§ 78-53 OPERATOR'S LICENSE; POSSESSION.**

An operator's license shall be carried by the licensee when operating a motor vehicle within the city. It shall be presented by the licensee for examination upon demand by any member of the Police Department. Proper evidence of lawful authority shall first be displayed by any police officer making such demand.  
(2002 Code, § 78-53)

**Wayne - Traffic Code****§ 78-54 NON-RESIDENT OPERATORS.**

Non-residents duly licensed by the state in which they reside shall be immune for a period of 30 days of continuous residence in the state from the provisions of this subchapter.  
(2002 Code, § 78-54)

**§ 78-55 REGISTRATION OF TRAILER.**

When any trailer shall be attached to any motor vehicle in use upon the city streets, such trailer shall carry a registration number and rear lights as required of any other motor vehicle.  
(2002 Code, § 78-55)

**§ 78-56 LICENSE PLATES.**

The license plates required on every motor vehicle by laws of the state or by laws of any other state while such vehicle is operated within the corporate limits shall be kept clear and free from grease, dust or other blurring matter so they will be plainly visible at all times, and shall be attached in such a manner as to be clearly readable at a distance of 100 feet; and under no circumstances shall they be obstructed by any portion of the vehicle.  
(2002 Code, § 78-56)

**§ 78-57 LIGHTS.**

Every motor vehicle upon a street within the city during the period from one-half hour after sunset until one-half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the highway at a distance of 500 feet ahead, shall be equipped with lighted front and rear lamps, as in this section respectively required for different classes of vehicles. Every motor vehicle other than a motorcycle, road machinery or farm tractor shall be equipped with two or more headlamps at the front of and on opposite sides of the motor vehicle. The headlamps shall be constructed, arranged and adjusted that under normal atmospheric conditions and on a level road, they will produce driving light sufficient to render truly discernible a person 200 feet ahead. Every motor vehicle other than a motorcycle, road machinery or farm tractor shall be equipped with a lamp on the rear exhibiting a red light visible under normal atmospheric conditions from a distance of at least 500 feet to the rear of such vehicle. It shall be unlawful for any person during the period from one-half hour after sunset to one-half hour before sunrise to operate any vehicle on the streets of the city if such vehicle does not meet the specifications set forth in this section.  
(2002 Code, § 78-57)

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### § 78-58 BRAKE REQUIREMENTS.

(A) Every motor vehicle when operated upon a street in the city shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two; except that, a motorcycle may be equipped with only one brake. All such brakes shall be maintained in good working order. It shall be unlawful for any owner or operator of any motor vehicle to operate such motor vehicle upon the streets of the city unless the brake equipment qualifies in the following respects with regard to maximum stopping distances from a speed of 20 mph on dry asphalt or concrete pavement free from loose materials as set forth:

- (1) Two-wheel brakes: maximum stopping distance 40 feet;
- (2) Four- or more wheel brakes, vehicles up to 7,000 pounds' gross weight: maximum stopping distance 30 feet;
- (3) Four- or more wheel brakes, vehicles over 7,000 pounds' gross weight: maximum stopping distance 35 feet;
- (4) All hand parking or emergency brakes, vehicles up to 7,000 pounds' gross weight: maximum stopping distance 55 feet; and
- (5) All hand parking or emergency brakes, vehicles over 7,000 pounds' gross weight: maximum stopping distance 65 feet.

(B) All braking distances specified in this section shall apply to all vehicles, whether unloaded or loaded, to the maximum capacity permitted by law. The retarding force of one side of the vehicle shall not exceed the retarding force on the opposite side so as to prevent the vehicle stopping in a straight line. (2002 Code, § 78-58)

### § 78-59 HORN REQUIREMENTS.

Every motor vehicle when operated upon the streets of the city shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than 200 feet. It shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression or sparkplug whistle or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other device. Police and Fire Department vehicles and ambulances used for emergency calls shall be equipped with a bell, siren or exhaust whistle.

(2002 Code, § 78-59)

**Wayne - Traffic Code****§ 78-60 MUFFLERS.**

Every motor vehicle operated within the city shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. It shall be unlawful to use a muffler cutout on any motor vehicle upon any street. The provisions of this section shall not apply to authorized emergency vehicles. (2002 Code, § 78-60)

**§ 78-61 PROJECTING LOADS.**

When any vehicle shall be loaded in such a manner that any portion of the load extends more than four feet beyond the rear of the bed or the body of such vehicle, a red flag shall be carried by day and a red light after sunset at the extreme rear end of such load. (2002 Code, § 78-61)

**§ 78-62 SPILLING LOADS.**

All vehicles used for carrying coal, earth, cinders, sand, gravel, rock, asphalt, tar or any substance shall be so constructed as to prevent the sifting or spilling of any of the contents. It shall further be unlawful to allow any such material to spill on the pavement of any street in the city. (2002 Code, § 78-62)

***PARKING*****§ 78-91 RESERVED.****§ 78-92 GENERALLY.**

No person shall park any vehicle or approach the curb with a vehicle, except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb, in such manner as to have both right wheels within 12 inches of the curb and so as to leave at least four feet between the vehicle so parked and any other parked vehicles. No person shall park a vehicle so as to obstruct a sidewalk, a private driveway or drive, for any period of time. No person shall park a vehicle, or permit it to stand within 15 feet in either direction from the entrance of any fire station. (2002 Code, § 78-92) (Ord. 97-25, passed 11-25-1997)

***Statutory reference:***

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

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**§ 78-93 AREAS.**

The Council 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. No vehicle prohibited from parking at such place shall stand or be parked adjacent to the curb of the street, alley, public way or portion, longer than a period of time necessary to load and unload freight or passengers.  
(2002 Code, § 78-93)

**§ 78-94 HANDICAPPED AREAS.**

The Council may, by resolution, designate stalls or spaces in any street, alley or public way, or in an off-street parking facility for the exclusive use of paraplegics and handicapped persons whose vehicles display the distinguishing license plates issued to such individuals pursuant to Neb. RS 60-311.14. Such designation of parking spaces shall be made by posting immediately adjacent to and visible from each stall or space, a sign consisting of a profile view of a wheelchair with an occupant in white on a blue background.  
(2002 Code, § 78-94)

**Statutory reference:**

*Related provisions, see Neb. RS 18-1737 through 18-1742*

**§ 78-95 RESERVED.**

**§ 78-96 LOCATION RESERVED FOR HANDICAPPED PARKING.**

(A) The following parking spaces shall be designated handicapped parking areas:

<i>Number of Spaces</i>	<i>Location</i>
1 parking space	At the intersection of Third and Main Streets on the northeast corner of Third Street
1 parking space	At the intersection of Third and Main Streets on the southwest corner of Third Street
1 parking space	At the intersection of Third and Pearl Streets on the northeast corner of Third Street
1 parking space	At the intersection of Second and Main Streets on the northeast corner of Second Street
1 parking space	At the intersection of Second and Main Streets on the southwest corner of Second Street
1 parking space	At the intersection of Fourth and Main Streets on the northeast corner of Fourth Street
1 parking space	At the intersection of Second and Pearl Streets on the northeast corner of Second Street
2 parking spaces	Between Third and Fourth Streets on the east side of Lincoln Street
1 parking space	At the intersection of First Street and Main Street on the northwest corner of First Street

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2 parking spaces	Between Pearl and Lincoln Streets on the south side of Third Street
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(B) Appropriate signs shall be placed to advise the public of these restricted parking regulations. (2002 Code, § 78-96) (Ord. 2002-2, passed 2-26-2002; Ord. 2002-9, passed 4-9-2002; Ord. 2004-19, passed 1-11-2005; Ord. 2005-3, passed 2-22-2005; Ord. 2005-27, passed 9-13-2005; Ord. 2008-2, passed 2-19-2008; Ord. 2009-24, passed 1-5-2010; Ord. 2015-36, passed 8-4-2015; Ord. 2018-9, passed 5-15-2018)

### § 78-97 OBSTRUCTING ALLEY.

No vehicle while parked shall have any portion projecting into any alley entrance. (2002 Code, § 78-97)

### § 78-98 IN ALLEYS.

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 hour. 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. (2002 Code, § 78-98)

### § 78-99 RESERVED.

### § 78-100 RESERVED.

### § 78-101 RESERVED.

### § 78-102 RESERVED.

### § 78-103 BUSINESS DISTRICT UNLOADING.

It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any such vehicle on a street which the Council has designated a B-2 Zone unless loading or unloading in an alley is impossible; and then such vehicles may stop, stand or unload for a maximum time of 30 minutes, but only after the operator of the truck has obtained written permission from the police to do so. It shall be unlawful for the operator of any truck, regardless of length, to park the vehicle within a street intersection, on a crosswalk, in front of a private driveway or on a sidewalk. The Council may, by resolution, provide truck parking areas adjoining or adjacent to the congested district; and when

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such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes.  
(2002 Code, § 78-103)

### § 78-104 NEAR FIRE HYDRANTS.

No vehicle shall be parked within 15 feet in either direction of any fire hydrant.  
(2002 Code, § 78-104)

**Statutory reference:**

*Related provisions, see Neb. RS 60-6,166(b)*

### § 78-105 STREET INTERSECTIONS.

No vehicle shall be parked or left standing for any purpose within 25 feet of the intersection of curblines or within 15 feet of the intersection of the property lines at any such intersection if there is no curb.

(2002 Code, § 78-105)

**Statutory reference:**

*Related provisions, see Neb. RS 60-6,166(b)*

### § 78-106 OBSTRUCTING TRAFFIC.

No person shall, except in case of an accident or emergency, stop within any street intersection, alley entrance or any such location as to obstruct any street, crosswalk or alley entrance.

(2002 Code, § 78-106)

**Statutory reference:**

*Related provisions, see Neb. RS 60-6,166(a)*

### § 78-107 CURBS.

No vehicle shall park on any street with its left side to the curb unless the street has been designated to be a one-way street by the Council. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away.

(2002 Code, § 78-107)

### § 78-108 CURBS PAINTED.

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All areas in the city which are no parking areas may be designated by painting the curb or pavement with yellow paint. No person shall paint the curb of any street, or in any manner set aside, or attempt to prevent the parking of vehicles in any street, or part of a street, except at such places where the parking of vehicles is prohibited by the provisions of this chapter. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the city through its proper officers, at the direction of the Council.

(2002 Code, § 78-108)

### **§ 78-109 RESERVED.**

### **§ 78-110 REPAIR.**

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

(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.

(2002 Code, § 78-110)

### **§ 78-111 INOPERABLE MOTOR VEHICLES.**

No motor vehicle which is not in running condition, or which is not fully equipped and licensed for lawful operation on the streets of the city, or which is not supplied with fuel and lubrication for immediate operation shall be parked or left standing in any street, highway or alley; provided, in case of emergency a motor vehicle which would otherwise be in violation of this section may be parked for a time, not to exceed one hour, as may be required for its removal.

(2002 Code, § 78-111)

### **§ 78-112 RESERVED.**

### **§ 78-113 TIME LIMIT.**

The Council may, by ordinance, entirely prohibit or set a time limit for the parking and stopping of any motor vehicle, trailer, camper, boat or other such conveyance on any street, alley or district designed by such ordinance; and the parking or stopping of any motor vehicle, trailer, camper, boat or other such conveyance in any street, alley or district for a period of time longer than fixed in such ordinance shall constitute a violation of this chapter.

(2002 Code, § 78-113)



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### **§ 78-114 MAXIMUM TIME LIMIT.**

The parking of any motor vehicle, trailer, camper, boat or other such conveyance on a public street for over 72 consecutive hours is unlawful, except where a different maximum time limit is posted.  
(2002 Code, § 78-114)

### **§ 78-115 EMERGENCY VEHICLES.**

The provisions of this chapter regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles while the driver of such vehicle is operating the vehicle in an emergency in the necessary performance of public duties.  
(2002 Code, § 78-115)

### **§ 78-116 LIABILITY OF OWNER.**

If any vehicle is found upon any street or alley in violation of any of the provisions of this chapter regulating the stopping, standing or parking of vehicles and the identity of the driver cannot be determined after a reasonable effort, the owner or person in whose name such vehicle is registered shall be held prima facie the driver of such vehicle and responsible for such violation.  
(2002 Code, § 78-116)

### **§ 78-117 TOWING.**

The Chief of Police and every police officer is vested with authority to tow to the police station, or to any place provided by the Police Department for such purpose, any vehicle which shall be found unlawfully standing or parked in any street, highway or alley, or which shall be abandoned by the owner or driver.  
(2002 Code, § 78-117)

### **§ 78-118 SNOW REMOVAL AND STREET CLEANING.**

The City Administrator or his or her designate, or any member of the Department of Public Works, and/or the Chief of Police, or any member of the Police Department shall have the authority to move parked vehicles whenever such vehicles interfere with snow removal or street cleaning operations on the streets of the city.  
(2002 Code, § 78-118)

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### § 78-119 TOWING CHARGES.

Any owner of a vehicle towed by the Police Department as provided in this chapter shall pay the cost of towing the vehicle. No person shall move any vehicle towed by the Police Department or by any person under the direction of the Police Department before paying the towing and storage fees and providing satisfactory evidence of such payment to the Police Department.  
(2002 Code, § 78-119)

### § 78-120 UNLAWFUL PARKING.

The fact that a vehicle is towed away by the Police Department and a fee paid for towing and storage of the vehicle shall not be considered a defense in the prosecution for unlawful parking under any of the provisions of this chapter.  
(2002 Code, § 78-120)

### § 78-121 LOADING ZONES.

(A) The term **LOADING ZONE** means that space adjacent to a street curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(B) A loading zone shall be created within the city in the following manner: an owner, agent or lessee of any building desiring the creation of a loading zone to serve the building shall make application in writing to the City Administrator upon a form to be prepared and furnished by the City Administrator. The City Administrator is given authority to approve or disapprove the application.

(C) If, upon receipt of an application and after such investigation as he or she may think proper, the City Administrator shall determine that loading or unloading of merchandise or passengers at the place indicated in the application is necessary for the relief of the traffic congestion and for the orderly conduct of business of the applicant and that such loading or unloading will not unduly interfere with safe and efficient movement of traffic, the City Administrator may grant the application. If the application is granted, the City Administrator shall forthwith cause to be erected appropriate signs to inform the public that the zone is a loading zone and that parking in the zone is prohibited, except as hereinafter provided in § 78-122.

(D) No parking shall be permitted during the hours of 6:00 a.m. to 6:00 p.m. in any loading zone created under the provisions of this section; however, a vehicle temporarily using the zone for the purpose of and while actually engaged in loading or unloading may be parked in the zone, but such parking shall not exceed 30 minutes.

(E) The City Administrator is also given authority to revoke any grant of a loading zone under this section and discontinue the loading zone for just cause, to be determined by the City Administrator.  
(2002 Code, § 78-121)

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### § 78-122 VIOLATIONS BUREAU.

(A) There is established within the Police Department a Violations Bureau for the collection of fines for parking violations. Such violations shall not be subject to prosecution in the Court, except when payment of the fine is not made within the time prescribed by this section. When payment is not made within such time, the violations shall be prosecuted in the same manner as other violations of this code.

(B) Whenever any vehicle with or without a driver is found parked, standing or stopped in violation of this chapter, or any statute of the state relating to parking, all of which shall be referred to in this section as parking violations, the officer finding such vehicle shall take the registration number of the vehicle and may take any other information displayed on the vehicle which may identify its owner or operator, and shall conspicuously affix to such vehicle a parking citation on a form provided by the Chief of Police for such purpose, which form shall require the owner or operator to answer to the charge against him or her in accordance with this section.

(C) All citations for parking violations shall contain, in addition to any other information required by law, the following information:

- (1) The amount of the fine if paid within five days;
- (2) The amount of the fine if paid within six to 15 days;
- (3) The location where the payment of the fine may be made; and
- (4) A statement that a complaint will be filed after 25 days if the fine is not paid in that time.

(D) The fines for parking violations shall be set from time to time by the Council and a schedule of such fines is on file and available in the city offices.

(E) Any person charged with a parking violation may appear before the Violations Bureau and waive arraignment and right to a hearing and enter a plea of guilty by paying the appropriate fine as established and set from time to time by the Council. The first \$0.75 of the initial \$1 fine and the first \$0.50 of each additional \$1 fine so paid shall be assessed as a fee covering the costs of administration.

(F) If any person charged with a parking violation does not appear in response to a citation within a period of five days, the Chief of Police shall, after the fifth day, send the registered owner of the vehicle to which the citation was affixed a letter mailed to the last known address of such person informing him or her of the violation and the penalty if not paid within 16 to 25 days, and that, if such letter is disregarded, he or she will become the subject of a complaint after 25 days from the date of violation.

(G) The Chief of Police may cause a complaint to be filed against any person who has failed to dispose of a parking violation within 25 days. Such person, upon conviction of such violation, shall be punished pursuant to § 10.99 of this code and shall be fined not less than \$100.

(H) The Violations Bureau shall collect and account for all moneys paid pursuant to this section,

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issue receipts and keep records of all violators, showing the name, time and date of the violation and disposition. All money collected by the Police Department under this section, net of the amount for administration, shall be disbursed by the city as provided by law.

(2002 Code, § 78-122) (Ord. 99-5, passed 6-8-1999)

### **§ 78-123 PRESUMPTION OF VIOLATION.**

In any prosecution charging a violation of any ordinance or regulation governing the parking of a motor vehicle, proof that the particular vehicle described in the complaint was parked in violation of such law or regulation, together with proof that the defendant named in the complaint was, at the time the vehicle was found parked, standing or stopped, the registered owner of such vehicle shall constitute prima facie evidence that the registered owner of such vehicle was the person who committed or authorized such violation. This section shall apply only when the procedure prescribed in § 78-125 of this chapter has been followed.

(2002 Code, § 78-123)

### **§ 78-124 CERTAIN VEHICLES PROHIBITED IN DESIGNATED CONGESTED DISTRICT.**

(A) The east side of Main Street commencing at Fairground Avenue and continuing south to the city limits is designated a congested district, and no truck or commercial vehicle over one ton in capacity shall be parked or left standing for any period of time within the designated congested district.

(B) Appropriate signs will be placed to advise the public of this parking regulation.

(2002 Code, § 78-124)

### **§ 78-125 REGULATIONS OF PARKING LOTS, SHOPPING CENTERS AND MALLS.**

(A) Upon the written request of the owner or operator of a parking lot, shopping center or similar semipublic or privately owned area within the city, the city may provide for regulation of traffic, public use and conduct of invitees upon the specified area. Such written request, and a legal description of the area to be regulated, shall be filed in the office of the City Clerk.

(B) Upon such specified areas, the city may, by ordinance, regulate the flow of traffic, speed limits, offenses against public morals, unlawful assembly, trespass and similar offenses to the same effect and with the same authority as public thoroughfares, public parking lots and other public areas; provided, the owner has complied with Neb. RS 60-2401.01 et seq. Nothing in this section shall require the city to furnish labor, material, supervision, personnel or services in connection with the establishment, supervision or enforcement of such ordinances, or the maintenance or upkeep of such areas.

(2002 Code, § 78-125)

### **§ 78-126 PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY.**

## General Provisions

(A) No person shall, at any time, park a vehicle upon the following described streets or parts of streets:

All of Lloyd Court from the southerly line of Brooke Drive to and including the entire circle
The east side of the centerline of Vintage Hill Drive from the north line of East 14th Street north to a point 125 feet north of the north line of Adam Drive
The east side of the centerline of Eastview Drive from the north line of Poplar Street to the south line of Sycamore Street
The east side of the centerline of Ada Drive from Sunnyview Drive to the north line of Poplar Street
The east side of the centerline of Hillside Drive from the north line of East Seventh Street north to the city limits
The east side of the centerline of North Main Street from the north line of East Seventh Street north to the south line of East 14th Street
The east side of the centerline of Claycomb Road from the north line of East 14th Street north to the city limits
The east side of the centerline of Providence Road from the north line of East Seventh Street north to the south line of East 14th Street
The east side of the centerline of Lilac Lane from the north line of East Tenth Street north to the south line of Hillcrest Road
The east side of the centerline of Pine Heights Road from the north line of East Seventh Street north to the south line of East Tenth Street
The east side of the centerline of the north-south alley west of Walnut Street from the north line of East Tenth Street north a distance of 150 feet
The east side of the centerline of Logan Street from the north line of East Seventh Street north to the south line of East Tenth Street
The east side of the centerline of Nebraska Street from the north line of East Seventh Street north to the south line of East Tenth Street
The east side of the centerline of Windom Street from the north line of East Seventh Street north to the south line of East Tenth Street
The east side of the centerline of Walnut Drive from the north line of East Seventh Street north to the south line of East Ninth Street
The east side of the centerline of Walnut Street from the north line of East Ninth Street north to the south line of East 14th Street
The east side of the centerline of Linden Street from the north line of East 14th Street north to the south line of Aspen Street
The east side of the centerline of Memory Lane from the north line of East Tenth Street north to the south line of Gail's Way
The east side of the centerline of Angel Avenue from the north line of East Tenth Street to the north line of Gail's Way

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The north side of the centerline of East Tenth Street from the north-south alley between Walnut Street and Windom Street to the west line of Walnut Street
The north side of the centerline of East Tenth Street from the east line of Main Street east to the west line of Logan Street
The north side of the centerline of East Seventh Street from the east line of Main Street east to the city limits
The north side of the centerline of 14th Street between the east boundary of the Wayne State College Technology Building Lot on the quarter section line east to Claycomb Road
The south side of the centerline of Aspen Street from the east line of Claycomb Road east to the city limits
The south side of the centerline of East 14th Street from the east line of Providence Road east to the city limits
The south side of the centerline of Poplar Street from the west line of Ada Drive to the west line of Providence Road
The south side of the centerline of East Tenth Street from the east line of Main Street east to the west line of Hillside Drive
The south side of the centerline of Hillcrest Road from the east line of Walnut Street east to the point where Hillcrest Road turns south and then on the east side of the centerline to the north line of East Tenth Street
The south side of the centerline of Poplar Street from the west line of Hillside Drive to the east line of Eastview Drive
The south side of the centerline of Sunnyview Drive from the west line of Hillside Drive to the east line of Providence Road
The south side of the centerline of East Ninth Street from the east line of Main Street east to the west line of Pine Heights Road
The south side of the centerline of Sunnyview Drive from the west side of Providence Road to the east line of Alda Drive
The south side of the centerline of Sycamore Street from the west line of Hillside Drive to the east line of Eastview Drive
The south side of the centerline of Brooke Drive from the east line of Claycomb Road east to the city limits
The south side of the centerline of Sycamore Street from the west line of Hillside Drive to the east line of Eastview Drive
The south side of the centerline of Gail's Way from the east line of Memory Lane to the west line of Angel Avenue
The south side of the centerline of East Eighth Street from the east line of Main Street to the north-south alley east of Windom Street
The west side of the centerline of Logan Street from the north line of East Seventh Street north for a distance of 150 feet
The west side of the centerline of Walnut Street from 10th Street north to J.G. Lewis Drive
The west side of the centerline of Providence Road from the north line of East Seventh Street north to the south line of East 14th Street
The west side of the centerline of Circle Drive from the north line of East Ninth Street north to the circle and the entire circle
The west side of Claycomb Road from the north line of 14th Street going north a distance of 104 feet
The west side of the centerline of Pine Heights Road from the north line of East Seventh Street north for a distance of 25 feet

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The west side of the centerline of Walnut Drive from the north line of East Seventh Street north for a distance of 190 feet
The west side of the centerline of the north-south alley west of Walnut Street from the north line of East Tenth Street north for a distance of 150 feet

(B) Appropriate signs shall be placed to advise the public of these prohibited parking regulations. (2002 Code, § 78-126) (Ord. 2005-22, passed 8-9-2005; Ord. 2008-18, passed 9-16-2008; Ord. 2008-21, passed 10-21-2008; Ord. 2013-36, passed 8-6-2013; Ord. 2014-2, passed 3-4-2014; Ord. 2014-21, passed 6-17-2014)

**§ 78-127 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHEAST QUADRANT OF THE CITY.**

(A) No person shall, at any time, park a vehicle between the hours of 12:00 midnight and 5:00 a.m. upon any of the following described streets or parts of streets:

The east side of the centerline of Circle Drive from the north line of East Ninth Street north to the circle
The north side of the centerline of East Tenth Street from the east line of Walnut Street east to the city limits
The north side of the centerline of Poplar Street from the east line of Eastview Drive to the west line of Hillside Drive
The north side of the centerline of East Ninth Street from the east line of Main Street east to the west line of Pine Heights Road
The north side of the centerline of East Eighth Street from the east line of Main Street east to the north-south alley east of Windom Street
The north side of the centerline of Aspen Street from the east line of Claycomb Road east to the city limits
The north side of the centerline of Hillcrest Road from the east line of Walnut Street east to where Hillcrest Road turns south and then on the west side of the centerline to the north line of East Tenth Street
The north side of the centerline of Sunnyview Drive from the east line of Providence Road east to the west line of Hillside Drive
The north side of the centerline of East Tenth Street from the east line of Windom Street east to the west line of the north-south alley between Windom Street and Walnut Street
The north side of the centerline of Gail’s Way from the west line of Memory Lane east to the east line of Angel Avenue
The west side of the centerline of Walnut Street from the north line of East Ninth Street north to the south line of Hillcrest Road
The west side of the centerline of Windom Street from the north line of East Seventh Street north to the south line of East Tenth Street
The west side of the centerline of Lilac Lane from the north line of East Tenth Street north to the south line of Hillcrest Road
The west side of the centerline of Walnut Street from the north line of Hillcrest Road north to the south line of East 14th

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Street
The west side of the centerline of Nebraska Street from the north line of East Seventh Street north to the south line of East Tenth Street
The west side of the centerline of Claycomb Road from the north line of East 14th Street north to the city limits
The west side of the centerline of Linden Street from the north line of East 14th Street north to the south line of Aspen Street
The west side of the centerline of Logan Street from a point 25 feet north of the north line of East Seventh Street north to the south line of East Tenth Street
The west side of the centerline of Hillside Drive from the north line of Seventh Street north to the city limits
The west side of the centerline of Eastview Drive from the north line of Poplar Street north to the south line of Sunnyview Drive
The west side of the centerline of Walnut Street from a point 190 feet north of the north line of East Seventh Street north to the south line of East Ninth Street
The west side of the centerline of Pine Heights Road from the north line of East Seventh Street north to the south line of East Tenth Street
The west side of the centerline of Memory Lane from the north line of East Tenth Street to the north line of Gail's Way
The west side of the centerline of Angel Avenue from the north line of East Tenth Street north to the south line of Gail's Way

(B) Appropriate signs shall be placed to advise the public of these restricted parking regulations. (2002 Code, § 78-127) (Ord. 2010-1, passed 1-5-2010; Ord. 2013-37, passed 8-8-2013; Ord. 2014-18, passed 6-17-2014)

### § 78-128 PROHIBITED PARKING; NORTHWEST QUADRANT OF THE CITY.

(A) No person shall, at any time, park a vehicle upon the following described streets or parts of streets:



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All of Wightman Circle from the east line of Neihardt Avenue to and including the entire cul-de-sac
All of Savidge Court from the east line of Neihardt Avenue to and including the entire cul-de-sac
All of Bressler Court from the east line of Neihardt Avenue to and including the entire cul-de-sac excluding the north side of the centerline of Bressler Court starting ten feet from the east side of Neihardt Avenue going east 40 feet
The east side of the centerline of Sherman Street from the north line of West Seventh Street north to the city limits
The east side of the centerline of Lincoln Street from the north line of West Seventh Street to the north line of Park Street
The east side of the centerline of Pearl Street from the north line of West Seventh Street to the south line of West 13th Street
The east side of the centerline of Meadow Lane from the north line of Westwood Road north to the city limits
The east side of the centerline of Lawndale Drive from the north line of Fairacres Road north to the south line of Westwood Road
The east side of the centerline of Sunset Drive from the north line of Fairacres Road north to the south line of Westwood Road
The east side of the centerline of Douglas Street from the north line of West Seventh Street north to the south line of Park Street
The east side of the centerline of Haas Avenue from the north line of West Seventh Street north to the east line of Neihardt Avenue
The east side of the centerline of Neihardt Avenue from the north line of Wightman Circle north to the south line of Bressler Court
The east side of the centerline of Brookdale Drive from the north line of Haas Avenue north to the south line of Neihardt Avenue
The east side of the centerline of Pheasant Run Road from the north line of West Seventh Street north to the city limits
The east side of the centerline of Milo Drive from the north line of West Seventh Street north to the city limits
The north side of the centerline of West 12th Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street
The north side of the centerline of Crescent Drive from the west line of Sherman Street west to the point where Crescent Drive turns north and then on the east side of the centerline north to the south line of Westwood Road
The north side of the centerline of West 13th Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street
The north side of the centerline of West 11th Street from the west line of Main Street to the north-south alley between Main Street and Pearl Street
The north side of the centerline of Park Street from the east line of Lincoln Street west to the west line of Douglas Street
The north side of the centerline of West Seventh Street from the west line of Main Street west to the city limits
The south side of the centerline of West Ninth Street from the west line of Main Street to the east line of Lincoln Street; thence from the west line of Douglas Street to the east line of Sherman Street

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The south side of the centerline of West Tenth Street from the west line of Mam Street to the east line of Sherman Street
The south side of the centerline of West 12th Street from the west line of Main Street west to the east line of Sherman Street
The south side of the centerline of West 13th Street from the west line of Main Street to the east line of Lincoln Street
The south side of the centerline of Fairacres Road from the west line of Sherman Street west to the city limits
The south side of the centerline of West 11th Street from the west line of Main Street to the east hue of Sherman Street
The south side of the centerline of West Eighth Street from the west line of Main Street west to the city limits
The south side of the centerline of West 13th Street from the west line of Douglas Street to the east line of Sherman Street
The south side of the centerline of Park Street from the west line of Lincoln Street west to the east line of Douglas Street
The south side of the centerline of Westwood Road from the west line of Sherman Street west to the city limits
The south side of the centerline of Neihardt Avenue from the north line of Bressler Court west to the east line of Brookdale Drive
The south side of the centerline of LaPorte Street from the west line of Brookdale Drive west to the city limits
The west side of the centerline of Douglas Street fro the north line of Park Street south to the north line of West 13th Street
The west side of the centerline of Main Street from the north line of East Seventh Street north to the south line of East 14th Street
The west side of the centerline of Lincoln Street from the south line of Park Street south to a point 150 feet south of the south line of West 13th Street
The west side of the centerline of Sherman Street north a distance of 100 feet from the north line of West Seventh Street
The west side of the centerline of Pheasant Run Road from the north line of West Seventh Street north to the city limits
The west side of the centerline of Milo Drive from the north line of West Seventh Street north to the city limits

(B) Appropriate signs shall be placed to advise the public of these prohibited parking regulations. (2002 Code, § 78-128) (Ord. 2000-5, passed 3-14-2000; Ord. 2008-19, passed 9-16-2008; Ord. 2014-2, passed 3-4-2014; Ord. 2014-18, passed 6-17-2014)

### **§ 78-129 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHWEST QUADRANT OF THE CITY.**

(A) No person shall, at any time, park a vehicle between the hours of 12:00 midnight and 5:00 a.m. upon any of the following described streets or parts of streets:

The north side of the centerline of West Ninth Street from the west line of Main Street to the east line of Lincoln Street
The north side of the centerline of West 13th Street from the west line of Douglas Street to the east line of Sherman

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Street
The north side of the centerline of West 12th Street from the west line of the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street
The north side of the centerline of West Tenth Street from the west line of Main Street to the east line of Sherman Street
The north side of the centerline of West 13th Street from the north-south alley between Main Street to the east line of Lincoln Street
The north side of the centerline of West Ninth Street from the west line of Douglas Street to the east line of Sherman Street
The north side of the centerline of Westwood Road from the east line of Sherman Street west to the city limits
The north side of the centerline of West Eighth Street from the west line of Main Street to the east line of Sherman Street
The north side of the centerline of Crescent Drive from the west line of Sherman Street west to the point where Crescent Drive turns north and then on the west side of the centerline north to the south line of Westwood Road
The north side of the centerline of West 11th Street from the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street
<del>The north side of the centerline of Neihardt Avenue from the north line of Douglas Street to the north line of</del>
The north side of the centerline of LaPorte Street from the north line of Neihardt Avenue west to the city limits
The north side of the centerline of Bressler Court from ten feet east of the east line of Neihardt Avenue going east 40 feet
The south side of the centerline of Fairacres Road from the west line of Sherman Street west to the city limits
The west side of the centerline of Pearl Street from the north line of West Seventh Street north to the city limits
The west side of the centerline of Lincoln Street from the north line of West Seventh Street north to a point 150 feet south of the south line of West 13th Street
The west side of the centerline of Lawndale Drive from the north line of Fairacres Road north to the south line of Westwood Road
The west side of the centerline of Sunset Drive from the north line of Fairacres Road north to the south line of Westwood Road
The west side of the centerline of Douglas Street from the north line of West Seventh Street north to Park Street
The west side of the centerline of Sherman Street from the north line of West Seventh Street to the city limits
The west side of the centerline of Haas Avenue from the north line of West Seventh Street north to the west line of Neihardt Avenue
The west side of the centerline of Neihardt Avenue from the north line of Wightman Circle north to the north line of Bressler Court
The west side of the centerline of Brookdale Drive from the north line of Haas Avenue north to the south line of LaPorte Street

(B) Appropriate signs shall be placed to advise the public of these restricted parking regulations. (2002 Code, § 78-129) (Ord. 2014-17, passed 6-17-2014; Ord. 2014-29, passed 11-4-2014)

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### § 78-130 PROHIBITED PARKING; SOUTHEAST QUADRANT OF THE CITY.

(A) No person shall, at any time, park a vehicle upon the following described streets or parts of streets:

The east side of the centerline of Nebraska Street from the north line of East Second Street north to the south line of East Seventh Street
The east side of the centerline of South Nebraska Street from the south line of Fairgrounds Avenue south to the city limits
The east side of the centerline of Dearborn Street from the north line of East Fifth Street north to the south line of East Seventh Street
The east side of the centerline of Dearborn Street from the north line of East Fourth Street south to the north line of East Fourth Street
The east side of the centerline of Walnut Street from the north line of East Fourth Street north to the south line of East Seventh Street
The east side of the centerline of Wayside Lane from the north line of Valley Drive north to the south line of East Sixth Street
The east side of the centerline of Tomar Drive from the south line of East Seventh Street south to the north line of East Fourth Street
The east side of the centerline of South Windom Street from the north line of Fairgrounds Avenue north to the south line of East Third Street
The east side of the centerline of Main Street from 75 feet north of the north line of Fourth Street to the south line of Seventh Street
The east side of the centerline of Windom Street from the north line of East Third Street north to the south line of East Seventh Street
The east side of the centerline of South Windom Street from the south line of Fairgrounds Avenue south to the city limits
The east side of the centerline of Logan Street from the north line of East Fourth Street north to the south line of East Seventh Street
The east side of the centerline of Thorman Street from the south line of East Seventh Street south to the north line of East Fourth Street
The west side of the centerline of Thorman Street from the south line of East Seventh Street south to 127 feet north of the north line of Erin Street
The east side of the centerline of Joel Street from the south line of Erin Street south to the north line of Alex Street
The south side of the centerline of Fairgrounds Avenue from the east line of South Nebraska Street east to the city limits
The south side of the centerline of East Third Street from the east line of Logan Street to the west line of Windom Street
The south side of the centerline of East Fourth Street from the north-south alley between Main Street and Logan Street east to the west line of Jaxon Street
The north side of the centerline of East 4 <sup>th</sup> Street from the east line of Jaxon Street east to the city limits
The north side of the centerline of Mando Drive from the north-south alley west of Tomar Drive east to the west line of Tomar Drive
The south side of the centerline of Valley Drive from the east line of Fifth Street east to the point where Valley Drive

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turns north and then on the east side of the centerline north to the south line of East Seventh Street
The south side of the centerline of East Fifth Street from the north-south alley between Main Street and Logan Street east to Valley Drive
The south side of the centerline of East Seventh Street from the east line of Main Street east to the city limits
The south side of the centerline of Folk Street from the east line of South Nebraska Street to the west line of South Windom Street
The south side of the centerline of East Sixth Street from the north-south alley between Main Street and Logan Street east to the west line of Tomar Drive
The south side of the centerline of Jaxon Street from the west line of Tomar Drive west to the north line of East Fourth Street
The south side of the centerline of Erin Street from the west line of Thorman Street west to the east line of Joel Street
The west side of the centerline of Logan Street from the north line of East Fifth Street north to the south line of East Seventh Street
The west side of the centerline of Windom Street from the south line of East Seventh Street south for a distance of 25 feet
The west side of the centerline of Tomar Drive from the south line of East Seventh Street south to the north line of Jaxon Street
The west side of the centerline of Windom Street from the north line of East Third Street north a distance of 150 feet

(B) Appropriate signs shall be placed to advise the public of these prohibited parking regulations. (2002 Code, § 78-130) (Ord. 2002-15, passed 8-27-2002; Ord. 2012-13, passed 5-15-2012; Ord. 2014-2, passed 3-4-2014; Ord. 2014-22, passed 6-17-2014; Ord. 2014-38, passed 12-16-2014; Ord. No. 2017-33, passed 12-5-2017; Ord. 2018-3, passed 3-20-2018)

### **§ 78-131 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHEAST QUADRANT OF THE CITY.**

(A) No person shall, at any time, park a vehicle between the hours of 12:00 midnight and 5:00 a.m. upon any of the following described streets or parts of streets:

The east side of the centerline of Logan Street from the north line of Fairgrounds Avenue north to the south line of East Fourth Street
The north side of the centerline of Valley Drive from the east line of East Fifth Street east to the point where Valley Drive turns north and then on the west side of the centerline north to the south line of East Seventh Street
The north side of the centerline of East Fourth Street from the east line of Main Street east to the west line of Jaxon Street
The south side of the centerline of East Fourth Street from the east line of Jaxon Street east to the city limits
The west side of the centerline of Tomar Drive from the south line of Jaxon Street south to the north line of East Fourth Street
The north side of the centerline of East Third Street from the east line of Logan Street east to the west line of Windom Street

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The north side of the centerline of Fairgrounds Avenue from the east line of Main Street east to the city limits
The north side of the centerline of East Fifth Street east to a point where East Fifth Street becomes Valley Drive
The north side of the centerline of East Sixth Street east to the city limits
The north side of the centerline of Folk Street from the east line of South Nebraska Street east to the west line of South Windom Street
The north side of the centerline of Erin Street from the west line of Thorman Street west to the west line of Joel Street
The west side of the centerline of Windom Street from the south line of East Third Street south to the north line of Fairgrounds Avenue
The west side of the centerline of Walnut Street from the north line of East Fourth Street north to the south line of East Seventh Street
The west side of the centerline of Dearborn Street from the north line of East Fourth Street north to the south line of East Seventh Street
The west side of the centerline of Wayside Lane from the north line of Valley Drive north to the south line of East Sixth Street
The west side of the centerline of Logan Street from the south line of East Fifth Street south to the north line of Fairgrounds Avenue
The west side of the centerline of South Nebraska Street from the south line of Fairgrounds Avenue south to the city limits
The west side of the centerline of Windom Street from the north line of East Third Street north to the south line of East Seventh Street
The west side of the centerline of Nebraska Street from the north line of East Second Street north to the south line of East Seventh Street
The west side of the centerline of South Windom Street from the south line of Fairgrounds Avenue south to the city limits
The west side of the centerline of Thorman Street from 127 feet north of the north line of Erin Street south to the north line of East 4 <sup>th</sup> Street
The west side of the centerline of Joel Street from the north line of Erin Street south to the south line of Alex Street

(B) Appropriate signs shall be placed to advise the public of these prohibited parking regulations. (2002 Code, § 78-131) (Ord. 2014-39, passed 12-16-2014; Ord. No. 2017-34, passed 12-5-2017; Ord. 2018-4, passed 3-20-2018)

### § 78-132 PROHIBITED PARKING; SOUTHWEST QUADRANT OF THE CITY.

(A) No person shall, at any time, park a vehicle upon the following described streets or parts of streets:

The east side of the centerline of Wilcliff Drive from the north line of West First Street north to the south line of West
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Third Street
The east side of the centerline of Donner Pass from the south line of West Seventh Street south to the south line end of Donner Pass
The east side of the centerline of Pearl Street from the north line of West Fifth Street north to the south line of West Seventh Street
The east side of the centerline of Lincoln Street from the south line of West Seventh Street south to the city limits
The east side of the centerline of Douglas Street from the south line of West Seventh Street south to the city limits
The east side of the centerline of Sherman Street from the south line of West Seventh Street south to the north line of West Fourth Street and from the south line of West Third Street south to the north line of Grainland Road
The east side of the centerline of Blaine Street from the north line of Grainland Road north to the south line of West Third Street
The east side of the centerline of Maple Street from the north line of Grainland Road north to the south line of Second Avenue
The east side of the centerline of Oak Drive from the north line of Second Avenue north to the south line of West Seventh Street
The north side of the centerline of Second Avenue from the west line of Maple Street west to the east line of Birch Street
The north side of the centerline of West Sixth Street from the west line of Main Street west to the east line of the north-south alley between Main Street and Pearl Street
The south side of the centerline of Nathan Drive from the west line of Donner Pass west to the city limits
The south side of the centerline of Grainland Road from the west line of Sherman Street west to the city limits
The south side of the centerline of First Avenue from the west line of Maple Street west to the east line of Birch Street
The south side of the centerline of West Seventh Street from the west line of Main Street west to the city limits
The south side of the centerline of West First Street from the north-south alley between Pearl Street and Lincoln Street west to the east line of Wilcliff Drive
The south side of the centerline of West Second Street from the north-south alley between Pearl Street and Lincoln Street west to the east line of Blaine Street
The south side of the centerline of West Third Street from the north-south alley between Pearl Street and Lincoln Street west to the east line of Oak Drive
The south side of the centerline of West Fourth Street from the west line of Pearl Street west to the east line of the elementary school
The south side of the centerline of West Fifth Street from the west line of Pearl Street west to the east line of Schoolview Drive
The south side of the centerline of West Sixth Street from the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street
The south side of the centerline of Clark Street from the west line of Main Street west to the east line of Pearl Street

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The south side of the centerline of Third Avenue from the west line of Oak Drive west to the city limits
The west side of the centerline of Pearl Street from the north line of Sixth Street north to the south line of West Seventh Street
The west side of the centerline of Birch Street from the north line of First Avenue north to the south line of Second Avenue
The west side of the centerline of Sherman Street from the south line of West Fourth Street south to the north line of West Third Street
The west side of the centerline of Main Street from the north line of West Sixth Street north to the south line of Seventh Street
The west side of the centerline of Lincoln Street from the north line of West First Street north 50 feet

(B) Appropriate signs shall be placed to advise the public of these prohibited parking regulations. (2002 Code, § 78-132) (Ord. 2001-22, passed 12-18-2001; Ord. 2004-1, passed 3-9-2004; Ord. 2004-20, passed 1-11-2005; Ord. 2011-9, passed 8-16-2011; Ord. 2014-2, passed 3-4-2014; Ord. 2015-35, passed 7-7-2015)

### § 78-133 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHWEST QUADRANT OF THE CITY.

(A) No person shall, at any time, park a vehicle between the hours of 12:00 midnight and 5:00 a.m. upon any of the following described streets or parts of streets:

The east side of the centerline of Sherman Street from the south line of West Fourth Street south to the north line of West Third Street
The north side of the centerline of West Third Street from the north-south alley between Pearl Street and Lincoln Street west to the east line of Oak Drive
The north side of the centerline of West Fifth Street from the west line of Main Street west to the east line of the elementary school
The north side of the centerline of West Second Street from the west line of Pearl Street to the east line of Blaine Street
The north side of the centerline of West Sixth Street from the north-south alley between Main Street and Pearl Street to the east line of Sherman Street
The north side of the centerline of Grainland Road from the west line of Sherman Street west to the city limits
The north side of the centerline of Third Avenue from the west line of Oak Drive west to the city limits
The north side of the centerline of West Fourth Street from the west line of Main Street west to the east line of the elementary school
The west side of the centerline of Blaine Street from the south line of West Second Street south to the north line of Grainland Road
The west side of the centerline of Sherman Street from the south line of West Seventh Street south to the north line of West Fourth Street and from the south line of West Third Street south to the north line of Grainland Road



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The west side of the centerline of Douglas Street from the south line of West Seventh Street south to the city limits
The north side of the centerline of Clark Street from the west line of South Main Street west to the east line of South Pearl Street

(B) Appropriate signs shall be placed to advise the public of these prohibited parking regulations. (2002 Code, § 78-133) (Ord. 2011-10, passed 8-16-2011; Ord. No. 2017-24, passed 8-15-2017)

**§ 78-134 PARKING TIME LIMITS OF 15 MINUTES, 30 MINUTES AND ONE HOUR; LOCATION.**

(A) No person shall, at any time, park a vehicle between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, for more than one hour upon the following locations:

The east side of Pearl Street from 74 feet north of the centerline of West 3 <sup>rd</sup> Street to 134 feet north of the centerline of West 3 <sup>rd</sup> Street
The north side of East 2 <sup>nd</sup> Street from the west side of the centerline of Logan Street to 173 feet west of the centerline of Logan Street; and
The south side of East 3 <sup>rd</sup> Street from 70 feet east of the centerline of Main Street to 109 feet east of the centerline of Main Street
The west side of Pearl Street from 140 feet, eight inches south of the centerline of 3 <sup>rd</sup> Street to 200 feet, eight inches south of the centerline of 3 <sup>rd</sup> Street.

(B) No person shall, at any time, park a vehicle between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, for more than 15 minutes upon the following locations:

The west side of Pearl Street from 40 feet north of the centerline of West Third Street to 129 feet north of the centerline of West Third Street
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(C) Appropriate signs shall be placed to advise the public of these restricted parking regulations. (2002 Code, § 78-134) (Ord. 99-18, passed 2-8-2000; Ord. 2013-38, passed 8-6-2013; Ord. 2014-41, passed 12-16-2014; Ord. 2015-1, passed 2-3-2015; Ord. 2015-27, passed 5-5-2015; Ord. 2015-44, passed 11-17-2015; Ord. 2016-12, passed 7-5-2016)

**§ 78-135 RESTRICTED PARKING FROM 3:00 A.M. TO 5:30 A.M. ON CERTAIN STREETS.**

No person shall, at any time, park a vehicle between the hours of 3:00 a.m. and 5:30 a.m. upon any of the following streets or parts of streets:

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First Street from the east line of Pearl Street east to the west line of Main Street
Fourth Street from the east line of Main Street east 150 feet, to include terrace parking
Main Street from the north line of Clark Street north to the south line of Fifth Street
Second Street from the east line of Pearl Street east to the west line of Logan Street
Third Street from the east line of Pearl Street east to the west line of Logan Street
The north side of the centerline of East Tenth Street from the east line of Logan Street to the west line of Windom Street
The north side of the centerline of East Ninth Street from the east line of Main Street to the west line of Logan Street, to include terrace parking

(2002 Code, § 78-135) (Ord. 2006-23, passed 12-12-2006; Ord. 2013-41, passed 8-20-2013; Ord. 2015-9, passed 3-17-2015)

**§ 78-136 RESTRICTED PARKING FROM 12:00 MIDNIGHT TO 7:00 A.M. ON CERTAIN STREETS.**

(A) No person shall, at any time, park a vehicle between the hours of 12:00 midnight and 7:00 a.m. upon any of the following streets or parts of streets including angle parking spaces:

The east side of the centerline of Lincoln Street from the north line of Fifth Street to the south line of Sixth Street
The north side of the centerline of Fifth Street from the west line of Pearl Street to the east line of Lincoln Street
The west side of the centerline of Pearl Street from the north line of Fifth Street to the south line of Sixth Street

(B) Appropriate signs shall be placed to advise the public of these restricted parking regulations. (2002 Code, § 78-136) (Ord. 98-2, passed 2-10-1998)

**§ 78-137 PROHIBITED TERRACE PARKING.**

(A) In residential areas only, it shall be unlawful for any person to park, or leave standing any recreational equipment including, but not limited to, camper, boat or other similar recreational equipment upon any terrace parking space. Any vehicle found in violation of this section is subject to a fine in accordance with § 78-122 of this chapter and the vehicle is subject to impoundment.

(B) In residential areas only, it shall be unlawful for any person to park, or leave standing any pickup, automobile or motorcycle parked upon any terrace parking, any commercial vehicles, utility trailers, construction or agricultural equipment, straight trucks, or step vans.

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

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**COMMERCIAL VEHICLE.** A commercially licensed motor vehicle that has commercial decals and/or a federal DOT number on the vehicle that is configured with accessories, including, but not limited to, those that hold materials, ladders, signs, storage space, tool access or delivery accessories, and/or have tandem axles or dual wheels and are used for the conduct of commercial business.

**TERRACE PARKING.** The use of any portion of the right-of-way of any street for the parking of motor vehicles. Such parked vehicles shall not extend over any sidewalk and shall not present a traffic hazard.

(2002 Code, § 78-137) (Ord. 2002-6, passed 1-9-2002; Ord. 2006-10, passed 9-12-2006; Ord. 2006-22, passed 11-28-2006)

### **§ 78-138 RESTRICTED PARKING FROM MIDNIGHT TO 5:00 P.M. ON CERTAIN STREETS.**

No person shall, at any time, park a vehicle between the hours of midnight and 5:00 p.m. upon any of the following streets or parts of streets including angle parking spaces: the west side of the centerline of Walnut Drive between 10th and 12th Streets.

(2002 Code, § 78-138) (Ord. 2002-14, passed 8-13-2002)

### **§ 78-139 PROHIBITED PARKING; GRASS OR UNIMPROVED AREA.**

(A) It shall be unlawful for any person to park, or leave standing, any vehicle, upon any front yard area in front of the building line on any private residential property or city owned terrace property which has not been improved for parking purposes pursuant to the provisions of § 152.139 of this code.

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

**FRONT YARD.** A yard extending across the front of a lot between the side lot lines. There shall be a required **FRONT YARD** on each street side of a corner lot. Through lots shall require frontages on both streets.

**VEHICLE.** Defined as set forth in Neb. RS 60-676.

(C) Any vehicle found in violation of this section is subject to a fine in accordance with § 78-122. (2002 Code, § 78-139) (Ord. 2006-4, passed 9-12-2006; Ord. 2007-5, passed 7-3-2007; Ord. 2008-16, passed 11-4-2008)

### **§ 78-140 RESTRICTED PARKING LOTS; UNAUTHORIZED PARKING; TOWING; VIOLATION; PENALTY.**

Any person who parks a motor vehicle in a properly posted, restricted parking lot without the consent

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of the owner or tenant authorized to give permission shall be guilty of a violation. Any person found guilty under this section shall be subject to the penalties provided in § 78-122 of this chapter. If the identity of the operator of a motor vehicle in violation of this section cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation. When a police officer observes or is advised by the property owner, or his or her designate, that a motor vehicle may be in violation of this section, he or she shall make a determination as to whether a violation has in fact occurred and, if so, shall personally serve or attach to such motor vehicle a citation pursuant to the provisions of § 78-122.

(2002 Code, § 78-140) (Ord. 2006-20, passed 9-26-2006)

### **§ 78-141 RESTRICTED PARKING LOTS; SIGNS DESIGNATING.**

Signs designating a restricted parking lot shall be readily visible and shall state the purpose or purposes for parking on the restricted parking lot, state the hours for restricted parking and state who to contact for information regarding a towed vehicle.

(2002 Code, § 78-141) (Ord. 2006-20, passed 9-26-2006)

### **§ 78-142 RESTRICTED PARKING FROM 7:00 A.M. TO 9:00 A.M. AND FROM 3:00 P.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY.**

(A) No person shall, at any time, park a vehicle between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 3:00 p.m. and 5:00 p.m. Monday through Friday upon any of the following streets: the east side of the centerline of Sherman Street from the south line of West Fourth Street to the north line of West Third Street.

(B) Appropriate signs shall be placed to advise the public of these restricted parking regulations.  
(2002 Code, § 78-142)

### **§ 78-143 RESTRICTED PARKING FROM 7:00 A.M. TO 9:00 A.M. MONDAY THROUGH FRIDAY.**

(A) No person shall, at any time, park a vehicle between the hours of 7:00 a.m. and 9:00 a.m. Monday through Friday upon any of the following streets:

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The north side of the centerline of Third Street from the west line of Sherman Street to the east line of Douglas Street
The west side of the centerline of Douglas Street from the south line of West Fourth Street to the north line of West Third Street

(B) Appropriate signs shall be placed to advise the public of these restricted parking regulations. (2002 Code, § 78-143) (Ord. 2012-56, passed 10-2-2012; Ord. 2012-61, passed 12-18-2012)

***TRUCK TRAFFIC***

**§ 78-171 RESERVED.**

**§ 78-172 RESERVED.**

**§ 78-173 RESERVED.**

**§ 78-174 TRUCK PARKING; WHERE DESIGNATED.**

(A) No chassis cab, step van or semi-tractor or semi-trailer style vehicle(s) shall be parked on any public street or on any private property in any of the R-1 through R-5 Zoning Districts between the hours of 9:00 p.m. and 7:00 a.m. Except for temporary loading and/or unloading, the parking of semi-trailers in any R-1 through R-5 Zoning District is prohibited.

(B) (1) The following locations are designated as truck parking areas:

200 block of East 2nd Street
South 150 feet of the 100 block of South Pearl Street

(2) Vehicles of the type described above are allowed to park on the designated truck parking areas not to exceed 72 consecutive hours. It shall be unlawful to park any chassis cab, step van or semi-tractor or semi-trailer style vehicle(s) on any public street or on private property in any R-1 through R-5 Zoning Districts overnight, except for emergencies. Any person violating this section shall be subject to the penalty provisions of § 10.99 and the presumption set forth in § 78-122 of this code shall be applicable.

(C) A truck driver or owner may request temporary permission to park a chassis cab, step van or

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semi-truck tractor overnight in an R-1 through R-5 Zoning District for special circumstances (e.g., grain harvest season). Such temporary permission would be granted by the City Police Department on a case by case, day by day basis.

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

**CHASSIS CAB.** Any motor vehicle shipped from the manufacturer with a cab on chassis only having four or more drive wheels or two or more drive axles upon which an aftermarket manufacturer has or may install a customized van box, dump box, cement mixer, wrecker body, tool box or similar configuration and having a wheelbase of 120 inches or more.

**SEMI-TRAILER.** Any cargo, flatbed or van trailer designed specifically to be pulled by a truck tractor and/or power unit and which is over 30 feet in length.

**SEMI-TRUCK.** Any truck tractor or power unit with one or more drive axles or eight or more drive wheels designed for the purpose of pulling a semi-truck trailer and/or pup-trailer more than 30 feet in length.

**STEP VAN or WALK-IN-VAN.** Any manufactured motor vehicle so configured as to allow the driver to step up or walk into the extra tail cab, and/or which allows the driver access to the cargo area without having to leave the vehicle and which the driver and/or passenger doors slide back and forth to close and whose primary design intent is to haul cargo, freight or equipment and/or serve as a pickup and delivery vehicle with a wheelbase of 120 inches or more.

(2002 Code, § 78-174) (Ord. 2004-12, passed 10-26-2004) (Ord. 2017-25, passed 8-15-2017)

### **PROHIBITIONS AND ENFORCEMENT**

#### **§ 78-211 SEMI-TRACTORS; PROHIBITED NOISES.**

(A) It shall be unlawful for any person in any part of the city to make or cause to be made loud or disturbing noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, commonly referred to as Aengine braking@. The Council shall cause notices to be posted, or erect signs indicating such prohibition.

(B) Any person convicted as having violated this section shall be punished as provided by § 10.99. (2002 Code, § 78-211)

#### **§ 78-212 SPEED; MAXIMUM.**

(A) No person shall operate a motor vehicle on the streets of the city at a rate of speed greater than

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is reasonable and proper, having regard to the traffic, the use of the road and the condition of the road, nor at a rate of speed such as to endanger the life and limb of any person, nor in any case in excess of 25 mph on any street within the corporate limits of the city, except on the following streets:

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>
City access road	Extending from 4th Street to the City Summer Sports Complex parking lot	20 mph
East Seventh Street	From a point 800 feet east of the east line of Pine Heights Road (as extended south) east to the east line of Centennial Road	45 mph
Main Street	From the south line of 14th Street north to a point 2,100 feet north of Country Club Road	45 mph
Main Street	From the south line of Seventh Street north to the south line of 14th Street	30 mph
Seventh Street	From a point 700 feet west of the west line of Oak Drive (as extended north) west to the north-south county road which is 1 mile west of the intersection of Seventh and Main Streets	45 mph
Seventh Street	From 800 feet west of the west line of Sherman Street to a point 800 feet east of the east line of Pine Heights Road (as extended south)	30 mph
South Main Street	From the north line of Clark Street (as extended east) south to the corporate limits at Logan Creek	30 mph
West Seventh Street	From 800 feet west of the west line of Sherman Street to a point 700 feet west of the west line of Oak Drive (as extended north)	35 mph

(B) Speed limits shall be plainly indicated by appropriate signs. Unless otherwise posted, the speed limit within the corporate limits of the city shall be 25 mph.

(2002 Code, § 78-212)

(Ord. 99-13, passed 11-30-1999; Ord. 2008-8, passed 7-1-2008; Ord. No. 2017-14, §, 6-6-2017)

Penalty, see Uniform County Court Rules

***Statutory reference:***

*Speed restrictions, see Neb. RS 60-6,185 et seq.*

### § 78-213 SPEED; ELECTRONIC DETECTION.

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

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microwave or other electronic speed measurement for the purpose of establishing the speed of any motor vehicle, the city shall prove the following:

(1) The measuring device was in proper working order at the time of conducting the measurement;

(2) The measuring device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;

(3) The person operating such device and interpreting such measurement was qualified by training and experience to properly test and operate the device; and

(4) The operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, and the measuring device was found to be in proper working order.

(B) The driver of any motor vehicle may be apprehended without a warrant under the authority granted in this schedule if the apprehending officer is in uniform or displays his or her badge of authority; provided that, such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded and must include a description of the vehicle and the recorded speed.

(2002 Code, § 78-213) Penalty, see Uniform County Court Rules

***Statutory reference:***

*Related provisions, see Neb. RS 60-6,192*

**§ 78-214 RESERVED.**

**§ 78-215 RESERVED.**

**§ 78-216 RESERVED.**

**§ 78-217 RESERVED.**

**§ 78-218 PASSING; INTERSECTIONS.**

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



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(2002 Code, § 78-218)

### § 78-219 PASSING; 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.

(2002 Code, § 78-219)

### § 78-220 DRIVING ABREAST.

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

(2002 Code, § 78-220)

### § 78-221 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.

(2002 Code, § 78-221)

### § 78-222 FOLLOWING; FIRE APPARATUS.

The driver of any vehicle shall not follow within 500 feet any fire apparatus traveling in response to a fire alarm. The driver of any vehicle shall not park such vehicle within 400 feet where the fire apparatus has stopped in answer to a fire alarm.

(2002 Code, § 78-222)

### § 78-223 FUNERAL PROCESSIONS.

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

(2002 Code, § 78-223)

### § 78-224 CROWDING; FRONT SEAT.

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

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(B) No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides or to interfere with the driver's control over the driving mechanism of such vehicle. (2002 Code, § 78-224)

**§ 78-225 DRAGGING A ROPE OR CHAIN.**

No person shall permit any rope, strap, chain or other article to drop behind any vehicle while in use on the streets, except persons operating vehicles transporting gasoline, benzene or other flammable materials. (2002 Code, § 78-225)

**§ 78-226 RIDING OUTSIDE VEHICLE.**

(A) No person shall permit any other person to ride on the running board, hood, top or fenders or in any other way cling to the outside of any motor vehicle. Nor shall any person ride on the running board, hood, top or fenders or in any other way cling to the outside of any motor vehicle. No person shall allow any other person to ride in the cargo carrying area of any truck unless the rider is seated on the floor of the truck and is 18 years of age or older.

(B) It shall be unlawful for any person to jump off any moving vehicle in the city.

(C) This section shall not apply to garbage haulers or emergency vehicles. (2002 Code, § 78-226)

**§ 78-227 RESERVED.****§ 78-228 RESERVED.****§ 78-229 POLICE ENFORCEMENT.**

(A) The police are 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 and parks and on bridges.

(B) The driver of any vehicle shall stop upon the signal of any police officer. (2002 Code, § 78-229)

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### § 78-230 REFUSAL TO OBEY.

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

(2002 Code, § 78-230)

***Statutory reference:***

*Related provisions, see Neb. RS 60-6,110*

### § 78-231 TRAFFIC OFFICERS.

(A) The Council or the police may, at any time, detail officers, to be known as traffic controllers, at street intersections. All traffic controllers 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.

(B) It shall be unlawful for any person to violate any order or signal of any such traffic controller notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection.

(2002 Code, § 78-231)

### § 78-232 IMPEDING TRAFFIC.

No motor vehicle shall be unnecessarily driven at such slow speed as to impede or block the normal and reasonable movement of traffic.

(2002 Code, § 78-232)

### § 78-233 NEWLY LAID PAVEMENT.

No person shall drive any vehicle over or across any pavement newly laid or repaired, across or around which there has been placed a barrier, or at or near which there is an officer, person or sign warning persons against riding or driving over such pavement.

(2002 Code, § 78-233)

### § 78-234 GARAGE KEEPER; REPORT OF DAMAGED VEHICLES.

The person in charge of any garage or repair shop in the city to which is brought any vehicle which shows evidence of having been struck by a bullet or having been recently involved in an accident shall report to the Chief of Police of the city as soon as such vehicle is received, giving the engine number, manufacturer's serial number, registration plate number and the name and address of the owner or operator of such vehicle.

(2002 Code, § 78-234)

**Wayne - Traffic Code****§ 78-235 GARAGE KEEPER; REPORT ABANDONED VEHICLES.**

The person in charge of any garage or repair shop at which has been left a motor vehicle of unknown ownership for a period of three consecutive days without being removed by its owner or any other person duly authorized to remove the vehicle shall report to the Chief of Police of the city, giving the name, engine number, manufacturer's serial number and registration plate number.  
(2002 Code, § 78-235)

**§ 78-236 SPILLING LOADS.**

It shall be unlawful for any person transporting manure, garbage, rock, sand, gravel, paper or any other thing or substance by a vehicle over the streets to drop or scatter any part or permit any part of the load to drop or scatter upon any street within the city.  
(2002 Code, § 78-236)

**§ 78-237 STREETS TO BE KEPT CLEAN.**

It shall be unlawful for any person to place, throw or put upon any street, alley, sidewalk or any public place any snow, ice, dirt, rubbish, refuse or material of any kind or nature unless otherwise permitted by the ordinances of the city.  
(2002 Code, § 78-237)

**§ 78-238 SUMMONS; DESTRUCTION.**

It shall be unlawful for any person to tear up or destroy a parking tag placed upon any vehicle by the police, or to disregard the summons contained on such tag, and fail to appear in Court as directed by such tag.  
(2002 Code, § 78-238)

**§ 78-239 VIOLATIONS; CITATION.**

(A) Whenever any person is arrested for a violation of any provision of this subchapter, the arresting officer shall, except as otherwise provided in this section, take the name and address of such person and the license number of his or her vehicle if such vehicle is required to be licensed.

(B) The arresting officer shall notify the person arrested in writing to appear at the time and place to be specified in such notice. The time for a hearing on the matter shall be in accordance with state statute and the policies of County Court.

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(C) Such officer shall thereupon and upon the giving by such person of his or her written promise to appear at such time and place forthwith release him or her from custody.

(D) Any person refusing to give such written promise to appear shall be taken into custody by the arresting officer and shall be guilty of a Class I misdemeanor.

(E) Any person who willfully violates his or her promise to appear, given in accordance with this section, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested. The provisions of this section shall not apply to any person who is not a resident of the state.

(2002 Code, § 78-239)

**Statutory reference:**

*Jurisdiction of traffic citations, see Neb. RS 60-685*

*Related provisions, see Neb. RS 29-424*

## SNOW PLOW ALERT

### § 78-281 DEFINITIONS.

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

**CITY ADMINISTRATOR** or **DESIGNATE**. The person authorized by the Council to enforce this subchapter.

**ROADWAY**. The portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

(2002 Code, § 78-281) (Ord. 2004-3, passed 4-13-2004)

### § 78-282 PARKING ON CITY STREETS.

(A) Whenever the City Administrator or designate finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by a weather service, of snow, sleet or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the City Administrator or designate shall put into effect the parking prohibition on all city streets as necessary by declaring a snow plow alert or weather emergency.

(B) Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the City Administrator or designate in accordance with this subchapter. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a

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city street to which it applies. This prohibition shall remain in effect for the duration of the storm and/or until removed.

(2002 Code, § 78-282) (Ord. 2004-3, passed 4-13-2004; Ord. 2008-4, passed 3-4-2008)

### **§ 78-283 STALLED VEHICLE ON CITY STREET.**

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this subchapter, or on any part of a city street on which there is a covering of snow, sleet or ice, upon which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such street, or onto the public space portion of a nearby driveway. No person shall abandon or leave his or her vehicle in the roadway of a street, except for the purpose of securing assistance during the actual time necessary to go to a place of assistance and return without delay.

(2002 Code, § 78-283)

### **§ 78-284 DECLARATIONS OF DIRECTOR.**

The City Administrator or designate shall cause each declaration by him or her pursuant to this subchapter to be publicly announced by means of broadcast or telecast, from stations with a normal operating range covering the city or by cable television; and he or she may cause such declaration to be further announced in the newspapers of general circulation when feasible. Each announcement shall describe the action taken by the City Administrator or designate, including the time it became or will become effective, and shall specify the streets or areas affected. A parking prohibition declared by the City Administrator or designate shall not go into effect until at least three hours after it has been announced, at least five times, between 6:00 a.m. and 10:00 p.m., in accordance with this section.

(2002 Code, § 78-284) (Ord. 2004-3, passed 4-13-2004)

### **§ 78-285 TERMINATION OF PARKING PROHIBITION BY THE DIRECTOR.**

Whenever the City Administrator or designate shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this subchapter no longer exists, he or she may declare the prohibition terminated, in whole or in part, in a manner prescribed by this subchapter, effective immediately upon announcement.

(2002 Code, § 78-285)

### **§ 78-286 PROVISIONS TEMPORARILY EFFECTIVE TO TAKE PRECEDENCE.**

Any provision of this subchapter which becomes effective by declaration of the City Administrator or designate or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions or law normally in effect; except that, it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a police officer.

(2002 Code, § 78-286)

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### § 78-287 REMOVAL, IMPOUNDING, RETURN OF VEHICLES.

(A) City employees are authorized to remove or have removed a vehicle from a street to the nearest garage or other place of safety, including another place on a street, or to a garage designated or maintained by the Police Department when:

(1) The vehicle is parked on a part of a street on which a parking prohibition is in effect pursuant to this subchapter;

(2) The vehicle is stalled on a part of a street on which there is a covering of snow, sleet or ice on which there is a parking prohibition in effect pursuant to this subchapter and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this subchapter; or

(3) The vehicle is parked in violation of any parking ordinance or provisions of law and is interfering or about to interfere with snow removal operations.

(B) Whenever an officer or employee removes or has removed a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner, such officer shall give or cause to be given notice to such owner of the fact of such removal and the reasons for removal and of the place to which such vehicle has been removed.

(C) No person shall recover any vehicle removed in accordance with this section, except as provided in this division (C). Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he or she shall present to a member of the Police Department evidence of his or her identity and right to possession of the vehicle, and shall sign a receipt for its return, shall pay the cost of impound, shall pay any cost of storage accrued and shall pay any issued and outstanding parking ticket.

(D) It shall be the duty of the Police Department to keep a record of each vehicle removed in accordance with this section. The records shall include:

- (1) A description of the vehicle;
- (2) Its license number;
- (3) The date and time of its removal;
- (4) Where it was removed from;
- (5) Its location;

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- (6) The name and address of its owner and last operator, if known;
- (7) Its final disposition; and
- (8) The parking violation involved.

(E) This section shall be supplemental to any other provisions of law granting members of the Police Department authority to remove vehicles.  
(2002 Code, § 78-287) (Ord. 2004-3, passed 4-13-2004)

***ALL-TERRAIN AND UTILITY VEHICLES*****§ 78-290 DEFINITIONS.**

For the purpose of this subchapter, 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 is 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 handlebars or any other steering assembly for steering control.
- (Neb. RS 60-6,355)

***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.  
(Neb. RS. 60-624)

***UTILITY-TYPE VEHICLE.***

- (1) Any motorized off-highway vehicle which:



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- (a) Is not less than 48 inches, nor more than 74 inches in width;
- (b) Is not more than 135 inches, including bumper, in length;
- (c) Has a dry weight of not 900 pounds nor more than 2,000 pounds;
- (d) Travels on four or more low-pressure tires; and

(e) Is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side.

(2) **UTILITY-TYPE VEHICLE** does not include golf carts or low-speed vehicles.

(Neb. RS 60-6,355)

(2002 Code, § 78-290) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

### § 78-291 OPERATION ON STREETS.

An all-terrain vehicle and a utility-type vehicle may be operated on streets within the corporate limits of the city only if the operator and the vehicle comply with the provisions of this subchapter.

(2002 Code, § 78-291) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

### § 78-292 HOURS OF OPERATION.

An all-terrain vehicle or a utility-type vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of 30 mph. When operating an all-terrain vehicle or utility-type vehicle as authorized in this subchapter, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above the 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.

(2002 Code, § 78-292) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

### § 78-293 REQUIREMENTS.

Any person operating an all-terrain vehicle or utility-type vehicle as authorized in this subchapter shall have:

(A) A valid Class O operator's license or a farm permit as provided in Neb. RS 60-4,126; and

(B) Liability insurance coverage for the all-terrain vehicle or a utility-type vehicle while operating the all-terrain vehicle or a utility-type vehicle on a street or highway. The person operating the all-terrain vehicle or a utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

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(2002 Code, § 78-293) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

**§ 78-294 EXCEPTIONS.**

(A) All-terrain vehicles and utility-type vehicles may be operated without complying with §§ 78-292 and 78-293 of this subchapter on streets and highways in parades which have been authorized by the state or any department, board, commission or political subdivision of the state.

(B) An all-terrain vehicle or an utility-type vehicle shall not be operated on any state highway within the city limits, except as provided in § 78-295 of this subchapter.

(C) All ATVs and UTVs are to abide by the state statutes pertaining to the operation of vehicles on roadways within the state.

(2002 Code, § 78-294) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

**§ 78-295 CROSSING STATE HIGHWAYS.**

Subject to § 78-294, the crossing of a state highway shall be permitted by an all-terrain vehicle or an utility-type vehicle only if:

(A) The crossing is made at an angle of approximately 90 degrees to the direction of the state highway and at a place where no obstruction prevents a quick and safe crossing;

(B) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the state highway;

(C) The operator yields the right-of-way to all on-coming traffic that constitutes an immediate potential hazard; and

(D) Both the headlight and taillight of the vehicle are on when the crossing is made.

(2002 Code, § 78-295) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

**§ 78-296 ADDITIONAL REQUIREMENTS.**

(A) The vehicle must be licensed with the city and display a city approved, reflective license plate with numbers and/or letters four inches high, prominently and clearly displayed on the rear of the vehicle.

(B) The vehicle license shall be renewed no later than April 1 of each year.

(C) Each and every operator of an ATV or utility vehicle shall possess an ATV operator's permit and shall carry said permit on his or her person while in operation of the ATV or utility vehicle.

(D) Operator's permits shall be renewed within 30 days prior to the operator's license's date of

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expiration.

(E) Any operator operating an ATV or utility vehicle must stop immediately when signaled to do so by a law enforcement officer.

(F) The operator must sign a written acknowledgment of the terms of this subchapter and complete a safety program approved by the city.

(G) The operator must wear a protective helmet that meets the motorcycle helmet standards of the state.

(H) The operator must be at least 19 years of age.

(I) No operator shall permit any passengers to ride on ATVs which are not specifically designed by the manufacturer to carry passengers.  
(2002 Code, § 78-296) (Ord. 2011-32, passed 1-17-2012; Ord. 2012-62, passed 1-2-2013)

### **§ 78-999 PENALTY.**

(A) Any person violating any provision of this appendix for which no specific penalty is prescribed shall be subject to § 10.99 of this code or division (B) hereof.

(B) Waivers.

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