

## Chapter 22

### TRAFFIC

#### Article

1. Definitions. 22-1-1 to 22-1-48.
2. Operation of Vehicles.
  - (a) Starting, Turning, Stopping. 22-2-1 to 22-2-28.  
22-2-29 to 22-2-35. Reserved.
  - (b) Following, Overtaking. 22-2-36 to 22-2-41.  
22-2-42 to 22-2-45. Reserved.
  - (c) Meeting. 22-2-46 to 22-2-50.  
22-2-51 to 22-2-54. Reserved.
  - (d) Speed. 22-2-55 to 22-2-62.  
22-2-63 to 22-2-64. Reserved.
  - (e) Three-lane Streets. 22-2-65.
  - (f) Four-lane Streets. 22-2-66 to 22-2-70.  
22-2-71 to 22-2-74. Reserved.
  - (g) Five-lane Streets. 22-2-75 to 22-2-77.
  - (h) Through Streets. 22-2-78.  
22-2-79 to 22-2-80. Reserved.
  - (i) Commercial Vehicle Routes. 22-2-83 to 22-2-86.  
22-2-87 to 22-2-90. Reserved.
  - (j) One-way Alleys. 22-2-91.  
22-2-92 to 22-2-95. Reserved.
  - (k) Special Regulations for Semi-Public Places.
    - (1) General Provisions. 22-2-96 to 22-2-97.
    - (2) Scottsbluff School District. 22-2-98 to 22-2-102.  
22-2-103 to 22-2-106. Reserved.
    - (3) Western Nebraska Community College Area. 22-2-107 to 22-2-109.  
22-2-110 to 22-2-111. Reserved.
    - (4) Other places. 22-2-112 to 22-2-113.  
22-2-114 to 22-2-117. Reserved.
  - (l) Miscellaneous Provisions. 22-2-118 to 22-2-132.
3. Vehicles; Size; Equipment; Condition; Registration. 22-3-1 to 22-3-26.
4. Drivers; Riders; Occupants. 22-4-1 to 22-4-7.
5. Driving Under Influence of Liquor or Drugs. 22-5-1 to 22-5-12.
6. Parking.
  - (a) General Provisions. 22-6-1 to 22-6-28.  
22-6-29 to 22-6-32. Reserved.
  - (b) Trucks. 22-6-33 to 22-6-39.
  - (c) Municipal Lots. 22-6-40 to 22-6-46.
  - (d) Handicapped Parking. 22-6-47 to 22-6-57.  
22-6-58 to 22-6-60. Reserved.

- (e) Snow Emergency Routes. 22-6-61 to 22-6-67.
- 7. Miscellaneous Provisions. 22-7-1 to 22-7-5.
- 8. Enforcement. 22-8-1 to 22-8-9.
- 9. Abandoned Vehicles. 22-9-1 to 22-9-20.
- 10. Violations; Penalties. 22-10-1 to 22-10-3.

## ARTICLE 1

### DEFINITIONS

#### Section

<u>22-1-1</u>	<u>Generally.</u>
<u>22-1-2</u>	<u>Abandoned vehicle.</u>
<u>22-1-3</u>	<u>Alley.</u>
<u>22-1-4</u>	<u>Alley entrance.</u>
<u>22-1-4.1</u>	<u>Repealed.</u>
<u>22-1-5</u>	<u>Authorized emergency vehicles.</u>
<u>22-1-6</u>	<u>Business district.</u>
<u>22-1-7</u>	<u>City delivery truck.</u>
<u>22-1-8</u>	<u>Commercial vehicle.</u>
<u>22-1-9</u>	<u>Crosswalk.</u>
<u>22-1-10</u>	<u>Curb.</u>
<u>22-1-11</u>	<u>Driver or operator.</u>
<u>22-1-12</u>	<u>Exempt truck vehicle.</u>
<u>22-1-13</u>	<u>Handicapped or disabled person; temporarily handicapped or disabled person.</u>
<u>22-1-14</u>	<u>Inside lane.</u>
<u>22-1-15</u>	<u>Intersection.</u>
<u>22-1-16</u>	<u>Legal holiday.</u>
<u>22-1-17</u>	<u>License gross weight.</u>
<u>22-1-18</u>	<u>Loading zone.</u>
<u>22-1-19</u>	<u>Motor truck vehicle.</u>
<u>22-1-20</u>	<u>Official traffic signs.</u>
<u>22-1-21</u>	<u>Operator.</u>
<u>22-1-22</u>	<u>Outside lane.</u>
<u>22-1-23</u>	<u>Park, parked or parking.</u>
<u>22-1-24</u>	<u>Parking meter.</u>
<u>22-1-25</u>	<u>Parking space.</u>
<u>22-1-26</u>	<u>Pedestrian.</u>
<u>22-1-27</u>	<u>Person.</u>
<u>22-1-28</u>	<u>Police officer or traffic officer.</u>
<u>22-1-29</u>	<u>Private driveways.</u>
<u>22-1-30</u>	<u>Private property.</u>
<u>22-1-31</u>	<u>Public property.</u>
<u>22-1-32</u>	<u>Railroad crossing.</u>
<u>22-1-33</u>	<u>Residence district.</u>

<a href="#"><u>22-1-34</u></a>	<a href="#"><u>Right-of-way.</u></a>
<a href="#"><u>22-1-35</u></a>	<a href="#"><u>Safety zone.</u></a>
<a href="#"><u>22-1-36</u></a>	<a href="#"><u>Sidewalk, sidewalk space.</u></a>
<a href="#"><u>22-1-37</u></a>	<a href="#"><u>Snowmobile.</u></a>
<a href="#"><u>22-1-38</u></a>	<a href="#"><u>Stop sign.</u></a>
<a href="#"><u>22-1-39</u></a>	<a href="#"><u>Street.</u></a>
<a href="#"><u>22-1-40</u></a>	<a href="#"><u>Street, arterial.</u></a>
<a href="#"><u>22-1-41</u></a>	<a href="#"><u>Street, collector.</u></a>
<a href="#"><u>22-1-42</u></a>	<a href="#"><u>Street, one-way.</u></a>
<a href="#"><u>22-1-43</u></a>	<a href="#"><u>Traffic.</u></a>
<a href="#"><u>22-1-44</u></a>	<a href="#"><u>Traffic-control signal.</u></a>
<a href="#"><u>22-1-45</u></a>	<a href="#"><u>U-turn.</u></a>
<a href="#"><u>22-1-46</u></a>	<a href="#"><u>Vehicle.</u></a>
<a href="#"><u>22-1-47</u></a>	<a href="#"><u>Visually handicapped persons.</u></a>
<a href="#"><u>22-1-48</u></a>	<a href="#"><u>Watchman.</u></a>

### **22-1-1. Generally.**

Any of the terms defined in subsequent sections of this Article shall have the meaning, when used in any Article of this Chapter, which is given the term in the definition in this Article. (Ord. 2577, 1980; Ord. 1116)

### **22-1-2. Abandoned vehicle.**

- (1) A motor vehicle is an abandoned vehicle:
  - (a) If left unattended, with no license plates or valid In Transit decals issued pursuant to state law affixed thereto, for more than six hours on any public property;
  - (b) If left unattended for more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted;
  - (c) If left unattended for more than forty-eight (48) hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
  - (d) If left unattended for more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner is terminated, or;
  - (e) If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under Section 22-9-10;
- (2) For purpose of this section:
  - (a) Public property means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and
  - (b) Private property means any privately owned property which is not included within the definition of public property.
- (3) No motor vehicle subject to forfeiture under Neb. Rev. Stat. 28-431 or any amendment thereto shall be an abandoned vehicle under this section. (Ord. 3627, 1999)

### **22-1-3. Alley.**

The term “alley” means every way set apart for public use within a block for local convenience, except foot paths and streets. (Ord. 2577, 1980; Ord. 1116)

### **22-1-4. Alley entrance.**

The term “alley entrance” means the extension of the alley from the lot line to the street curb line.

(Ord. 2577, 1980; Ord. 1116)

**22-1-4.1. Repealed.**

**22-1-5. Authorized emergency vehicles.**

The term “authorized emergency vehicles” means vehicles of the Fire Department and Police Department (including ambulances) and other ambulances licensed by the Nebraska Department of Health. (Ord. 3133, 1989)

**22-1-6. Business district.**

The term “business district” means the area contiguous to a street when fifty (50) percent or more of the frontage for a distance of three hundred (300) feet or more is occupied by buildings in use for business. (Ord. 2577, 1980; Ord. 1116)

**22-1-7. City delivery truck.**

The term “city delivery truck” means a motor truck vehicle (except an exempt truck vehicle):

- (1) which does not exceed thirty-five (35) feet in length and the licensed gross weight of which does not exceed thirty thousand (30,000) pounds,
- (2) when used to transport commodities, goods, merchandise, produce or freight from or to business establishments within the city. (Ord. 2286, 1977; Ord. 1116)

**22-1-8. Commercial vehicle.**

The term “commercial vehicle” means any motor truck vehicle or trailer or combinations thereof used or designed for the transportation of commodities, goods, merchandise, produce or freight and having a licensed carrying capacity or a rated load capacity of more than two (2) tons. (Ord. 2577, 1980; Ord. 1116)

**22-1-9. Crosswalk.**

The term “crosswalk” means that portion of a roadway included within a projection of the curb line and a projection of the lot line at a street intersection, or any portion of a street clearly indicated for pedestrian crossing by lines, gutter bridges or markings on the surface. (Ord. 2577, 1980; Ord. 1116)

**22-1-10. Curb.**

The term “curb” means a curb as constructed or curb line. (Ord. 2577, 1980; Ord. 1116)

**22-1-11. Driver or operator.**

The term “driver or operator” means any person who is in actual physical control of a vehicle. (Ord. 2577, 1980; Ord. 1116)

**22-1-12. Exempt truck vehicle.**

The term “exempt truck vehicle” means any single-axle pickup truck, van or panel truck the factory rated axle capacity of which does not exceed one and one-half (1½) tons. (Ord. 2389, 1978; Ord. 1116)

**22-1-13. Handicapped or disabled person; temporarily handicapped or disabled person.**

The term “handicapped or disabled person” shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic,

or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, and any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV, according to standards set by the American Heart Association, and any individual who has permanently lost all or substantially all the use of one or more limbs. Temporarily handicapped or disabled persons shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no more than one year. (Ord. 3499, 1996)

**22-1-14. Inside lane.**

The term “inside lane” means the lane next to the center of the street in any four (4) lane street. (Ord. 2577, 1980; Ord. 1116)

**22-1-15. Intersection.**

The term “intersection” means the area embraced within the prolongation or connection of the lateral curb lines, or, if there are no lateral curb lines, the lateral boundary lines of two or more streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict. The junction of an alley with a street shall not constitute in intersection.

**22-1-16. Legal holiday.**

The term “legal holiday” means any of the following dates or holidays: January 1<sup>st</sup>, the last Monday in May, Independence Day, Labor Day, November 11<sup>th</sup>, Thanksgiving Day and December 25<sup>th</sup>; provided, if any such holiday falls on Sunday, the following Monday shall be deemed to be a legal holiday. (Ord. 2577, 1980; Ord. 1116)

**22-1-17. License gross weight.**

The term “license gross weight” means the sum of:

- (1) the empty weights of a truck, semitrailer or tractor-trailer combination, and
- (2) the weight of the maximum load to be carried by such unit at any one (1) time. (Ord.

2286, 1977; Ord. 1116)

**22-1-18. Loading zone.**

The term “loading zone” means a place designed as a place for the loading and unloading of freight, materials or merchandise and suitably marked as to indicate its use for such purposes. (Ord. 2577, 1980; Ord. 1116)

**22-1-19. Motor truck vehicle.**

The term “motor truck vehicle” means all motor trucks used or designed for the transportation of commodities, goods, merchandise, produce or freight, pickup trucks, panel trucks, transportation trucks and commercial trucks and trailers used or designed for use by attachment to a motor-propelled towing vehicle, including so-called tractor-trucks and semitrailer combinations, regardless of whether such trailer be attached or unattached to tractor unit. (Ord. 2577, 1980; Ord. 1116)

**22-1-20. Official traffic signs.**

The term “official traffic signs” means all signs, markings and devices, other than signals, not inconsistent with this Chapter, placed or erected by authority of the City Council, or other public body or officer having jurisdiction, for the purpose of guiding, directing, warning or regulating

traffic. (Ord. 2577, 1980; Ord. 1116)

**22-1-21. Operator.**

The term “operator” means every person who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner thereof. (Ord. 2577, 1980; Ord. 1116)

**22-1-22. Outside lane.**

The term “outside lane” means the lane next to the curb in any four (4) lane street. (Ord. 2577, 1980; Ord. 1116)

**22-1-23. Park, parked or parking.**

The terms “park, parked or parking” mean any vehicle waiting or standing in any street or alley except when such vehicle is waiting or standing in compliance with a traffic sign or signal or the direction of a traffic officer, or because of a driving emergency. (Ord. 2577, 1980; Ord. 1116)

**22-1-24. Parking meter.**

The term “parking meter” means an upright mechanical device located at or near the curb or curb line immediately adjacent to a parking space in the street or public way, constructed with a coin receptacle and a sign or signal showing the length of time a vehicle is parked in such parking space. (Ord. 2577, 1980; Ord. 1116)

**22-1-25. Parking space.**

The term “parking space” means the area in a street next to the curb of a width sufficient to park an automobile either parallel or diagonally as provided by ordinance. (Ord. 2577, 1980; Ord. 1116)

**22-1-26. Pedestrian.**

The term “pedestrian” means any person afoot. (Ord. 2577, 1980; Ord. 1116.)

**22-1-27. Person.**

The term “person” means every natural person, and every firm, copartnership, association and corporation. (Ord. 2577, 1980; Ord. 1116)

**22-1-28. Police officer or traffic officer.**

The term “police officer or traffic officer” means every officer of the Police Department of the City, or any officer authorized to direct or regulate traffic or make arrests for the violation of traffic regulations. (Ord. 2577, 1980; Ord. 1116.)

**22-1-29. Private driveways.**

The term “private driveways” means every road or driveway not open to the use of the public for purposes of vehicular travel. (Ord. 2577, 1980; Ord. 1116)

**22-1-30. Private property.**

The term “private property” means any privately owned property that is not included within the definition of public property. (Ord. 2577, 1980; Ord. 1116)

**22-1-31. Public property.**

The term “public property” means any public right-of-way, street, highway, alley, park or other property owned by the City or in its possession as lessee. (Ord. 2577, 1980; Ord. 1116)

**22-1-32. Railroad crossing.**

The term “railroad crossing” means that part of any street that is crossed by the tracks of a railroad or railway company, including, also, the part of such street that is within twenty-five (25) feet of the nearest track rail crossing such street. (Ord. 2577, 1980; Ord. 1116)

**22-1-33. Residence district.**

The term “residence district” means the area contiguous to a street, not comprising a business district, when the frontage on such street for a distance of three hundred (300) feet or more is mainly occupied by dwellings and buildings not in use for business. (Ord. 2577, 1980; Ord. 1116)

**22-1-34. Right-of-way.**

The term “right-of-way” means the privilege of the immediate use of the street. (Ord. 2577, 1980; Ord. 1116)

**22-1-35. Safety zone.**

The term “safety zone” means the area or space set apart by the City within a street for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times as being set apart as a safety zone. (Ord. 2577, 1980; Ord. 1116)

**22-1-36. Sidewalk, sidewalk space.**

The term “sidewalk, sidewalk space” means that portion of the street between the curb line, or the lateral line of the roadway, and the adjacent property line, and intended for the use of pedestrians. (Ord. 2577, 1980; Ord. 1116)

**22-1-37. Snowmobile.**

The term “snowmobile” means a self-propelled motor vehicle designed to travel on snow, ice, or a natural terrain; steered by wheels, skis or runners; and propelled by a belt-driven track with or without steel cleats. (Ord. 2498, 1979; Ord. 1116)

**22-1-38. Stop sign.**

The term “stop sign” means the standard stop sign used in the State of Nebraska. (Ord. 2577, 1980; Ord. 1116)

**22-1-39. Street.**

The term “street” means every way set apart for public travel, including avenues, roads, bridges and public highways and public places used for the passage of vehicles, except alleys. (Ord. 2577, 1980; Ord. 1116)

**22-1-40. Street, arterial.**

The term “street, arterial” means a street used primarily for fast-moving or heavy vehicular traffic. (Ord. 2577, 1980; Ord. 1116)

**22-1-41. Street, collector.**

The term “street, collector” means a street carrying vehicular traffic from minor streets to an arterial street. The term shall include principal entrance streets of, and streets for the circulation of vehicular traffic within, a residential development. (Ord. 2577, 1980; Ord. 1116)

**22-1-42. Street, one-way.**

The term “street, one-way” means a street or, as the case may be, a segment of a street on which vehicles may lawfully be operated in only one direction. (Ord. 2577, 1980; Ord. 1116)

**22-1-43. Traffic.**

The term “traffic” means pedestrian, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street, alley or private driveway for the purpose of traveling. The word “traffic” shall also be construed to mean and include the operators of vehicles. (Ord. 2577, 1980; Ord. 1116)

**22-1-44. Traffic-control signal.**

The term “traffic-control signal” means any device, whether operated manually, electrically, or mechanically, by which traffic is alternately directed to stop and to proceed. (Ord. 2577, 1980; Ord. 1116)

**22-1-45. U-turn.**

The term “U-turn” means the act of turning a vehicle so as to proceed immediately in the opposite direction of travel from the direction of travel prior to making the turn. (Ord. 2577, 1980; Ord. 1116)

**22-1-46. Vehicle.**

The term “vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a public street, including all types of motor vehicles. The word “vehicle” shall also be construed to include and mean the driver or operator thereof. (Ord. 2577, 1980; Ord. 1116)

**22-1-47. Visually handicapped persons.**

The term “visually handicapped persons” means those persons using the white cane or guide dog. (Ord. 2537, 1979; Ord. 1116)

**22-1-48. Watchman.**

The term “watchman” means any person stationed upon a railroad crossing for the purpose of directing traffic or vehicles over such crossing, whether employed by the City as a police officer or by the railroad company as a crossing watchman. (Ord. 2577, 1980; Ord. 1116)

**ARTICLE 2**

**OPERATION OF VEHICLES**

**(a) STARTING, TURNING, STOPPING**

**Section**

- [22-2-1](#) [Starting; backing, turning from curb; yielding right-of-way.](#)
- [22-2-2](#) [Same; from curb; signaling.](#)
- [22-2-3](#) [Entering street; from private driveway, road; yielding right-of-way.](#)
- [22-2-4](#) [Entering through street; at intersection; after stop; yielding right-of-way.](#)
- [22-2-5](#) [Turning; changing course; stopping; caution; required.](#)
- [22-2-6](#) [Same; decreasing speed; stopping; signaling; required; when.](#)



<a href="#"><u>22-2-7</u></a>	<a href="#"><u>Same; signals; manner.</u></a>
<a href="#"><u>22-2-8</u></a>	<a href="#"><u>Intersections; unmarked lanes; turns.</u></a>
<a href="#"><u>22-2-9</u></a>	<a href="#"><u>Same; multiple lanes; marking.</u></a>
<a href="#"><u>22-2-10</u></a>	<a href="#"><u>Same; multiple lanes; turns.</u></a>
<a href="#"><u>22-2-11</u></a>	<a href="#"><u>Turn restrictions; resolutions.</u></a>
<a href="#"><u>22-2-12</u></a>	<a href="#"><u>Same; West Railway Street; southeast bound traffic; right lane.</u></a>
<a href="#"><u>22-2-13</u></a>	<a href="#"><u>Same; West Railway Street; southeastbound traffic; left lane.</u></a>
<a href="#"><u>22-2-14</u></a>	<a href="#"><u>U-turns; limitation.</u></a>
<a href="#"><u>22-2-15</u></a>	<a href="#"><u>Crossing street; prohibited; exceptions.</u></a>
<a href="#"><u>22-2-16</u></a>	<a href="#"><u>Multiple lanes; operation within.</u></a>
<a href="#"><u>22-2-17</u></a>	<a href="#"><u>Stop signs; streets; alleys.</u></a>
<a href="#"><u>22-2-18</u></a>	<a href="#"><u>Same; erection.</u></a>
<a href="#"><u>22-2-19</u></a>	<a href="#"><u>Same; stopping vehicles at; required.</u></a>
<a href="#"><u>22-2-20</u></a>	<a href="#"><u>Same; Broadway Avenue-West Railway Street intersection; southbound traffic.</u></a>
<a href="#"><u>22-2-21</u></a>	<a href="#"><u>Pedestrian crossings; marking.</u></a>
<a href="#"><u>22-2-22</u></a>	<a href="#"><u>Same; stopping; operation of vehicle.</u></a>
<a href="#"><u>22-2-23</u></a>	<a href="#"><u>Reserved.</u></a>
<a href="#"><u>22-2-24</u></a>	<a href="#"><u>Traffic signals; erection; operation.</u></a>
<a href="#"><u>22-2-25</u></a>	<a href="#"><u>Same; stopping; turning; precautions.</u></a>
<a href="#"><u>22-2-26</u></a>	<a href="#"><u>Same; turns; directional arrows; obedience required.</u></a>
<a href="#"><u>22-2-27</u></a>	<a href="#"><u>Same; pedestrians; entering intersections.</u></a>
<a href="#"><u>22-2-28</u></a>	<a href="#"><u>Crossing sidewalk; stopping; warning; caution; required.</u></a>
<a href="#"><u>22-2-29 to</u></a>	<a href="#"><u>Reserved.</u></a>
<a href="#"><u>22-2-35</u></a>	

### **(b) FOLLOWING, OVERTAKING**

<a href="#"><u>22-2-36</u></a>	<a href="#"><u>Following another vehicle; safe distance; required.</u></a>
<a href="#"><u>22-2-37</u></a>	<a href="#"><u>Overtaking vehicle; crossing center line; restrictions.</u></a>
<a href="#"><u>22-2-38</u></a>	<a href="#"><u>Same; side; restrictions.</u></a>
<a href="#"><u>22-2-39</u></a>	<a href="#"><u>Overtaken vehicle; yielding right-of-way; increasing speed, prohibited.</u></a>
<a href="#"><u>22-2-40</u></a>	<a href="#"><u>Driving abreast; prohibited; exceptions.</u></a>
<a href="#"><u>22-2-41</u></a>	<a href="#"><u>Overtaking; at intersections; railroad crossing; prohibited; exceptions.</u></a>
<a href="#"><u>22-2-42 to</u></a>	<a href="#"><u>Reserved.</u></a>
<a href="#"><u>22-2-45</u></a>	

### **(c) MEETING**

<a href="#"><u>22-2-46</u></a>	<a href="#"><u>Oncoming vehicles; passing; to right.</u></a>
<a href="#"><u>22-2-47</u></a>	<a href="#"><u>Intersections; vehicles; right-of-way.</u></a>
<a href="#"><u>22-2-48</u></a>	<a href="#"><u>Same; particular streets, intersections.</u></a>
<a href="#"><u>22-2-49</u></a>	<a href="#"><u>Pedestrian crosswalks; pedestrians; right-of-way.</u></a>
<a href="#"><u>22-2-50</u></a>	<a href="#"><u>Pedestrians; jay-walking; vehicles; right-of-way.</u></a>
<a href="#"><u>22-2-51 to</u></a>	<a href="#"><u>Reserved.</u></a>
<a href="#"><u>22-2-54</u></a>	

**(d) SPEED**

<a href="#">22-2-55</a>	<a href="#">General restriction; reasonableness; prudence.</a>
<a href="#">22-2-56</a>	<a href="#">Particular streets; speed limits; creation; authorized.</a>
<a href="#">22-2-57</a>	<a href="#">Same; marking.</a>
<a href="#">22-2-58</a>	<a href="#">Near schools; limit.</a>
<a href="#">22-2-59</a>	<a href="#">Alleys; limit.</a>
<a href="#">22-2-60</a>	<a href="#">Racing vehicles; prohibited.</a>
<a href="#">22-2-61</a>	<a href="#">Unlawful speed; right-of-way; forfeited.</a>
<a href="#">22-2-62</a> to	Reserved.
<a href="#">22-2-64</a>	

**(e) THREE-LANE STREETS**

<a href="#">22-2-65.</a>	<a href="#">Three-lane streets; designated; marking.</a>
--------------------------	--

**(f) FOUR-LANE STREETS**

<a href="#">22-2-66</a>	<a href="#">Four-lane streets; designated; marking.</a>
<a href="#">22-2-67</a>	<a href="#">Double yellow line; crossing; prohibited; exceptions.</a>
<a href="#">22-2-68</a>	<a href="#">White line; driving astraddle; restriction.</a>
<a href="#">22-2-69</a>	<a href="#">Overtaking vehicles; requirements.</a>
<a href="#">22-2-70</a>	<a href="#">Right, left turns; restrictions.</a>
<a href="#">22-2-71</a> to	Reserved
<a href="#">22-2-74</a>	

**(g) FIVE LANE STREETS**

<a href="#">22-2-75</a>	<a href="#">Five-lane streets; designated; marking.</a>
<a href="#">22-2-76</a>	<a href="#">Same; inside, outside lanes; turns.</a>
<a href="#">22-2-77</a>	<a href="#">Same; center lane, turns.</a>

**(h) THROUGH STREETS**

<a href="#">22-2-78</a>	<a href="#">Through streets; designated.</a>
<a href="#">22-2-79</a>	Reserved.
<a href="#">22-2-82</a>	

**(i) COMMERCIAL VEHICLE ROUTES**

<a href="#">22-2-83</a>	<a href="#">Commercial vehicle routes; designated; marking.</a>
<a href="#">22-2-84</a>	<a href="#">Same; operation; moving.</a>
<a href="#">22-2-85</a>	<a href="#">City delivery trucks; routes.</a>
<a href="#">22-2-86</a>	<a href="#">Same; operation.</a>

22-2-87 Reserved.  
22-2-90

#### **(j) ONE-WAY ALLEYS**

[22-2-91](#) [One-way alleys; resolutions; marking.](#)  
22-2-92 to Reserved.  
22-2-95

#### **(k) SPECIAL REGULATIONS FOR SEMI-PUBLIC PLACES**

##### **(1) GENERAL PROVISIONS**

[22-2-96](#) [No parking, fire lane zones; prohibitions.](#)  
[22-2-97](#) [Other traffic regulations.](#)

##### **(2) SCOTTSBLUFF SCHOOL DISTRICT**

[22-2-98](#) [School District premises; parking; request.](#)  
[22-2-99](#) [Drawing; Senior High School.](#)  
[22-2-100](#) [Drawing; Middle School.](#)  
[22-2-101](#) [No parking, loading, handicappeds' parking, fire lane zones; established.](#)  
[22-2-102](#) [Signs.](#)  
22-2-103 to Reserved.  
22-2-106

##### **(3) WESTERN NEBRASKA COMMUNITY COLLEGE AREA**

[22-2-107](#) [Off-street parking; regulations.](#)  
[22-2-108](#) [No parking, loading, handicappeds' parking zones; established.](#)  
[22-2-109](#) [No parking zones; marking.](#)  
[22-2-110](#) [Pedestrian crosswalks; established; marking.](#)  
22-2-111 Reserved.

##### **(4) OTHER PLACES**

[22-2-112](#) [McDonald's Restaurant turn restriction while exiting from parking lot; request.](#)  
[22-2-113](#) [Arby's Restaurant turn restriction while existing from parking lot; request.](#)  
22-2-114 to Reserved  
22-2-117

##### **(l) MISCELLANEOUS PROVISIONS**

[22-2-118](#) [Keeping to right; generally.](#)  
[22-2-119](#) [Slowly moving vehicles; keeping to right; generally.](#)  
[22-2-120](#) [Backing; caution; required.](#)  
[22-2-121](#) [Public, crowded places; approaching.](#)

<a href="#"><u>22-2-122</u></a>	<a href="#"><u>Emergency vehicles; article; not applicable to; exceptions.</u></a>
<a href="#"><u>22-2-123</u></a>	<a href="#"><u>Same; right-of-way; other vehicles; stop; required.</u></a>
<a href="#"><u>22-2-124</u></a>	<a href="#"><u>Funeral processions; driving through; prohibited; exceptions.</u></a>
<a href="#"><u>22-2-125</u></a>	<a href="#"><u>Coasting; in neutral gear; on down grades; prohibited.</u></a>
<a href="#"><u>22-2-126</u></a>	<a href="#"><u>Careless driving; prohibited.</u></a>
<a href="#"><u>22-2-127</u></a>	<a href="#"><u>Reckless driving; prohibited.</u></a>
<a href="#"><u>22-2-128</u></a>	<a href="#"><u>Same; indifferent, wanton disregard.</u></a>
<a href="#"><u>22-2-129</u></a>	<a href="#"><u>Same; wilful disregard.</u></a>
<a href="#"><u>22-2-130</u></a>	<a href="#"><u>Careless, reckless, and wilful reckless driving; applicability of provisions; where.</u></a>
<a href="#"><u>22-2-131</u></a>	<a href="#"><u>Accidents; stopping vehicle; information; aid; report; required.</u></a>
<a href="#"><u>22-2-132</u></a>	<a href="#"><u>Unnecessary smoke, gas, steam, odors; prohibited.</u></a>
<a href="#"><u>22-2-133</u></a>	<a href="#"><u>“Deaf child playing” or “Deaf child at play” sign, on Avenue F.</u></a>

### **(a) STARTING, TURNING, STOPPING**

#### **22-2-1. Starting; backing, turning from curb; yielding right-of-way.**

Where a vehicle is parked in a diagonal parking space, so identified by lines on the pavement, it shall be unlawful to cause the vehicle to leave the space otherwise than by backing into the parked in a parallel parking space, so identified by lines on the pavement, it shall be unlawful to cause the vehicle to leave the space otherwise than by making a left turn from the space into the lane of traffic immediately at the left. The operator of a vehicle standing at or along the curb or side of the street and about to enter a lane of traffic in the street shall yield the right-of-way to all vehicles in such lane, and shall not cause or permit the vehicle to enter the lane unless such movement will not slow the speed of vehicles in the lane. (Ord. 2468, 1979; Ord. 1116)

#### **22-2-2. Same; from curb; signaling.**

No vehicle standing at or along the curb or side of any street shall start or turn from such curb or side of the street until the driver shall have given a signal which can be plainly seen from the rear of such vehicle and from the side toward which he is about to turn, which signal shall be by signal lights or by extending the left arm to the left of and beyond the vehicle, with the hand and forearm extending horizontally and at right angles to the vehicle.

#### **22-2-3. Entering street from alley; from private driveway, road; yielding right-of-way.**

The driver of a vehicle entering a street from an alley or a private driveway or road shall yield the right-of-way to all vehicles on such street, and shall not enter such street unless able to do so without slowing the speed of vehicles upon such street.

#### **22-2-4. Entering through street; at intersection; after stop; yielding right-of-way.**

The driver of a vehicle approaching any street at an intersection having a stop sign, after having stopped such vehicle at such stop sign, shall yield the right-of-way to every vehicle using the approached street, regardless of direction of travel and regardless of whether the latter vehicle is approaching from the left or right of the first-mentioned vehicle. (Ord. 1539, 1965; Ord. 1116)

#### **22-2-5. Turning; changing course; stopping; caution; required.**

The driver of a vehicle, before turning, changing the course of, or stopping such vehicle shall see that

there is sufficient space within which to do so in safety. (Ord. 1116)

**22-2-6. Same; decreasing speed; stopping; signaling; required; when.**

If any pedestrian may be affected by the turning or changing of course of a vehicle, the driver of such vehicle shall give a clearly audible signal by sounding the horn. Whenever another vehicle may be affected by such movement or by a sudden decrease in speed or stopping of a vehicle, the driver of such latter vehicle shall give an unmistakable signal of his intention to make such movement or to suddenly decrease the speed of or stop such vehicle, which signal shall be given in the manner prescribed in section 22-2-7 of this Article; provided, such signal shall not be required at intersections controlled by traffic-control signals or by traffic officers. (Ord. 1116)

**22-2-7. Same; signals; manner.**

The visual signals required by section 22-2-6 of this Article shall be given from the left side of the vehicle in the following manner:

- (1) for left turn, by extending the arm and hand horizontally,
- (2) for right turn, by extending the arm and hand upward,
- (3) for stop or decrease of speed, by extending arm and hand downward.

Provided, turn signal lights of a type approved by the Department of Roads of the State of Nebraska may be used in lieu of the arm to indicate right or left turns. The signals of intention to turn left or right shall be commenced when the vehicle is not less than fifty (50) feet from the turning point, and shall be continued until the vehicle has completed the turn. (Ord. 1116)

**22-2-8. Intersections; unmarked lanes; turns.**

Vehicles approaching an intersection on a street which has no marked traffic lanes, or has only a median line:

- (1) shall, for purposes of making a right turn onto the intersecting street, approach the intersection as near as is reasonably practicable to the curb or side of the street to the right, or
- (2) shall, for purposes of making a left turn onto the intersecting street, approach the intersection as near as is reasonably practicable to the center of the street and, while turning to the left within the intersection, shall whenever practicable, make the turn in that portion of the intersection to the left of the center of the intersection. The center of the intersection means, for purposes of this section, the point at which the median lines of the intersecting streets (whether marked or unmarked) intersect. (Ord. 2909, 1985)

**22-2-9. Same; multiple lanes; marking.**

In the case of an intersection some or all of the approaches to which are sufficiently wide to permit the marking of multiple lanes for traffic approaching the intersection in the same direction, the City Council, whenever it shall by resolution determine that the public safety, convenience or welfare require or warrant, may by resolution direct that one (1) or more of the approaches be marked by lines on the pavement designating two (2) or more lanes for traffic approaching the intersection in the same direction or, as the case may be, that one (1) or more of the approaches be so marked and that an area within the intersection also be marked to designate the direction in which vehicles shall move after entering the intersection. In such circumstances and manner the City Council may further direct that the pavement be marked with directional arrows, or that signs be erected so as to be readily observed by traffic approaching in such lanes, which direct that:

(1) traffic in the right lane shall make only a right turn or, as the case may be, shall move straight ahead, or either, or

(2) that traffic in the left lane shall make only a left turn or, as the case may be, move straight ahead, or either, and

(3) in the case of three (3) lanes, that traffic in the center lane turn only, or move straight ahead, as designated in the resolution. (Ord. 2468 § 3, 1979; Ord. 1116 § 20-209.)

**22-2-10. Same; multiple lanes; turns.**

Where traffic lanes have been marked as provided in this Article, it shall be unlawful to cause or permit a vehicle to enter or be operated within the intersection otherwise than wholly within one of the lanes so marked, and in the, or a, direction shown by such arrows or signs, if any. If parking spaces, whether parallel or diagonal, have been marked on the pavement, and the pavement area between the crosswalk, or the crosswalk area, and the nearest such parking space shall have been cross-marked by parallel yellow lines, it shall be unlawful to park or operate a vehicle within such pavement area. (Ord. 2468, 1979; Ord. 1116)

**22-2-11. Turn restrictions; resolutions.**

Whenever the City Council determines that the public safety, convenience, or welfare requires or warrants restrictions in turns at certain intersections, it may adopt by resolution the prohibition of right and/or left turns at those intersections. The intersections affected shall have appropriate signs in place which indicate “No Left Turn,” “No Right Turn,” or “No Turns,” as are appropriate to direct traffic at the intersection according to the prohibitions specified in the resolution(s). (Ord. 3170, 1990; Ord. 1944, 1972; Ord. 1116)

**22-2-12. Same; West Railway Street; southeastbound traffic; right lane.**

A sign shall be erected on the southwest side of the West Railway Street at a point adjacent to the intersection of the southwest curb of such street with the west curb of Broadway Avenue, so as to be read and obeyed by traffic approaching the intersection within the right-hand lane of the lanes for southeastbound traffic on traffic on West Railway Street. Such sign shall bear an arrow directing a right turn, followed by the word “only,” or words or symbols of similar meaning. The operator of every vehicle, upon entering the intersection, shall, unless otherwise directed by a traffic officer, cause the vehicle to make a right turn on Broadway Avenue and proceed only in a southerly direction to the intersection of Broadway Avenue and West Overland Drive. (Ord. 2625, 1980)

**22-2-13. Same; West Railway Street; southeastbound traffic; left lane.**

A sign shall be erected on the median in West Railway Street at a point adjacent to the intersection of that street and Broadway Avenue, so as to be read and obeyed by traffic approaching the intersection within the left-hand lane of the lanes for southeastbound traffic on West Railway Street. Such sign shall bear the words “East 14th Street or East Railway Street only,” or words or symbols of similar meaning. The operator of every vehicle, upon entering the intersection, shall cause the vehicle to proceed across the intersection and therefrom to enter and proceed in the eastbound lane of East 14th Street or in an eastbound lane of East Railway Street. (Ord. 2625, 1980)

**22-2-14. U-turns; limitation.**

No vehicle shall make a U-turn upon any curve, or upon the approach to or near the crest of a grade

where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet, nor at any place where the City Council, whenever it shall by resolution determine that the public safety, convenience or welfare require or warrant, by resolution may designate streets or parts of streets where such turns are prohibited and prohibit such turns by signs.

**22-2-15. Crossing street; prohibited; exceptions.**

No vehicle shall be turned so as to cross from one side of the street to the other, except:

- (1) when turning left at a street intersection or into or from an alley, private road or driveway (unless prohibited by signs), or
- (2) as provided in section 22-2-15.

Provided, the City Council, whenever it shall by resolution determine that the public safety, convenience or welfare require or warrant, by resolution may designate streets or parts of streets on which such excepted turning is prohibited. This section shall not apply to U-turns. (Ord. 3133, 1989)

**22-2-16. Multiple lanes; operation within.**

It shall be unlawful to cause or permit any vehicle that is being operated on a street on which are marked multiple lanes for traffic moving in the same direction to operate the vehicle, or any part thereof, in more than one such lane simultaneously except while entering or leaving one such lane as authorized in this Article. It shall be unlawful to cause or permit any vehicle that is being operated on such a street to change the course of travel of the vehicle from one such lane to another

- (1) unless the vehicle during such change remains at least thirty-five (35) feet distant from all other vehicles traveling in the same direction and
- (2) unless, in addition, the operator shall have signaled his intention to change by use of a turn signal light of a type approved by the Department of Roads of the State of Nebraska (Ord. 2577, 1980; Ord. 1116)

**22-2-17. Stop signs; streets; alleys.**

Stop signs shall be erected at:

- (1) all street entrances to arterial streets, except entrances from arterial streets and entrances where traffic control signals are located,
- (2) all street entrances to collector streets, except entrances from collector streets and arterial streets and entrances where traffic-control signals are located, and
- (3) such other entrances to streets from streets, and such entrances to streets from alleys, as the City Council, whenever it shall determine by resolution that the public safety, convenience or welfare requires or warrants, by resolution may designate.

Provided, stop signs shall be erected at such entrances to arterial streets from arterial streets, and such entrances to collector streets and arterial streets, as the City Council, whenever it shall determine by resolution that the public safety, convenience or welfare requires or warrants, by resolution may designate. (Ord. 2195, 1976; Ord. 1116)

**22-2-18. Same; erection.**

The stop signs to which reference is made in this Article shall be erected on the right side of the street on which traffic enters the intersection, or of the alley, as near as may be to the point at which a projection of the boundary line of the street to be entered intersects the curb line or, in the absence

of a curb, the improved or traveled portion, of the street or alley on which traffic enters the intersection, and so as to be read and obeyed by traffic on the latter street or alley. Provided, if the City Council by resolution shall determine that the public safety, convenience or welfare so requires, the City Council by resolution may authorize a particular stop sign to be erected in a different location to be described in the resolution, and in such resolution also may specify such related structures or equipment, if any, as in the judgment of the City Council shall be installed in the interest of public safety, convenience or welfare. (Ord. 2195, 1976; Ord. 1116)

**22-2-19. Same; stopping vehicle at; required.**

The operator of every vehicle, upon approaching any stop sign from the direction toward which the sign faces and before passing the sign, shall, unless otherwise directed by a traffic officer, cause the vehicle to come to a complete stop, with the front end of the vehicle parallel to or even with the sign. (Ord. 1168, 1958; Ord. 1116)

**22-2-20. Same; Broadway Avenue-West Railway Street intersection; southbound traffic.**

A sign shall be erected on the west side of Broadway Avenue at a point north of and adjacent to the point where the west curb of such avenue is joined to the northeast curb of West Railway Street, so as to be read and obeyed by southbound traffic on Broadway Avenue approaching that intersection. Such sign shall bear the words "Stop Here when Railroad Crossing Signal Flashing" or words of similar meaning. The operator of every vehicle, upon approaching such sign, shall, unless otherwise directed by a traffic officer, cause the vehicle to come to a complete stop with the front end not extending beyond an easterly extension of the face of the sign, and shall cause the vehicle to remain in such position until the railroad crossing barrier over the southbound lanes on Broadway Avenue shall lift. (Ord. 2625, 1980)

**22-2-21. Pedestrian crossings; marking.**

The City Council, whenever it shall by resolution determine that the public safety, convenience or welfare require or warrant, may order that certain pedestrian crossings on streets, avenues and alleys of the City be marked by markings on the pavement, if any, and by pedestrian crossing signs. The sign, if for a school crossing, shall read "School Crossing" or be the uniform sign for school crossings prescribed by the Nebraska Manual of Uniform Traffic Control Devices for Streets and Highways issued by the Department of Roads of the State of Nebraska or, if for another type of pedestrian crossing, shall be the uniform sign for pedestrian crossings prescribed by such Manual. Such signs shall be erected on the right side of the street or alley as near as may be to the curb line, or, if there is no curb, to the boundary of the improved or traveled portion of the street or alley, and so as to be read and obeyed by traffic approaching the pedestrian sidewalk. (Ord. 2543, 1979; Ord. 1116)

**22-2-22. Same; stopping; operation of vehicle.**

The operator of every vehicle, upon approaching any sign marked as a pedestrian (whether school or other pedestrian) crossing from the direction toward which the sign faces and before passing the sign, shall, unless otherwise directed by a traffic officer, cause the vehicle to come to a complete stop with the front end of the vehicle parallel to or even with the sign, whenever any pedestrian is within a pedestrian crossing area that has been designated as provided in this Article, and shall not cause or permit movement of the vehicle to resume until all pedestrians shall have passed outside of such



area. (Ord. 2623, 1980)

**22-2-23. Reserved.**

**22-2-24. Traffic signals; erection; operation.**

Electrically operated traffic-control signals:

(1) equipped with red, yellow and green lights (which latter may contain directional arrows regulating left or right turns or forward movement by vehicles), or

(2) as the case may be, specially regulating pedestrian traffic, shall be erected and operated at such street intersections as the City Council, by resolution, shall determine that traffic safety or the expediting of traffic requires. Provided, such equipment shall not authorize turns that are prohibited by other sections of this Article, or as a result of resolutions adopted pursuant to other sections of this Article. (Ord. 2172, 1976; Ord. 1116)

**22-2-25. Same; stopping; turning; precautions.**

Except as otherwise provided in this section, it shall be unlawful for the operator of any vehicle approaching any intersection at which there is a traffic-control signal to cause or permit such vehicle to enter the intersection while the traffic-control signal light facing the traffic so approaching traffic is steady red or steady yellow, such traffic shall stop and shall not enter the intersection until the light has changed to green; provided, traffic facing a steady red light may, except at intersections at which are signs prohibiting a right turn on a red light, cautiously enter the intersection to make a right turn after coming to a complete stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. If the light is flashing red only, traffic facing the light shall come to a complete stop and, after yielding the right-of-way to pedestrians with an adjacent crosswalk and to other traffic using the intersection, may cautiously enter the intersection. If the light is flashing yellow only, traffic facing the light shall approach and enter the intersection with extreme caution, and the general rules as to right-of-way in the intersection shall be applicable. Provided, further, every operator of a vehicle, notwithstanding any of the foregoing provisions of this section, shall comply fully with directions or orders given by a traffic officer. (Ord. 1925, 1972; Ord. 1116)

**22-2-26. Same; turns; directional arrows; obedience required.**

It shall be unlawful for the operator of any vehicle at an intersection at which there is a traffic-control signal containing automatic directional arrows prohibiting or regulating forward movement or left or right turns by vehicles to operate the vehicle in any manner otherwise than as indicated by such arrows. Provided, every operator of a vehicle, notwithstanding the foregoing provisions of this section, shall comply fully with directions given by a traffic officer. (Ord. 1306; Ord. 1116)

**22-2-27. Same; pedestrians; entering intersections.**

It shall be unlawful for any pedestrian to enter an intersection at which there is a traffic-control signal while the traffic-control signal light facing the traffic approaching the intersection from the same direction is not green. If the light facing approaching traffic is red or yellow, pedestrians shall stop and not enter the intersection until the light has changed to green.

Provided, if the traffic-control signal contains a light specially regulating pedestrian traffic, it shall be unlawful for any pedestrian to enter the intersection otherwise than as directed by such

light. Provided, further, every pedestrian, notwithstanding the foregoing provisions of this section, shall comply fully with directions given by a traffic officer. (Ord. 1306, 1961; Ord. 1116)

**22-2-28. Crossing sidewalk; stopping; warning; caution; required.**

All vehicles, before crossing a sidewalk when emerging from any building, alley, filling station, or other place, shall come to a complete stop, and after giving sufficient warning may proceed slowly with extreme caution while crossing such sidewalk. The term “slowly” shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and condition of the street and the traffic within the immediate vicinity. (Ord. 1116)

**22-2-29 to 22-2-35 Reserved.**

**(b) FOLLOWING, OVERTAKING**

**22-2-36. Following another vehicle; safe distance; required.**

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of such vehicle and the traffic upon and the condition of the street. (Ord. 1116)

**22-2-37. Overtaking vehicles; crossing centerline; restrictions.**

The driver of a vehicle shall not drive to the left side of the centerline of a street in overtaking and passing another vehicle proceeding in the same direction, or a vehicle parked at the curb, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety. (Ord. 1116)

**22-2-38. Same; side; restrictions.**

The driver of a vehicle, when overtaking and passing another vehicle, may do so only to the left of the latter vehicle, except as otherwise provided herein. The driver of a vehicle may overtake and pass upon the right of another vehicle under the following conditions:

- (1) when the vehicle overtaken is making or is about to make a left turn and a lane is available on the street for the through movement, or
- (2) upon a street with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction.

Provided, the driver of a vehicle may overtake and pass another vehicle, whether on the left or on the right, only under conditions permitting such movement in safety. (Ord. 1723, 1968; Ord. 1116)

**22-2-39. Overtaken vehicle; yielding right-of-way; increasing speed, prohibited.**

When the driver of a vehicle about to pass another vehicle traveling in the same direction has sounded a clearly audible horn, the driver of the vehicle about to be passed shall, unless the street is a four-lane street, turn to the right in favor of the overtaking vehicle, and the driver of the vehicle about to be passed shall not increase the speed of his vehicle until the overtaking vehicle has completed passing and has returned to the lane of traffic. (Ord. 1116)

**22-2-40. Driving abreast; prohibited; exceptions.**

It shall be unlawful for any two or more vehicles to be driven abreast, except when passing or except on a street which has four or more lanes. (Ord. 1116)

**22-2-41. Overtaking at intersections; railroad crossings; prohibited; exceptions.**

Except in four-lane streets, no vehicle shall pass, or attempt to pass, another vehicle going in the same direction while traversing any street intersection or at any railroad crossing, unless directed so to do by a traffic or police officer. (Ord. 1116)

**22-2-42 to 22-2-45. Reserved.**

**(c) MEETING**

**22-2-46. Oncoming vehicles; passing; to right.**

Vehicles moving in opposite directions shall pass each other by keeping to the right. (Ord. 1116)

**22-2-47. Intersections; vehicles; right-of-way.**

When two (2) vehicles approach or enter an intersection at approximately the same time and the paths of such vehicles on the left shall yield the right-of-way to the vehicle on the right, unless otherwise directed by a traffic officer. The driver of a vehicle who intends to turn left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or approaching so close as to constitute an immediate hazard. Provided, the operator of a vehicle approaching on a street or alley an intersection to which a yield sign pertains shall yield the right-of-way to every vehicle using the intersecting street, regardless of direction of travel and regardless of whether the latter vehicle is approaching from the left or right of the first-mentioned vehicle. (Ord. 2717)

**22-2-48. Same; particular streets, intersections.**

The City Council, whenever it shall determine by resolution that the public safety, convenience or welfare requires or warrants, by resolution may designate streets, or parts of streets, on which vehicles shall have the right-of-way over vehicles traveling on intersecting streets. Appropriate signs with the words "YIELD" printed thereon shall be erected on the right side of the intersecting street at a point not to exceed thirty (30) feet from the point of intersection of such street with the nearest boundary line of the street on which vehicles have the right-of-way, and so as to be read and obeyed by traffic on the intersecting street approaching the intersection. (Ord. 1723, 1968; Ord. 1116)

**22-2-49. Pedestrian crosswalks; pedestrians; right-of-way.**

The driver of a vehicle on any street shall yield the right-of-way to a pedestrian crossing such street within any crosswalk or at any regular pedestrian crosswalk at the end of a block, except when directed otherwise by traffic-control signals. (Ord. 1116)

**22-2-50. Pedestrians; jay-walking; vehicles; right-of-way.**

Any pedestrian who shall cross a street at any point other than a pedestrian crossing, crosswalk or street intersection shall yield the right-of-way to vehicles upon the street. Compliance with this section shall not excuse noncompliance by such pedestrian with the section of this Chapter prohibiting

pedestrians from crossing a street at any point other than a pedestrian crossing, crosswalk or street intersection. (Ord. 1116)

**22-2-51 to 22-2-54. Reserved.**

#### **(d) SPEED**

**22-2-55. General restriction; reasonableness; prudence.**

No person shall operate a vehicle on any street or alley within the City at a speed greater than that which is reasonable and prudent under the conditions and circumstances then existing. Nothing contained in any other provision of this Chapter shall be construed to permit any speed in excess of the limits described by this section. (Ord. 1723, 1968; Ord. 1116)

**22-2-56. Particular streets; speed limits; creation; authorized.**

The City Council, whenever it shall determine by resolution that the public safety, convenience or welfare require or warrant, by resolution may establish the maximum speeds at which motor vehicles may be operated on particular streets, or parts of streets, within the City. It shall be unlawful for any person to operate a motor vehicle on a street or part of a street in excess of the maximum speed limit so established. (Ord. 2195, 1976; Ord. 1116)

**22-2-57. Same; marking.**

Appropriate signs showing the maximum speed limit as established pursuant to this Article shall be erected next to the curb in a conspicuous position on the streets, or parts of streets, in respect of which such speed limit has been established. Provided, this section shall not be construed to require the erection of such signs on streets, or parts of streets, in respect of which there has been established a maximum speed limit which is the same as a maximum speed limit prescribed for such street, or part of street, by State law. (Ord. 2195, 1976; Ord. 1116)

**22-2-58. Near schools; limit.**

It shall be unlawful for the driver of any vehicle, when passing premises on which elementary or middle school buildings are located and which are used for school purposes, during school recess or while children are going to and from school during opening or closing hours, to drive the vehicle past the premises at a rate of speed in excess of fifteen (15) miles per hour. (Ord. 1589, 1966; Ord. 1116; Ord 4129, 2014)

**22-2-59. Alleys; limits.**

No vehicle shall be operated in any alley at a rate of speed in excess of ten (10) miles per hour. (Ord. 1116)

**22-2-60. Racing vehicles; prohibited.**

It shall be unlawful for any person to operate a vehicle upon any street, alley or public place of the City in a speed contest, including those commonly known as drag races, whether from a standing start or otherwise, over a measured or unmeasured distance, the object of which is to better or defeat one or more contestants on the basis of elapsed time, superior performance or speed. The fact that the vehicle shall not have exceeded the maximum speed limit for such street, alley or public place

shall not be a defense to a prosecution for operating the vehicle in a speed contest. (Ord. 1797, 1969; Ord. 1116)

**22-2-61. Unlawful speed; right-of-way; forfeited.**

The driver of every vehicle traveling at an unlawful rate of speed shall forfeit any right-of-way which he might otherwise have had under the ordinances of the City. (Ord. 1116)

**22-2-62 to 21-2-64. Reserved.**

**(e) THREE-LANE STREETS**

**22-2-65. Three lane streets; designated; marking.**

- (1) The following streets are hereby declared to be three lane streets;
  - (a) Avenue I, between West 20th Street and west 27th Street;
  - (b) 42nd Street, between 5th Avenue and a point 900 feet east of Avenue I.
  - (c) 20th Street, between 5th Avenue and 17th Avenue.
  - (d) 5th Avenue, between 27th Street and 42nd Street.
- (2) Such streets shall have one lane for traffic moving in each direction. Such streets shall also have a center lane which shall be used by traffic solely for the purpose of making left turns from the street. The center lane shall be bounded by yellow lines indicating where left turns may be made into and out of the center lane.
- (3) It shall be unlawful for any vehicle being operated in the center line of a three lane street to make a right turn onto an intersecting street or to make a right turn between street intersections. (Ord. 3466, 1995)

**(f) FOUR-LANE STREETS**

**22-2-66. Four-lane streets; designated; marking.**

The following parts of streets are hereby made and declared to be four-lane streets, and shall have two (2) contiguous lanes for traffic moving in each direction:

- (1) Broadway Avenue, except between West Overland Drive and 20<sup>th</sup> Street,
- (2) Avenue B, between South Beltline Highway and 8th Street, and between 27th Street and 42nd Street,
- (3) South Beltline Highway, between 1<sup>st</sup> Avenue and Avenue I,
- (4) East Overland Drive,
- (5) 27th Street, between Avenue I and 5th Avenue,
- (6) Avenue I between West Overland and the South Beltline Highway,
- (7) Avenue I between West 27<sup>th</sup> Street and U.S. Highway 26, and
- (8) 21st Avenue between U.S. Highway No. 26 and East Overland.

A double yellow line shall be painted along approximately the center of each such part of a street, except where there are traffic islands. A white line shall be painted between the contiguous lanes for traffic moving in the same direction. (Ord. 3449, 1995; Ord. 4129, 2014)

**22-2-67. Double yellow line; crossing; prohibited; exceptions.**

It shall be unlawful for any vehicle at any time to cross such double yellow line except as permitted in section 21-2-15. (Ord. 2430, 1978; Ord. 1116)

**22-2-68. White line; driving astraddle; restrictions.**

It shall be unlawful to cause or permit any vehicle at any time to travel astraddle of the white line dividing traffic lanes as herein above provided, except as may be necessary for the purpose of changing from one lane to the other as hereinafter Provided. (Ord. 1116)

**22-2-69. Overtaking vehicles; requirements.**

A vehicle traveling in a four-lane street may overtake another vehicle traveling in such street in the same direction, to either the left or right of the vehicle overtaken, provided such overtaking can be accomplished without crossing the center double yellow line.

**22-2-70. Right, left turns; restrictions.**

It shall be unlawful for any vehicle to turn to its right into an intersection street from the inside lane of any four-lane street, or to turn left into an intersecting street from the outside lane of any four-lane street.

**22-2-71 to 22-2-74. Reserved.**

**(g) FIVE-LANE STREETS**

**22-2-75. Five-lane streets; designated; marking.**

The following parts of streets are hereby made and declared to be five-lane streets:

- (1) Broadway Avenue, between 8th Street and West Overland Drive,
- (2) South Beltline Highway East, between 1st Avenue and 9th Avenue, and
- (3) East 27th Street, between 5th Avenue and 21st Avenue,
- (4) West 27th Street, between Broadway Avenue and Avenue I.
- (5) South Beltline Highway West, between Avenue B and Avenue I.

Such streets shall have two contiguous lanes for traffic moving in each direction. Such streets also shall have a center lane between the two pairs of contiguous lanes, which shall be used by traffic solely for the purpose of making left turns from the street. The center lane shall be bounded by yellow lines indicating where left turns may be made into and out of the center lane. A white line shall be painted between the contiguous lanes for traffic moving in the same direction. Provided however, that the section of East 27th Street between 18th Avenue and 21st Avenue will have two contiguous lanes for east bound traffic and one lane for west bound traffic with a center lane for the sole purpose of making left turns.(Ord. 3770, 2003)

**22-2-76. Same; inside, outside lanes; turns.**

It shall be unlawful for any vehicle being operated in an inside lane of a five-lane street to make a right turn onto an intersecting street, or for any vehicle being operated in an outside lane of a five-lane street to make a left turn onto an intersecting street. (Ord. 2107, 1975; Ord. 1116)

**22-2-77. Same; center lane; turns.**

It shall be unlawful for any vehicle to enter or leave the center lane except at places marked for such use. It shall be unlawful for any vehicle being operated in the center lane of a five-lane street to make a right turn onto an intersecting street, to make a right turn between street intersections except for the limited purpose of continuing travel in the same direction in the abutting right lane, or to make a left turn between street intersections except at places where permitted as indicated by yellow lines on the street. (Ord. 2107, 1975; Ord. 1116)

**(h) THROUGH STREETS**

**22-2-78. Through streets; designated.**

The City Council, whenever it shall determine by resolution that the public safety, convenience or welfare requires or warrants, by resolution may designate any street, or part of a street, as an arterial street, collector street; marginal access street, or minor street. (Ord. 1539, 1965; Ord. 1116)

**21-2-79 to 21-2-82. Reserved.**

**(i) COMMERCIAL VEHICLE ROUTES**

**22-2-83. Commercial vehicle routes; designated; marking.**

The following streets and parts of streets are hereby established as routes to be used by commercial vehicles, farm or construction machinery or equipment, and any other machinery or equipment exceeding eight (8) feet in width:

- (1) Broadway Avenue south of Railway Street,
- (2) Avenue B south of Highway 26 and north of Railway Street  
For the period of time between August 1 and November 1 of each year to accommodate bean harvest, Avenue B south of Railway Street all the way to the South Beltline Highway,
- (3) Avenue I north of West 20th Street,
- (4) 5th Avenue south of East Overland Drive,
- (5) 21st Avenue south of U.S. Highway No. 26,
- (6) 5th Street and South Belt Line Road,
- (7) East Overland Drive,
- (8) Railway Street,
- (9) West 20th Street west of Railway Street, and
- (10) 27th Street. (Ord. 1116; Ord. 4171, 2015)

**22-2-84. Same; operation; moving.**

It shall be unlawful for any person to operate or cause or permit to be moved any commercial vehicle (except city delivery trucks and exempt truck vehicles) farm or construction machinery or equipment, or any other machinery or equipment exceeding eight (8) feet in width upon any public street, road, highway or alley within the City except those designated in section 22-2-83. Provided, such vehicles, machinery or equipment may be operated or moved upon other streets, roads, highways and alleys, except as prohibited in sections 22-6-34 and 22-6-35, in such manner and to such extent as is reasonably necessary for the following purposes:

- (1) to pick up or deliver articles of merchandise at points not otherwise prohibited,
- (2) to refuel or secure repair services upon such vehicles, machinery or equipment,

(3) to park or place such vehicles, machinery or equipment upon private property, or  
(4) to park or place such vehicles within authorized truck parking zones or other places not otherwise prohibited. The departure from and return to the routes designated in section 22-2-83 shall be by the most direct routes. (Ord. 2286, 1977; Ord. 1116)

**22-2-85. City delivery trucks; routes.**

The following streets and parts of streets are hereby established as routes to be used by City delivery trucks (except semi-trailers and tractor-trailer combinations):

- (1) 5th Avenue north of East Overland Drive,
- (2) Avenue B north of Railway Street,
- (3) West 20th Street east of Railway Street, and
- (4) East 20th Street.

Any other street or part of street which has been established by section 21-2-115 as a route to be used by commercial vehicles shall also be a route to be used by City delivery trucks of any type. (Ord. 2286, 1977; Ord. 1116)

**22-2-86. Same; operation.**

It shall be unlawful for any person to operate any City delivery truck upon any public street, road, highway or alley within the City except those designated in section 22-2-85. Provided, such vehicles may be operated upon other streets, roads, highways and alleys, except as provided in sections 22-6-34 and 22-6-35, in such manner and to such extent as is reasonably necessary for the following purposes:

- (1) to pick or deliver articles or merchandise at points not otherwise prohibited,
- (2) to refuel or secure repair services upon such vehicles.
- (3) to park or place the vehicle upon private property, or
- (4) to park or place the vehicle within authorized truck parking zones or other places not otherwise prohibited. The departure from and return to the routes designated in section 21-2-157 shall be by the most direct routes. (Ord. 2286, 1977; Ord. 1116)

**22-2-87 to 22-2-90. Reserved.**

**(j) ONE-WAY ALLEYS**

**22-2-91 One-way streets and alleys; resolutions; marking.**

Whenever the City Council determines that the public safety, convenience, or welfare requires or warrants certain streets or alleys to be designated for one-way travel only, it may by resolution prohibit the operation of vehicles within certain streets and alleys except in the direction designated by the resolution. In the case of alleys, any resolution may also designate certain hours when the one-way restriction shall not apply. The intersections affected shall have appropriate signs in place which indicate that vehicles shall travel in the street or alley in one direction only. The signs for any alleys that are one-way except during certain hours shall clearly include the hours during which the restriction shall not apply. In the case of streets, a broken white line shall be painted between the driving lanes of such streets. (Ord. 3562, 1997)

**22-2-92. One-way streets and alleys; prohibitions.**

No vehicle shall be operated, backed, pushed, or otherwise caused to be moved in any direction on



a one-way street or alley except in the direction designated by the appropriate signs. This prohibition shall not apply to authorized emergency vehicles. (Ord. 3562, 1997)

**22-2-93 to 22-2-95. Reserved.**

**(k) SPECIAL REGULATIONS FOR SEMI-PUBLIC PLACES**

**(1) GENERAL PROVISIONS**

**22-2-96. No Parking, fire lane zones; prohibitions.**

It shall be unlawful for any person to park or leave standing a vehicle at any time in an area shown in the drawings in sections 22-2-99, 22-2-100, or 22-2-107 as a no parking zone or a fire zone.

**22-2-97. Other traffic regulations.**

The following additional traffic regulations contained in the following other sections of this Chapter as such sections were originally enacted (if not amended), or as amended (if amended), or as added to this Chapter by amendment heretofore or hereafter:

<b>Subject</b>	<b>Section</b>
Handicapped persons	22-130
Visually handicapped	22-1-46
Starting, turning, stopping	22-2-1 to 22-2-9, inclusive, 22-2-21, 22-2-28
Following	22-2-36 to 22-2-41, inclusive
Meeting	22-2-46 to 22-2-50, inclusive
Speed	22-2-55 to 22-2-59, inclusive, 22-2-61
Parking	22-6-3, 22-6-5, 22-6-9, 22-6-52 to 22-6-57 inclusive
Miscellaneous motor vehicle	22-2-118 to 22-2-30, inclusive
Vehicles; size, equipment, condition, registration	22-301 to 22-316, inclusive
Drivers, occupants, riders	22-4-1 to 22-4-8, inclusive
Miscellaneous	22-7-1 to 22-7-4, inclusive
Enforcement	22-8-1, 22-8-2, 22-8-3, 22-8-8

shall be applicable, not only to the public streets, alleys and places of the City, but also to the areas identified in the drawings in sections 22-2-99, 22-2-100, and 22-2-107 as areas in which motor vehicles may be operated or parked, or in which the operation or parking of motor vehicles is prohibited or restricted, The provisions of Article 10, as amended, of this Chapter (Violations, Penalties) also shall be applicable to such areas.

**(2) SCOTTSBLUFF SCHOOL DISTRICT**

**22-2-98. School District, premises; parking; request.**

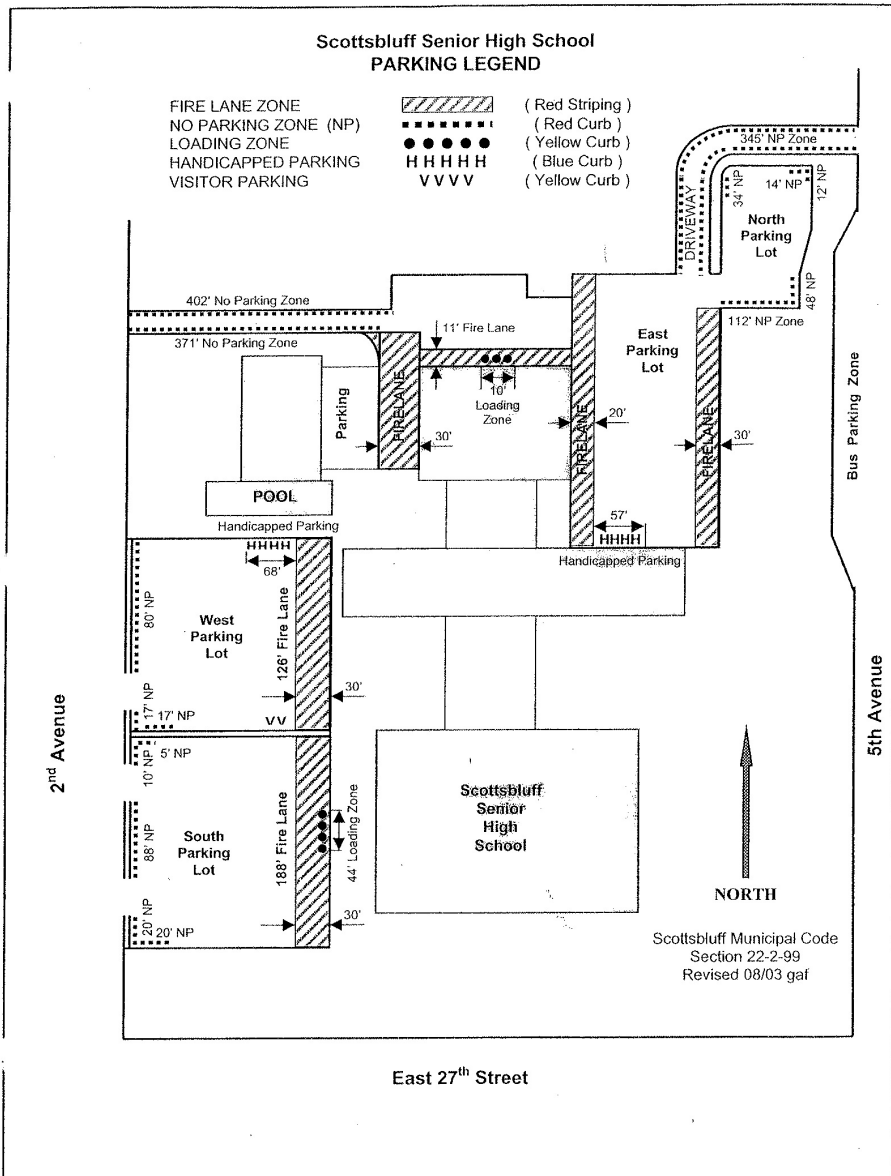
The Mayor and City Council find:

- (1) that Scottsbluff School District has in writing requested the City Council to regulate and prohibit by ordinance the operation and parking of motor vehicles in areas shown in drawings set forth in sections 22-2-99 and 22-2-100, respectively,
- (2) that such areas are adjacent to school buildings owned or under the control of the District and

are so designed and constructed that motor vehicles have been or may be parked and operated upon them.

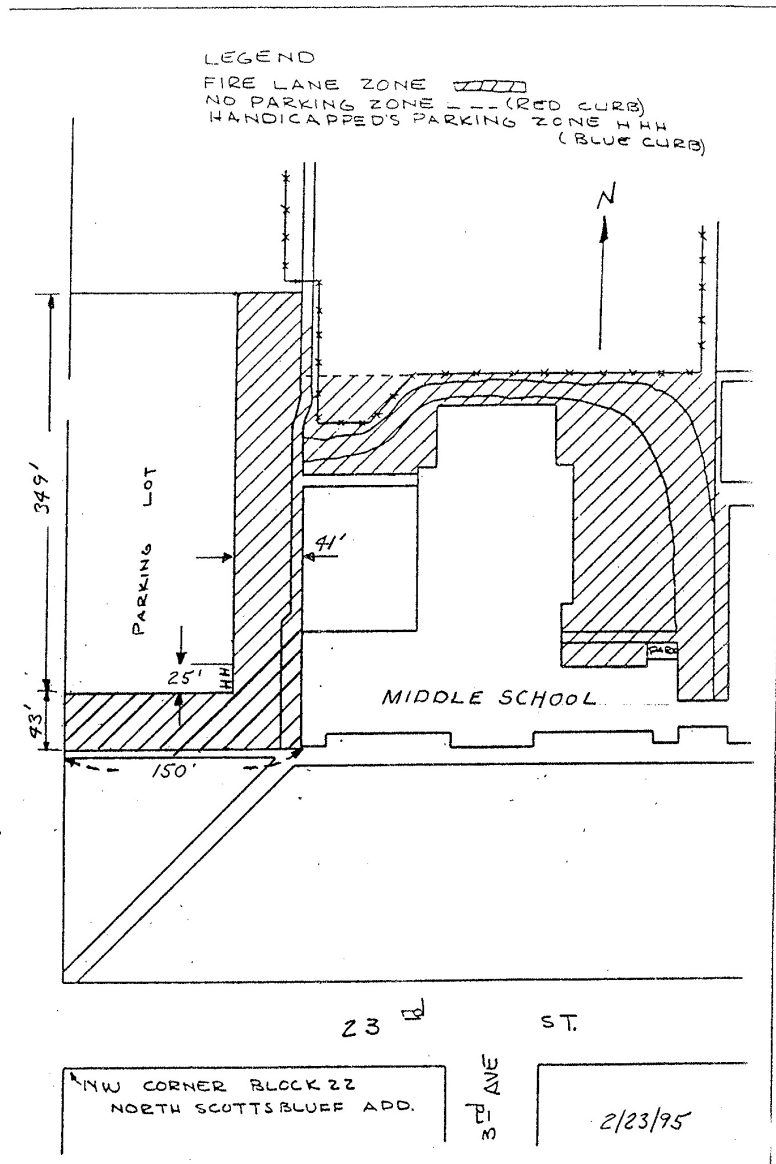
**22-2-99. Drawing, Senior High School.**

Following is one of two drawings to which reference is made in section 22-2-98, being a drawing of premises of the Scottsbluff Senior High School: [drawing attached]. (Ord. 3771, 2003)



**22-2-100. Drawing; Middle School.**

Following is the second of two drawings to which reference is made in section 22-2-98, being a drawing of premises of the Scottsbluff Middle School:



**22-2-101. No parking, loading, handicappeds' parking, firelane zones; established.**

There hereby are established no parking, loading, handicappeds' parking and fire lane zones in the areas of the Scottsbluff Senior High School and the Scottsbluff Middle School which are identified as such in the drawings set forth in sections 22-2-99 and 22-2-100, respectively. The no parking zones are the areas of parking lots which are bounded on one side by the curb nearest a broken line shown in the drawings and on the opposite side of a line (not shown in the drawing) which is parallel to and twelve (12) feet distant from such curb. Each "H" shown in the drawings represents one parking space in a handicappeds' parking zone. The fire lane shall be marked by red borders with

diagonal lanes throughout such lanes whenever possible.

**22-2-102. Signs.**

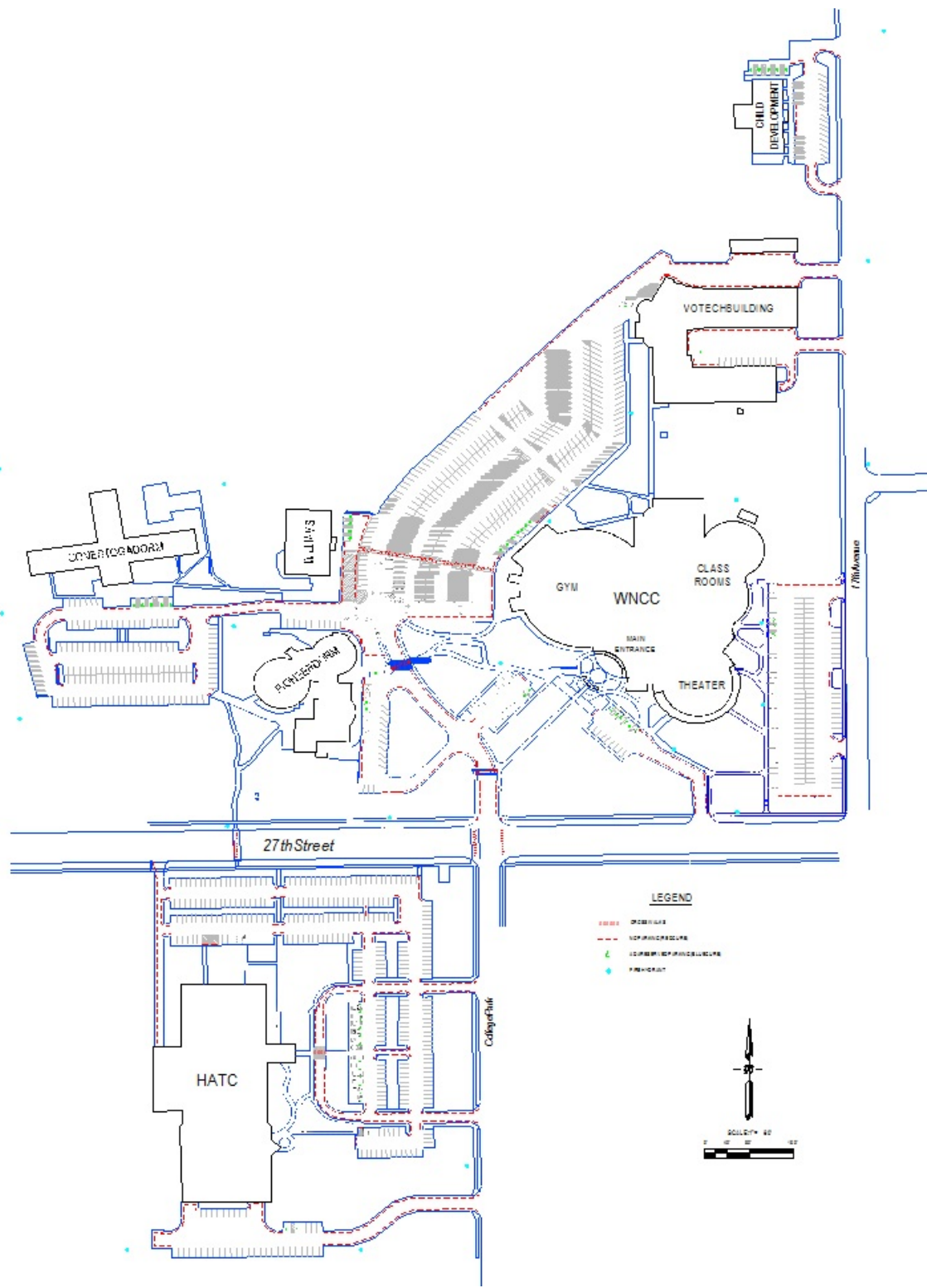
The Scottsbluff School District shall at its expense construct, erect and maintain on or adjacent to the no parking zones and fire lane zones shown in the drawings in sections 22-2-99 and 22-2-100, respectively, appropriate signs, with the words "NO PARKING" imprinted thereon, at points where the signs reasonably may be seen by the operators of vehicles.

**22-2-103 to 22-2-106. Reserved.**

**(3) WESTERN NEBRASKA COMMUNITY COLLEGE AREA**

**22-2-107. Western Nebraska Community College; off-street parking; request.**

The Mayor and the City Council find that Western Nebraska Community College Area, the owner of the campus of Western Nebraska Community College, a semi-public place located within the city limits of the City, has requested the Mayor and City Council to regulate the operation and parking of motor vehicles within the areas on such campus which in the following drawing are shown as areas in which motor vehicles may be operated or parked or, as the case may be, areas in which the operation or parking of motor vehicles is prohibited or restricted:



**22-2-108. No parking, loading, handicappeds' parking zones; established.**

There hereby are established no parking zones and ADA reserved parking areas on the campus of Western Nebraska Community College which are identified as such in the drawing in section 22-2-107. The no parking zones identified in such drawing are the areas of the street which are bounded on one (1) side by the curb nearest a broken line shown in the drawing and on the opposite side by a line (now shown in the drawing) which is parallel to and twelve (12) feet distant from such curb. It shall be unlawful for any person to park or leave standing a vehicle at any time in any area shown in the drawing in section 22-2-107 as a no parking zone or a reserved area without the appropriate permit.

**22-2-109. No parking zones; marking.**

The Western Nebraska Community College Area, at its expense, shall paint red the curbs abutting each of the no parking zones referred to in section 22-2-108 and erect and maintain on or adjacent to such zones signs with the words "NO PARKING" imprinted thereon, which shall be so designed and be at such locations as to be reasonably read by the operators of vehicles. (Ord. 2341, 1977; Ord. 1116)

**22-2-110. Pedestrian crosswalks; established; marking.**

There hereby are established pedestrian crosswalks in areas on the campus of Western Nebraska Community College which are identified as such in the drawing in section 22-2-107. Western Nebraska Community College Area, at its expense, shall cause such crosswalks to be marked by painting on the pavement and by pedestrian crosswalk signs, all in accordance with the requirements for pedestrian crosswalk markers and signs prescribed by the Nebraska Manual of Uniform Traffic Control Devices for Streets and Highways issued by the Department of Roads of the State of Nebraska. (Ord. 3380, 1994)

**22-2-111. Reserved.**

**(4) OTHER PLACES**

**22-2-112. McDonald's Restaurant; turn restrictions while exiting from parking lot; request.**

The owner of the McDonald's Restaurant located at 419 West 27th Street, a semi-public but privately owned place located within the City, has made written request for the City to regulate certain turns by motor vehicles exiting from the restaurant parking lot. Accordingly:

(1) Between the hours of 8:00 p.m. and midnight, motor vehicles exiting from that parking lot are prohibited from turning left onto 27th Street.

(2) It is understood that the exit driveway from the parking lot is located beginning at a point which is approximately two hundred thirty seven (237) feet east of the intersection of 27th Street with the east curb line of Avenue F, and then continuing easterly for twenty (20) feet.

(3) An appropriate sign shall be erected near the exit driveway which indicates "No Left Turn - 8:00 p.m. to Midnight." (Ord. 3628, 1999)

**22-2-113. Arby's Restaurant; turn restrictions while exiting from parking lot; request.**

The owner of the Arby's Restaurant located at 601 West 27th Street, a semi-public but privately owned place located within the City, has made written request for the City to regulate certain turns

by motor vehicles exiting from the restaurant parking lot. Accordingly:

(1) Between the hours of 8 P.M. and midnight, motor vehicles exiting from the parking lot are prohibited from turning left into 27th Street.

(2) It is understood that the exit driveway from the parking lot is located beginning at a point which is approximately two hundred thirty seven (237) feet east of the intersection of 27th Street with the east curb line of Avenue F, and then continuing to the easterly for twenty (20) feet.

(3) An appropriate sign shall be erected near the exit driveway which indicates "No Left Turn - 8 p.m. to Midnight." (Ord. 3628, 1999)

**22-2-114 to 22-2-117. Reserved.**

## **(I) MISCELLANEOUS PROVISIONS**

### **22-2-118. Keeping to right; generally.**

Upon all streets and alleys of sufficient width, except one-way streets, the driver of a vehicle shall drive such vehicle upon the right half of the street. (Ord. 1116)

### **22-2-119. Slowly moving vehicles; keeping to right; generally.**

Vehicles moving slowly shall be kept as closely as possible to the curb or edge of the street on the right, allowing more-swiftly moving vehicles free passage to the left. (Ord. 1116)

### **22-2-120. Backing; caution; required.**

The driver of a vehicle shall not back such vehicle unless such movement can be made in safety. (Ord. 1116)

### **22-2-121. Public, crowded places; approaching.**

Vehicles approaching a public school, railway station, theater, church, any other public building, or any crowded space shall do so in an especially cautious manner, and, except on a one-way street, within the lane nearest to the right curb. (Ord. 2577, 1980; Ord. 1116)

### **22-2-122. Emergency vehicles; article; not applicable to; exceptions.**

The provisions of this Article regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this Chapter, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. Provided, this section shall not exempt any such driver from a duty to exercise due care, or from liability of any kind for reckless disregard of the safety of other persons or the property of other persons. (Ord. 1116)

### **22-2-123. Rights-of-way; other vehicles; stop; required.**

The driver of any vehicle, not an authorized emergency vehicle, upon any street and at any time shall yield the right-of-way to an authorized emergency vehicle when the driver thereof makes use of an audible signal by a siren, exhaust whistle or bell or of a flashing red and/or blue light. Upon the approach of such an emergency vehicle, every other vehicle within one (1) block of the route of such emergency vehicle shall immediately stop, unless at that time such other vehicle be in a street intersection, in which event such other vehicle shall move clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right-hand curb (or, on a one-way street, the nearest curb) as possible, and remain therein

until such emergency vehicle or vehicles have passed. (Ord. 3133, 1989)

**22-2-124. Funeral processions; driving through; prohibited; exceptions.**

No vehicle, except vehicles of the Police Department and the Fire Department when responding to emergency calls or orders in their several departments, ambulances responding to emergency calls, and vehicles carrying United States mails, shall be driven through a funeral procession or cortege except with the permission of a police officer. (Ord. 1116)

**22-2-125. Coasting; in neutral gear; on down grades; prohibited.**

The driver of a motor vehicle traveling on a down grade upon any street shall not cause or permit such vehicle to coast with its transmission gears in neutral.

**22-2-126. Careless driving; prohibited.**

Any person who drives any motor vehicle within the City carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. Careless Driving in a Class I violation.

**22-2-127. Reckless driving; prohibited.**

No vehicle shall be driven, used, operated, parked or stopped in a negligent, reckless or wilful, reckless manner, or in such manner as to endanger or unreasonably interfere with the lawful traffic or use of the street, or in a manner such that the vehicle shall not be under the complete control of the driver. (Ord. 1723, 1968; Ord. 1116)

**22-2-128. Indifferent, wanton disregard.**

Any person who drives, uses, operates, parks or stops any motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving. Reckless driving is a Class I violation. (Ord. 1723, 1968; Ord. 1116)

**22-2-129. Wilful disregard.**

Any person who drives, uses, operates, parks or stops any motor vehicle in such a manner as to indicate a wilful disregard for the safety of persons or property shall be deemed to be guilty of wilful, reckless driving. Wilful reckless driving is a Class I violation. (Ord. 1723, 1968; Ord. 1116)

**22-2-130. Careless, reckless, and wilful reckless driving; applicability of provisions; where.**

The provisions of sections 22-126 through 22-129 shall be applicable anywhere within the City except private property which is not open to public access.

**22-2-131. Accidents; stopping vehicle; information; aid; report; required.**

The driver of any vehicle involved in an accident upon either a street or a private road or driveway resulting in injury or death to any person or damage to property shall:

- (1) immediately stop such vehicle at the scene of such accident,
- (2) give his name, address and registration number of his vehicle to the owner of the property struck or the driver or occupants of any vehicle involved in the collision, and
- (3) render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person.



In the event there are no other persons involved in such accident such driver shall nevertheless stop at the scene of such accident and shall immediately contact some member of the Police Department. It shall be unlawful for any person when involved in any such accident to fail to comply with and perform any acts required by this section. (Ord. 1116)

**22-2-132. Unnecessary smoke, gas, steam, odors; prohibited.**

No person shall operate any motor vehicle upon any street or alley in such manner as to permit to escape therefrom any unnecessary smoke, gas, steam or offensive odor, or in such manner as to discharge any embers, oils or residue from the fuel used in the operation thereof. Proof of the escape from such motor vehicle of any steam, smoke, gas or offensive odors shall be prima facie proof that the same is unnecessary. (Ord. 1116)

**22-2-133. “Deaf child playing” or “Deaf child at play” sign, on Avenue F.**

A sign shall be erected at the northeast corner of the intersection of Avenue F and 22nd Street so as to be read and obeyed by drivers approaching the sign from the south. Another sign shall be erected on the northwest corner of the intersection of Avenue F and 23rd Street, so as to be read and obeyed by drivers approaching the sign from the north. Such sign shall bear the words “Deaf Child Playing” or “Deaf Child at Play.” The operator of every vehicle on Avenue F between 22nd and 23rd Streets shall proceed with caution. (Ord. 3498, 1996)

### ARTICLE 3

#### VEHICLES; SIZE; EQUIPMENT; CONDITION; REGISTRATION

**Section:**

<a href="#">22-3-1</a>	<a href="#">Width; height; restrictions.</a>
<a href="#">22-3-2</a>	<a href="#">Brakes; specifications; repair.</a>
<a href="#">22-3-3</a>	<a href="#">Lights; specifications; restrictions; general.</a>
<a href="#">22-3-4</a>	<a href="#">Same; rear; on trailers.</a>
<a href="#">22-3-5</a>	<a href="#">Same; motorcycles.</a>
<a href="#">22-3-6</a>	<a href="#">Horns; specifications; repair.</a>
<a href="#">22-3-7</a>	<a href="#">Sirens, whistles, bells; emergency vehicles; restrictions.</a>
<a href="#">22-3-8</a>	<a href="#">Windshield cleaners; required.</a>
<a href="#">22-3-9</a>	<a href="#">Rear view mirrors; required; when.</a>
<a href="#">22-3-10</a>	<a href="#">Projecting loads; red flag, light; required; when.</a>
<a href="#">22-3-11</a>	<a href="#">Signs, posters, nontransparent materials; on windshield, windows; prohibited.</a>
<a href="#">22-3-12</a>	<a href="#">Television sets; restrictions.</a>
<a href="#">22-3-13</a>	<a href="#">Dragging rope, strap, chain; prohibited; exceptions.</a>
<a href="#">22-3-14</a>	<a href="#">Registration; license plates; required.</a>
<a href="#">22-3-15</a>	<a href="#">Same; trailers.</a>
<a href="#">22-3-16</a>	<a href="#">Same; registration; proof of financial responsibility.</a>
<a href="#">22-3-17</a>	<a href="#">Damaged vehicles; garage keepers; report; duty.</a>
<a href="#">22-3-18</a>	<a href="#">Abandoned vehicles; garage keepers; report; duty.</a>
<a href="#">22-3-19</a>	<a href="#">Abandoned, unattended vehicle; damage.</a>

<a href="#"><u>22-3-20</u></a>	<a href="#"><u>Child passenger, use of restraint system.</u></a>
<a href="#"><u>22-3-21</u></a>	<a href="#"><u>Same; violation; penalty; defense.</u></a>
<a href="#"><u>22-3-22</u></a>	<a href="#"><u>Same; violations; how construed.</u></a>
<a href="#"><u>22-3-23</u></a>	<a href="#"><u>Occupant protection system; child passenger restraint system; use required.</u></a>
<a href="#"><u>22-3-24</u></a>	<a href="#"><u>Same; enforcement.</u></a>
<a href="#"><u>22-3-25</u></a>	<a href="#"><u>Same; violation; penalty.</u></a>
<a href="#"><u>22-3-26</u></a>	<a href="#"><u>Same; evidence; when admissible.</u></a>

**22-3-1. Width; height; restrictions.**

No vehicle shall exceed a total outside width, including any load thereon, of eight (8) feet. No vehicle unladen or with load shall exceed a height of twelve (12) feet. (Ord. 1116)

**22-3-2. Brakes; specifications; repair.**

Every motor vehicle, while in use on the streets of the City, shall be equipped with efficient brakes adequate to control the movement of and to stop and to hold such vehicle, including two (2) separate sets of brakes. Provided, motorcycles need be equipped with only one (1) brake. All vehicle brakes shall be maintained in good working order. (Ord. 1116)

**22-3-3. Lights; specifications; restrictions; general.**

Every motor vehicle, while in use on the streets of the City, shall have, during the period from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernable persons or vehicles upon the highway at a distance of five hundred feet ahead, two (2) or more whitish lights on the front thereof, on opposite sides of the motor vehicle, and one or more red lights on the rear. Every motor vehicle having a width of eighty (80) inches or more shall display clearance lights. All such lights and all other lighting devices used on such vehicles shall be in compliance with the laws of the State of Nebraska. No person shall operate any motor or other vehicle which is equipped with an electric light or lights that gives off light which confuses travelers or pedestrians on streets or crosswalks within the City. (Ord. 3549, 1997)

**22-3-4. Same; rear; on trailers.**

When any trailer shall be attached to any motor vehicle in use upon the streets, such trailer shall carry a rear light or rear lights as required of any other motor vehicle. (Ord. 1116)

**22-3-5. Same; motorcycles.**

No person shall ride a motorcycle upon the streets of the City, during the period from sunset to 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 five hundred feet ahead, unless the same has at least one and not more than two headlights and with a taillight exhibiting a red light visible from a distance of five hundred feet to the rear of such motorcycle. The headlights shall be in compliance with laws of the State of Nebraska. (Ord. 3549, 1997)

**22-3-6. Horns; specifications; repair.**

Every motor vehicle while in use on the streets of the City shall be equipped with an efficient horn. All horns on-motor vehicles shall be capable of emitting sound audible under normal conditions

from a distance of not less than two hundred (200) feet. All horns shall be maintained in good working order. (Ord. 1116)

**22-3-7. Sirens, whistles, bells; emergency vehicles; restrictions.**

Every Police and Fire Department Vehicle, every ambulance, public utility and other authorized emergency vehicle used for emergency calls shall be equipped with a siren, exhaust, compression or spark plug whistle, or bell of a type approved by the City Manager. No other vehicles shall be equipped with a siren, exhaust, compression or spark plug whistle, or bell. (Ord. 1116)

**22-3-8. Windshield cleaners; required.**

Every windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. (Ord. 1116)

**22-3-9. Rear view mirrors; required; when.**

No person shall drive on a street any motor vehicle that is so constructed or loaded as to prevent the driver from obtaining a view of the street to the rear by looking backward from the driver's position, unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the street for a distance of at least two hundred (200) feet to the rear of such vehicle. (Ord. 1116)

**22-3-10. Projecting loads; red flag, light; required; when.**

When any vehicle shall be loaded in such a manner that any portion of the load extends behind the rear end of the body of such vehicle, a red flag shall be carried by day and a red light after sunset, securely fastened in a conspicuous position at the extreme rear end of such load. (Ord. 1116)

**22-3-11. Signs, posters, nontransparent materials; on windshield, windows; prohibited.**

It shall be unlawful for any person to drive upon a street any vehicle whose windows or windshield violate the terms of Section 60-6,257 revised Statutes of Nebraska. It shall be unlawful for any person to drive upon a street any vehicle having a sign, poster, picture, advertising, or other nontransparent material upon the windshield, side wings, or side or rear windows of such vehicle other than a certificate or other paper required by law to be so displayed. Nor shall any person, either by himself or through his agent, place or post any sign, poster, picture, advertising or other nontransparent material on the windshield or windows of either his own motor vehicle or that of any other person. (Ord. 1116)

**22-3-12. Television sets; restrictions.**

It shall be unlawful for any person to install a television set forward of, or which is visible from the front seats of any motor vehicle. Provided; however, that this prohibition is not applicable to police vehicles. (Ord. 3556, 1997)

**22-3-13. Dragging rope, strap, chain; prohibited; exceptions.**

No person shall permit any rope, strap, chain or other article to drag behind any vehicle while such vehicle is in use on the streets, except vehicles transporting gasoline, benzine, or other flammable materials. (Ord. 1116)

**22-3-14. Registration; license plates; required.**

No person shall operate any motor vehicle upon any street without having first registered the same as provided by the laws of the State of Nebraska. Every motor vehicle shall have the vehicle license plates furnished by the county or state displayed upon such vehicle in the manner and place required by the laws of the State of Nebraska. (Ord. 1116)

**22-3-15. Same; trailers.**

When any trailer shall be attached to any motor vehicle in use upon the streets, that trailer shall be registered and carry a separate vehicle license plate as required under the laws of Nebraska. (Ord. 3143, 1989)

**22-3-16. Same; registration; proof of financial responsibility.**

It shall be unlawful for any person owning a motor vehicle licensed in the State of Nebraska to operate that motor vehicle within the City unless the person at all times during the operation has in the motor vehicle current and effective proof of financial responsibility as required by the Nebraska Statutes, or by any successor provisions. Any motor vehicle operator unable to produce this proof upon request of a Nebraska law enforcement officer shall be allowed ten days from the date of the request to produce proof that financial responsibility was in existence at the time of the request as required by the above statutes. (Ord. 3143, 1989)

**22-3-17. Damaged vehicles; garage keepers; report; duty.**

The person in charge of any garage or repair shop within 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 such fact to the Police Department 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. (Ord. 1116)

**22-3-18. Abandoned vehicles; garage keepers; report; duty.**

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 fifteen (15) consecutive days without being removed by its owner or any other person duly authorized to remove the same, shall report such fact to the Police Department of the City, giving the name, engine number, manufacturer's serial number, registration plate number, and the name and address, if known, of the person abandoning such vehicle. (Ord. 1116)

**22-3-19. Abandoned, unattended vehicle; damage.**

No person other than one authorized by the City shall destroy, deface or remove any part of a vehicle which is left unattended on a highway or other public place without number plates affixed or which is abandoned. (Ord. 1906, 1971; Ord. 1116)

**22-3-20. Child passenger; use of restraint system.**

(1) Any person, who drives any motor vehicle within the City which is required by the statutes of the State of Nebraska to have an occupant protection system, as that term is defined in the statutes of Nebraska, shall ensure that (a) all children up to six (6) years of age being transported by such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard

existed on January 1, 2004, and which is correctly installed in such vehicle, and (b) all children six (6) years of age and less than eighteen (18) years of age being transported by such vehicle use an occupant protection system.

This subsection shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2004, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(2) Whenever any physician licensed to practice medicine in Nebraska determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of subsection (1) of this section shall be waived. The driver of any vehicle transporting the child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for the waiver.

(3) The drivers of authorized emergency vehicles as defined in Chapter 22, Article 1 shall not be subject to the requirements of subsection (1) of this section when operating authorized emergency vehicles pursuant to their employment

(4) A driver of a motor vehicle shall not be subject to the requirements of subsection (1) of this section if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and with this municipal code, or any resolution adopted pursuant to this municipal code. (Ord 3792, 2004)

**22-3-21. Same; violations; penalty; defense.**

(1) Any person violating any provision of section 22-3-20 shall be fined the sum of twenty five (25) dollars for each violation. The failure to provide a child restraint system for more than one (1) child in the same vehicle at the same time, as required in subsection (1) of section 22-3-20, shall not be treated as a separate offense.

(2) Enforcement of subsection (1)(b) of Section 22-3-20 shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation or some other offense, unless the violation involves a person under the age of eighteen years riding in or on any portion of the vehicle not designed or intended for the use of passengers when the vehicle is in motion.(Ord. 3792, 2004)

**22-3-22. Same; violation; how construed.**

Violations of sections 22-3-20 and 22-3-21 of the Municipal Code shall not constitute prima facie evidence of negligence nor shall compliance with these sections constitute a defense to any claim for personal injuries to a child or recovery of medical expenses for injuries sustained in any motor vehicle accident. Violation of sections 22-3-20 and 22-3-21 by a driver shall not constitute a defense for another person to any claim for personal injuries to a child or recovery of medical expenses for injuries sustained in any motor vehicle accident. (Ord. 3292, 1993)

**22-3-23. Occupant protection system; child passenger restraint system; use required.**

(1) Except as provided in subsection (2) of this section, no driver shall operate a motor vehicle upon a highway or street in the City unless the driver and each front-seat occupant in the vehicle are wearing occupant protection systems, and all occupant protection systems worn are properly adjusted and fastened.

- (2) The following persons shall not be required to wear an occupant protection system:
- (a) a person who possesses written verification from a physician that the person is unable to wear an occupant protection system for medical reasons,
  - (b) a rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier between the first and last delivery points, and
  - (c) a member of an emergency medical service while involved in patient care.
- (3) For purposes of this section, “motor vehicle” shall mean a vehicle required by the Nebraska Statutes to be equipped with an occupant protection system (Ord. 3664, 2000)

**22-3-24. Same; enforcement.**

Enforcement of section 22-3-23 of the Municipal Code shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or some other offense. (Ord. 3292, 1993)

**22-3-25. Same; violation; penalty.**

Any person who violates subsection (1) of section 22-3-23 of the Municipal Code is guilty of a Class II violation, but no court costs shall be assessed nor shall any points be assessed against the driving record of the person. Regardless of the number of persons in the vehicle not wearing an occupant protection system pursuant to subdivision (1)(a) of section 22-3-23, only one violation shall be assessed against the driver of the motor vehicle for each time the motor vehicle is stopped and a violation of that subdivision is found. (Ord. 3292, 1993)

**22-3-26. Same; evidence; when admissible.**

Evidence that a person was not wearing an occupant protection system at the time he or she was injured shall not be admissible in regard to the issue of liability or proximate cause, but may be admissible as evidence concerning mitigation of damages, except that it shall not reduce recovery for damages by more than five percent (5%). (Ord. 3292, 1993)

**ARTICLE 4**

**DRIVERS; RIDERS; OCCUPANTS**

**Section**

- [22-4-1](#) [Operator’s license; required.](#)
- [22-4-2](#) [Operation of snowmobiles; prohibited; exception.](#)
- [22-4-3](#) [Occupancy; front seat; restrictions.](#)
- [22-4-4](#) [Riding on outside of vehicles; permitting; prohibited.](#)
- [22-4-5](#) [Clinging, hitching to vehicles; permitting; operating; prohibited.](#)
- [22-4-6](#) [Jumping on, off vehicles; unauthorized; prohibited.](#)
- [22-4-7](#) [Motorcycles; riding in front of operator, prohibited.](#)

**22-4-1. Operator’s license; required.**

No person shall operate any motor vehicle upon any street within the City without first having obtained a motor vehicle operator’s license as provided by the laws of the State of Nebraska. The operator of such a motor vehicle shall at all times carry such license and shall present it for

examination upon demand by any police officer. It shall also be unlawful for any person to operate a motor vehicle upon any street in the City during the period that his operator's license has been suspended or revoked. No owner or person in control of any motor vehicle shall permit such vehicle to be driven by any person who does not then have in force a motor vehicle driver's license as provided by the laws of the State of Nebraska. (Ord. 2732, 1982)

**22-4-2. Operation of snowmobiles; prohibited; exceptions.**

No person shall operate a snowmobile on any street, alley, or any City property located within or without the corporate limits of the City except:

- (1) the City Manager or, in case of his absence or disability, the Police Chief may in an emergency prescribe the manner, time and areas in which, and the minimum age of persons by which snowmobiles may be operated,
- (2) the City Council, whenever it shall by resolution determine that the public safety, convenience or welfare require or warrant, by resolution may permit operation of snowmobiles on particular streets, alleys or City property or parts thereof. (Ord. 2498, 1979; Ord. 1116)

**22-4-3. Occupancy; front seat; restrictions.**

The occupancy of the front seat of any motor vehicle that is in the process of being started or is in motion on any street within the City shall be limited to one (1) driver and not more than two (2) other persons over the age of twelve (12) years. (Ord. 1116)

**22-4-4. Riding on outside of vehicles; permitting; prohibited.**

No person shall ride on the runningboard, hood, top, fender or other exterior part of any motor vehicle that is in the process of being started or is in motion on any street within the City. Nor shall the driver of such a motor vehicle knowingly permit any person to ride in such a manner. (Ord. 1116)

**22-4-5. Clinging, hitching to vehicles; permitting; operating; prohibited.**

It shall be unlawful for any person to cling or attach himself to any exterior part of any motor vehicle that is in motion on any street within the City, or to hitch, tie on or otherwise connect any bicycle, coaster wagon, toy sled or other toy vehicle to such motor vehicle. It shall also be unlawful for the driver of any such motor vehicle knowingly to permit any person to do any of such prohibited acts, or to start, operate or continue in motion such vehicle knowing that any person is clinging or attached to any exterior part of such vehicle, or that there is hitched, tied or otherwise connected to such vehicle any bicycle, coaster wagon, toy sled or other toy vehicle. (Ord. 1116)

**22-4-6. Jumping on, off vehicles; unauthorized; prohibited.**

It shall be unlawful for any person, other than the owner or a person authorized by him to jump onto or off any motor vehicle, sleigh, or other vehicle, whether such vehicle is at rest or in motion, on any street within the City. (Ord. 1116)

**22-4-7. Motorcycles; riding in front of operator; prohibited.**

No person operating a motorcycle shall permit another person to ride thereon in front of the operator. (Ord. 1116)

**ARTICLE 5**

## **DRIVING UNDER INFLUENCE OF LIQUOR OR DRUGS**

### **Section**

<u>22-5-1</u>	<u>Driving under the influence of alcoholic liquor or drug; penalties; revocation of operator's license; Probation; alcohol assessment; court; powers.</u>
<u>22-5-2</u>	<u>Implied consent to submit to chemical test; when test administered; refusal; penalty.</u>
<u>22-5-3</u>	<u>Driving under influence of alcoholic liquor or drugs; implied consent to submit to chemical test; terms, defined; prior convictions; use.</u>
<u>22-5-4</u>	<u>Driving under influence of alcoholic liquor or drugs; implied consent to submit to chemical test; penalties.</u>
<u>22-5-5</u>	<u>Drugs; test; additional test; refusal to permit; affect; results of test; available upon request.</u>
<u>22-5-6</u>	<u>Drugs; chemical test; consent of person incapable of refusal not withdrawn.</u>
<u>22-5-7</u>	<u>Drugs; chemical test; violation of ordinance; results; competent evidence; permit.</u>
<u>22-5-8</u>	<u>Test without preliminary breath test; when; qualified personnel.</u>
<u>22-5-9</u>	<u>Fee for test; court costs.</u>
<u>22-5-10</u>	<u>Applicability; where.</u>
<u>22-5-11</u>	<u>Classification of penalties.</u>
<u>22-5-12</u>	<u>Breath test, costs.</u>

### **22-5-1. Driving under influence of alcoholic liquor or drug; penalties.**

- (1) It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:
- (a) While under the influence of alcoholic liquor or of any drug;
  - (b) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; or
  - (c) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.
- (2) Any person who operates or is in the actual physical control of any motor vehicle while in a condition described in subsection (1) of this section shall be guilty of a violation and upon conviction punished as provided in sections 22-5-3 to 22-5-4.

### **22-5-2. Driving under influence of alcoholic liquor or drugs; implied consent to submit to chemical test; when test administered; refusal; penalty.**

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



of a motor vehicle in this city while under the influence of alcoholic liquor or drugs in violation of section 22-5-1.

(3) Any person arrested as described in subsection (2) of this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood, breath, or urine for a determination of the concentration of alcohol or the presence of drugs. If the chemical test discloses the presence of a concentration of alcohol in violation of subsection (1) of section 22-5-1, the person shall be subject to the administrative revocation procedures provided in sections 60-498.01 to 60-498.04, R.R.S.(1943) and upon conviction shall be punished as provided in sections 22-5-3 to 22-5-4. Any person who refuses to submit to such test or tests required pursuant to this section shall be subject to the administrative revocation procedures provided in sections 60-498.01 to 60-498.04 R.R.S. (1943) and shall be guilty of a violation and upon conviction punished as provided in sections 25-2-3 to 25-2-4.

(4) Any person involved in a motor vehicle accident in this city may be required to submit to a chemical test of his or her blood, breath, or urine by any peace officer if the officer has reasonable grounds to believe that the person was driving or was in actual physical control of a motor vehicle on a public highway (as that term is defined in section 60-624, R.R.S. 1943) in this city while under the influence of alcoholic liquor or drugs at the time of the accident. A person involved in a motor vehicle accident subject to the implied consent law of this city shall not be deemed to have withdrawn consent to submit to a chemical test of his or her blood, breath, or urine by reason of leaving this city. If the person refuses a test under this section and leaves the city for any reason following an accident, he or she shall remain subject to subsection (3) of this section and section 60-498.02, R.R.S. (1943) upon return.

(5) Any person who is required to submit to a chemical blood, breath, or urine test or tests pursuant to this section shall be advised that refusal to submit to such test or tests is a separate crime for which the person may be charged.

(6) Refusal to submit to a chemical blood, breath, or urine test or tests pursuant to this section shall be admissible evidence in any action for a violation of section 22-5-1.

**§ 22-5-3. Driving under influence of alcoholic liquor or drugs; implied consent to submit to chemical test; terms, defined; prior convictions; use.**

(1) A violation of section 22-5-1 or 22-5-2 shall be punished as provided in section 22-5-4. For purposes of sentencing under section 22-5-4:

(a) Prior conviction means a conviction for a violation committed within the twelve-year period prior to the offense for which the sentence is being imposed as follows:

(i) For a violation of section 22-5-1:

(A) Any conviction for a violation of section 60-6,196 R.R.S. (1943);

(B) Any conviction for a violation of a city or village ordinance enacted in conformance with section 60-6,196 R.R.S. (1943);

(C) Any conviction under a law of another state if, at the time of the conviction under the law of such other state, the offense for which the person was convicted would have been a violation of section 60-6,196 R.R.S. (1943); or

(D) Any conviction for a violation of section 60-6,198 R.R.S. (1943); or

(ii) For a violation of section 22-5-2;

(A) Any conviction for a violation of section 60-6,197 R.R.S. (1943);

- (B) Any conviction for a violation of a city or village ordinance enacted in conformance with section 60-6,197 R.R.S. (1943); or
  - (C) Any conviction under a law of another state if, at the time of the conviction under the law of such other state, the offense for which the person was convicted would have been a violation of section 60-6,197 R.R.S. (1943);
- (b) Prior conviction includes any conviction under section 60-6,196, 60-6,197, or 60-6,198 R.R.S. (1943), or any city or village ordinance enacted in conformance with any of such sections, as such sections or city or village ordinances existed at the time of such conviction regardless of subsequent amendments to any of such sections or city or village ordinances; and
  - (c) Twelve-year period means the period computed from the date of the prior offense to the date of the offense which resulted in the conviction for which the sentence is being imposed.
- (2) In any case charging a violation of section 22-5-1 or 22-5-2, the prosecutor or investigating agency shall use due diligence to obtain the person's driving record from the Department of Motor Vehicles and the person's driving record from other states where he or she is known to have resided within the last twelve years. The prosecutor shall certify to the court, prior to sentencing, that such action has been taken. The prosecutor shall present as evidence for purposes of sentence enhancement a court-certified copy or an authenticated copy of a prior conviction in another state. The court-certified or authenticated copy shall be prima facie evidence of such prior conviction.
- (3) For each conviction for a violation of section 22-5-1 or 22-5-2, the court shall, as part of the judgment of conviction, make a finding on the record as to the number of the convicted person's prior convictions. The convicted person shall be given the opportunity to review the record of his or her prior convictions, bring mitigating facts to the attention of the court prior to sentencing, and make objections on the record regarding the validity of such prior convictions.

**22-5-4. Driving under influence of alcoholic liquor or drugs; implied consent to submit to chemical test; penalties.**

Any person convicted of a violation of section 22-5-1 or 22-5-2 shall be punished as follows:

(1) If such person has not had a prior conviction, such person shall be guilty of a Class W violation, and the court shall, as part of the judgment of conviction, order that the operator's license of such person be revoked or impounded for a period of six months from the date ordered by the court. Such revocation or impoundment shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked or impounded for a period of sixty days from the date ordered by the court unless otherwise authorized by an order issued pursuant to section 60-6,211.05 R.R.S. (1943) and such order of probation or sentence suspension shall also include, as one of its conditions, the payment of a four-hundred-dollar fine;

(2) Except as provided in subdivision (4) of this section, if such person has had one prior conviction, such person shall be guilty of a Class W violation, and the court shall, as part of the judgment of conviction, order that the operator's license of such person be revoked for a period of one year from the date ordered by the court and shall issue an order pursuant to section 60-6,197.01 R.R.S. (1943) with respect to all motor vehicles owned by such person. Such orders shall be

administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked or impounded for a period of one year from the date ordered by the court unless otherwise authorized by an order issued pursuant to section 60-6,211.05 R.R.S. (1943) and shall issue an order pursuant to section 60-6,197.01 R.R.S. (1943) with respect to all motor vehicles owned by such person, and such order of probation or sentence suspension shall also include, as conditions, the payment of a five-hundred-dollar fine and either confinement in the city or county jail for five days or the imposition of not less than two hundred forty hours of community service;

(3) Except as provided in subdivision (4) of this section, if such person has had two prior convictions, such person shall be guilty of a Class W violation, and the court shall, as part of the judgment of conviction, order that the operator's license of such person be revoked for a period of fifteen years from the date ordered by the court and shall issue an order pursuant to section 60-6,197.01 R.R.S. (1943) with respect to all motor vehicles owned by such person. Such orders shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked or impounded for a period of one year from the date ordered by the court unless otherwise authorized by an order issued pursuant to section 60-6,211.05 R.R.S. (1943) and shall issue an order pursuant to section 60-6,197.01 R.R.S. (1943) with respect to all motor vehicles owned by such person, and such order of probation or sentence suspension shall also include, as conditions, the payment of a six-hundred-dollar fine and either confinement in the city or county jail for ten days or the imposition of not less than four hundred eighty hours of community service;

(4) If such person has had one or two prior convictions and, as part of the current violation, had a concentration of sixteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or sixteen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath, such person shall be guilty of a Class I misdemeanor, and the court shall, as part of the judgment of conviction, revoke the operator's license of such person for any purpose for a period of at least one year but not more than fifteen years from the date ordered by the court and shall issue an order pursuant to section 60-6,197.01 R.R.S. (1943) with respect to all motor vehicles owned by such person. Such revocation and order shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. The court shall also sentence such person to serve at least thirty days' imprisonment in the Scotts Bluff County jail.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked or impounded for a period of at least one year but not more than fifteen years from the date ordered by the court unless otherwise authorized by an order issued pursuant to section 60-6,211.05 R.R.S. (1943) and shall issue an order pursuant to section 60-6,197.01 R.R.S. (1943) with respect to all motor vehicles owned by such person, and such order of probation or sentence suspension shall also include, as conditions, the payment of a one-thousand-dollar fine and either confinement in the Scotts Bluff County jail for ten days or the imposition of not less than four hundred eighty hours of community service.

**22-5-5. Drugs; test; additional test; refusal to permit; affect; results of test; available upon request.**

The peace officer who requires a chemical blood, breath or urine test or tests pursuant to this Article or to the statutes of Nebraska may direct whether the test or tests shall be blood, breath or urine. The person tested shall be permitted to have a physician of his or her choice evaluate his or her condition and perform or have performed whatever laboratory tests he or she deems appropriate in addition to and following the test or tests administered at the direction of the officer. If the officer refuses to permit such additional test to be taken, then the original test or tests shall not be competent as evidence. Upon the request of the person tested, the results of the test or tests taken at the direction of the officer shall be made available to him or her. (Ord. 3343, 1994)

**22-5-6. Drugs; chemical test; consent of person incapable of refusal not withdrawn.**

Any person who is unconscious or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by this Article and by the statutes of Nebraska and the test may be given. (Ord. 3343, 1994)

**22-5-7. Drugs; chemical test; violation of ordinance; results; competent evidence; permit.**

(1) Any test made under this Article or the statutes of Nebraska, if made in conformity with the requirements of this section, shall be competent evidence in any prosecution involving operating a motor vehicle while under the influence of alcoholic liquor or drugs or involving driving or being in actual physical control of a motor vehicle when the concentration of alcohol in the blood or breath is in excess of allowable levels.

(2) To be considered valid, tests of blood, breath, or urine made under this Article or the statutes of Nebraska shall be performed according to methods approved by the State of Nebraska Department of Health and an individual possessing a valid permit issued by such department for such purpose, except that a physician, registered nurse, or other trained person employed by a licensed institution or facility as defined in the statutes of Nebraska or clinical laboratory certified pursuant to the Nebraska Clinical Laboratories Certification Act, the Federal Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or XIX of the Federal Social Security Act to withdraw human blood for scientific medical purposes, acting at the request of a peace officer, may withdraw blood for the purpose of a test to determine the alcohol concentration or the presence of drugs and no permit from the department shall be required for such person to withdraw blood pursuant to such an order.

(3) Relevant evidence shall not be excluded in any prosecution involving operating a motor vehicle while under the influence of alcoholic liquor or drugs or involving driving or being in actual physical control of a motor vehicle when the concentration of alcohol in the blood, breath or urine is in excess of allowable levels on the ground that the evidence existed or was obtained outside of this State. (Ord. 3343, 1994)

**22-5-8. Test without preliminary breath test; when; qualified personnel.**

Any person arrested for any offense involving the operation or actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs shall be required to submit to a chemical test or tests of his or her blood, breath, or urine as provided in this Article or the statutes of Nebraska without the preliminary breath test if the arresting peace officer does not have available the necessary equipment for administering a breath test or if the person is unconscious or is otherwise in a condition rendering him or her incapable of testing by a preliminary breath test. Only

a physician, registered nurse, or other trained person employed by a licensed health care facility or health care service defined in the Health Care Facility Licensure Act or a clinical laboratory certified pursuant to the federal Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or medical purposes, acting at the request of a peace officer, may withdraw blood for the purpose of determining the concentration of the alcohol or the presence of drugs, but this limitation shall not apply to the taking of a urine or breath specimen.(Ord 3674, 2001)

**22-5-9. Fee for test; court costs.**

Upon the conviction of any person under this Article there shall be assessed as part of the court costs the fee charged by any physician or any agency administering the tests pursuant to a permit issued in accordance with the laws of Nebraska for the test administered and the analysis thereof, if such test was actually made. (Ord. 3343, 1994)

**22-5-10. Applicability; where.**

The provisions of this Chapter shall apply anywhere within the City except private property which is not open to public access.

**22-5-11. Classification of penalties.**

(1) For the purposes of this Article, violations are divided into the following two (2) classes which are hereby authorized upon conviction:

<b>Class V:</b>	Maximum:	No imprisonment, one hundred dollars \$100.00 fine
	Minimum:	None

**Class W:** Driving While Intoxicated and Implied Consent Refusal:

**FIRST CONVICTION:**

Maximum: Sixty (60) days imprisonment and five hundred dollars (\$500.00) fine  
Mandatory Minimum: Seven (7) days imprisonment and four hundred dollars (\$400.00) fine

**SECOND CONVICTION:**

Maximum: Ninety (90) days imprisonment and five hundred dollars (\$500.00) fine  
Mandatory Minimum: Thirty (30) days imprisonment and five hundred dollars (\$500.00) fine

**THIRD CONVICTION:**

Maximum: One (1) year imprisonment and six hundred dollars (\$600.00) fine  
Mandatory Minimum: Ninety (90) days imprisonment and six hundred dollars (\$600.00) fine

(2) Sentences of imprisonment in Class W violations shall be served in the Scotts Bluff County Jail. (Ord. 3593, 1998)

**22-5-12. Breath test, costs.**

Upon the conviction of any person driving a motor vehicle while under the influence of alcoholic liquor or drugs in violation of the laws of the State of Nebraska or this Municipal Code, there shall be assessed as part of the court costs a fee of \$75.00 for breath test administered by a Scottsbluff police officer if administered pursuant to a valid permit, and if such test is actually made. (Ord. 3587,

1998)

## ARTICLE 6

### PARKING

#### (a) GENERAL PROVISIONS

<u>22-6-1</u>	<u>Diagonal parking; where; marking.</u>
<u>22-6-2</u>	<u>Parallel parking.</u>
<u>22-6-3</u>	<u>Direction.</u>
<u>22-6-4</u>	<u>Parallel parking; marking.</u>
<u>22-6-5</u>	<u>Marked parking spaces; parking within; driving.</u>
<u>22-6-6</u>	<u>Parking zones; time limits.</u>
<u>22-6-7</u>	<u>Restricted to use or type of vehicle.</u>
<u>22-6-8</u>	<u>Parking restrictions; signs; curb painting.</u>
<u>22-6-9</u>	<u>Loading zones; designated; restrictions.</u>
<u>22-6-10</u>	<u>Passenger loading; schools.</u>
<u>22-6-11</u>	<u>Bus parking, stops, designated; restrictions; marking; general.</u>
<u>22-6-12</u>	<u>School buses.</u>
<u>22-6-13</u>	<u>No parking zones.</u>
<u>22-6-14</u>	<u>No parking zones; designation; marking.</u>
<u>22-6-15</u>	<u>Intersections; near, prohibited; marking; exceptions.</u>
<u>22-6-16</u>	<u>Stop signs; near; prohibited.</u>
<u>22-6-17</u>	<u>Alley entrances; projecting into; prohibited.</u>
<u>22-6-18</u>	<u>Fire hydrants; near; prohibited; marking.</u>
<u>22-6-19</u>	<u>Alleys; restrictions.</u>
<u>22-6-20</u>	<u>Obstructing and impeding traffic; prohibited.</u>
<u>22-6-21</u>	<u>Unattended vehicles; precautions.</u>
<u>22-6-22</u>	<u>Parking; maximum period.</u>
<u>22-6-23</u>	<u>Markings, designations; by private persons;</u>
<u>22-6-24</u>	<u>Private premises; unauthorized parking; posting.</u>
<u>22-6-25</u>	<u>City premises; parking; signs.</u>
<u>22-6-26</u>	<u>Winter's Creek Canal; vehicles. prohibited.</u>
<u>22-6-27</u>	<u>Limited time parking; enforcement; notice; fees; exceptions.</u>
<u>22-6-28</u>	<u>Citation; arrest; prosecution; penalties.</u>
<u>22-6-29 to</u>	<u>Reserved.</u>
<u>22-6-32</u>	

#### (b) TRUCKS

<u>22-6-33</u>	<u>Trucks; certain streets; restrictions; general.</u>
<u>22-6-34</u>	<u>Certain streets; alleys; maximum length;</u> <u>combinations, tandem wheels prohibited.</u>
<u>22-6-35</u>	<u>Commercial vehicles; restrictions;</u>

<a href="#"><u>22-6-36</u></a>	<a href="#"><u>Trucks; residential zones.</u></a>
<a href="#"><u>22-6-37</u></a>	<a href="#"><u>End gate extended; restrictions.</u></a>
<a href="#"><u>22-6-38</u></a>	<a href="#"><u>Truck parking zone; creation; marking.</u></a>
<a href="#"><u>22-6-39</u></a>	<a href="#"><u>Vehicles using; restrictions.</u></a>

### (c) MUNICIPAL LOTS

<a href="#"><u>22-6-40</u></a>	<a href="#"><u>Municipal parking lots; designated.</u></a>
<a href="#"><u>22-6-41</u></a>	<a href="#"><u>Entrance; exit; marking; location.</u></a>
<a href="#"><u>22-6-42</u></a>	<a href="#"><u>Limited parking; creation; marking.</u></a>
<a href="#"><u>22-6-43</u></a>	<a href="#"><u>Limited parking; violations.</u></a>
<a href="#"><u>22-6-44</u></a>	<a href="#"><u>Limited parking; permit; fee.</u></a>
<a href="#"><u>22-6-45</u></a>	<a href="#"><u>Limited parking; permit; display.</u></a>
<a href="#"><u>22-6-46</u></a>	<a href="#"><u>Provisions; applicability.</u></a>

### (d) HANDICAPPED PARKING

<a href="#"><u>22-6-47</u></a>	<a href="#"><u>Handicapped parking spaces; authorized; marking; permit display.</u></a>
<a href="#"><u>22-6-48</u></a>	<a href="#"><u>Parking; requirement.</u></a>
<a href="#"><u>22-6-49</u></a>	<a href="#"><u>Permit; eligibility.</u></a>
<a href="#"><u>22-6-50</u></a>	<a href="#"><u>Permit; application.</u></a>
<a href="#"><u>22-6-51</u></a>	<a href="#"><u>Permit; vehicle used for transportation.</u></a>
<a href="#"><u>22-6-52</u></a>	<a href="#"><u>Term; fee; nontransferable.</u></a>
<a href="#"><u>22-6-53</u></a>	<a href="#"><u>Limit.</u></a>
<a href="#"><u>22-6-54</u></a>	<a href="#"><u>Limit; exception.</u></a>
<a href="#"><u>22-6-55</u></a>	<a href="#"><u>Citation.</u></a>
<a href="#"><u>22-6-56</u></a>	<a href="#"><u>Restricted use; alteration; false information; prohibited.</u></a>
<a href="#"><u>22-6-58 to</u></a>	<a href="#"><u>Reserved.</u></a>
<a href="#"><u>22-6-60</u></a>	
<a href="#"><u>22-6-61</u></a>	<a href="#"><u>Snow Emergency Routes, Designated.</u></a>
<a href="#"><u>22-6-62</u></a>	<a href="#"><u>Prohibition of Parking on Snow Emergency Routes.</u></a>
<a href="#"><u>22-6-63</u></a>	<a href="#"><u>Emergency Declaration.</u></a>
<a href="#"><u>22-6-64</u></a>	<a href="#"><u>Operation of Motor Vehicles on Snow Emergency Routes or Designated Arterial and Residential Streets.</u></a>
<a href="#"><u>22-6-65</u></a>	<a href="#"><u>Windrows, Removal of Vehicles.</u></a>
<a href="#"><u>22-6-66</u></a>	<a href="#"><u>Curb Sidewalk Areas, Private Driveways.</u></a>
<a href="#"><u>22-6-67</u></a>	<a href="#"><u>Violation of Vehicles Parking on Emergency Snow Routes.</u></a>

#### **22-6-1. Diagonal parking; where; marking.**

The parking areas on the following parts of streets shall be marked as diagonal parking at an angle of thirty (30°) degrees with the curb so that the right front wheel of the vehicle parked therein shall be next to the curb:

- (1) On Broadway Avenue between 15th Street and 20th Street.
- (2) On the east side of Fourth Avenue between 19<sup>th</sup> Street and 20<sup>th</sup> Street.

Such parking places shall be marked with white lines. (Ord. 3608, 1999; Ord. 4129, 2014)

### **22-6-2. Parallel parking.**

On all streets other than those in which diagonal parking is required, vehicles, when parked, shall park on the traveled part of the street adjacent to the curb or, if there be no curb, adjacent to the side of the street, in such a manner that both right wheels are within twelve (12) inches of the curb or, if there be no curb, within twelve (12) inches of the side of the street, and there is a space of at least four (4) feet between such vehicles and the other vehicles parked along such curb or side of the street.

Parallel parking spaces may be marked on the pavement with white boundary lines as a single parallel parking space, or in groups of two or more parallel parking spaces. When composed of two or more parallel parking spaces the rear end of one space may abut the front end of the adjoining space. (Ord. 3524, 1997)

### **22-6-3. Direction.**

No person shall park any vehicle on a street at the curb or side of the street except when such vehicle is headed in the direction of the traffic on that side of the street. (Ord. 1116)

### **22-6-4. Parallel parking; marking.**

The parking areas on the following parts of streets shall be marked as paired parallel parking spaces or, where space permits only a single parallel parking space, as a single parallel parking space:

- (1) on Broadway Avenue between 16th Street and 19th Street,
- (2) on 1st Avenue between East Overland Drive and 20th Street,
- (3) on Avenue A between Railway Street and 20th Street,
- (4) on 16th Street from alley West of Broadway to alley East of Broadway, and from 1st Avenue to 2nd Avenue,
- (5) on 17th Street from alley West of Broadway to alley East of Broadway,
- (6) on 18th Street from alley West of Broadway to alley East of Broadway,
- (7) on 19th Street from alley West of Broadway to alley East of Broadway.
  
- (8) on both sides of 1st Avenue between a point ninety three (93) feet north of South Beltline Highway and a point two hundred five (205) feet north of the South Beltline Highway.

Paired parallel parking spaces shall be marked by white boundary lines in a pattern such that the rear end of one space in a pair abuts the front end of the other space in the pair, and the ends of pairs are such distance apart as will allow entrance and egress with a minimum of vehicle maneuvering. (Ord. 3609, 1999)

### **22-6-5. Marked parking spaces; parking within; driving.**

Where parking spaces have been marked by white boundary lines which are perpendicular or diagonal to the curb or edge of the street, it shall be unlawful to operate any vehicle on, across or over any of such lines. Where parking spaces have been marked by white boundary lines it shall be unlawful to park any vehicle in such manner that the vehicle is not wholly within such lines. Not more than one (1) vehicle shall be parked within any such parking space. (Ord. 3357, 1994)

### **22-6-6. Parking zones; time limits.**

- (1) The City Council may by resolution designate any parking spaces on the streets or avenues of the City as limited to a certain period of time, and to certain hours or days, if the authorizing resolution so specifies.



- (2) All parking spaces restricted to a certain period of time, or to certain hours or days, shall be clearly marked with appropriate signs which indicate the time period restriction.
- (3) It shall be unlawful for any person to park or leave any vehicle in a parking space for a period of time in excess of that specified. (Ord. 3468, 1995)

#### **22-6-7. Restricted to use or type of vehicle.**

- (1) The City Council may by resolution designate any parking spaces on the streets or avenues of the City as limited to parking by certain vehicles such as emergency vehicles, police vehicles, fire department vehicles, trucks, vehicles used by school crossing guards and vehicles used by doctors, as specified in the resolution.
- (2) All parking spaces restricted to a certain vehicle shall be clearly marked with appropriate signs which indicate the type of vehicle(s) allowed to park in the space(s).
- (3) It shall be unlawful for any person to park or leave any vehicle in a parking space restricted to a certain type of vehicle unless the vehicle is of the character for which the zone was designated. (Ord. 3294, 1993)

#### **22-6-8. Parking restrictions; signs; curb painting.**

Unless specifically provided elsewhere in the Municipal Code, all parking regulation signs shall be located next to the curb in conspicuous positions and in such number and spaced in such a manner as to provide reasonable and adequate notice of the restriction. The tops of curbs in restricted parking zones, if painted, shall be painted the following colors:

- (1) Red: all parking spaces or portions of streets where no parking is allowed at any time, school no parking zones, bus parking zones, school bus zones, and emergency zones as designated by ordinance.
- (2) Yellow: loading zones, school passenger loading zones, and all zones restricted by use or type of vehicle
- (3) White: all parking zones restricted by time limits. In addition, white paint may also be used from time to time to cover up changes in parking spaces or mistakes made in painting spaces.
- (4) Blue: handicapped parking zones. (Ord. 3363, 1994)

#### **22-6-9. Loading zones; designated; restrictions.**

Loading zones, when so designated, shall be clearly marked with appropriate signs bearing the words "DO NOT PARK, LOADING ZONE," and, if parking is prohibited only between certain hours, with additional words indicating the restricted hours. Such parking spaces shall be used exclusively for the purpose of, and only during, the loading and unloading of freight, materials and merchandise, and it shall be unlawful for any person to park any vehicle in any such parking spaces, except for such purpose, during the restricted hours. (Ord. 2052, 1974; Ord. 1363, 1962; Ord. 1116)

#### **22-6-10. Passenger loading; schools.**

Parking spaces on streets or avenues of the City adjacent to schools, if designated as a zone for the loading and unloading, from vehicles other than school buses, of passengers attending an adjacent school, shall be clearly marked with appropriate sign(s) bearing the words "5 Minute Loading" or, if the authorizing resolution designates parking spaces as 5 minute loading only during certain hours or days, the signs shall also specify such hours and days. It shall be unlawful for any person to park or leave any vehicle in such a parking space except for the purpose of such loading and unloading

within a period of five (5) minutes. (Ord. 3363, 1994)

**22-6-11. Bus parking; stops; designated; restrictions; marking; general.**

The City Council, whenever it shall determined by resolution that the public safety, convenience or welfare requires or warrants, by resolution may designate parking spaces on the streets or avenues of the City as bus parking zones or bus stops. Bus parking zones, when so designated, may be occupied by buses during the period of time specified in the resolution, and it shall be unlawful for any person to park any other type of vehicle in such zones during such periods of time. Bus parking zones shall be clearly designated by appropriate signs bearing the words "BUS PARKING ONLY," and designating the hours or days during which such restriction shall apply. Bus stops, when so designated, may be occupied by buses only while discharging and taking on passengers during such periods of time as may be reasonably necessary for that purpose, and it shall be unlawful for any person to park any other type of vehicle in such space(s) at any time. Bus stops shall be clearly designated by appropriate signs bearing the words "NO PARKING - BUS STOP." Provided, this section shall not apply to the parking or stopping of school buses, or other vehicles, on streets adjacent to schools. (Ord. 3363, 1994)

**22-6-12. School buses.**

The City Council, whenever it shall determine by resolution that the public safety, convenience or welfare requires or warrants, by resolution may designate parking spaces on streets or avenues of the City adjacent to schools as school bus parking zones. School bus parking zones shall be clearly designated by appropriate signs bearing the words "NO PARKING - BUS STOP." If a school bus parking zone is designated by the resolution as such a zone only during certain hours or certain days, the signs shall also specify such hours or days. School buses may be parked at any time in a school bus parking zone marked as above provided. No other type of vehicle may be parked at any time in such a zone, unless the sign specifies hours or days during which parking is prohibited, in which event other types of vehicles, as well as school buses, may be parked in the zone during other hours or, as the case may be, other days. (Ord. 3363, 1994)

**22-6-13. No parking zones.**

- (1) The City Council may by resolution designate any parking spaces on the streets or avenues of the City as no parking zones or as zones where parking is restricted at certain times and/or days as specified in the resolution.
- (2) All parking spaces designated as no parking zones or restricted to parking at certain times and/or days shall be clearly marked with appropriate signs which indicate the restriction.
- (3) It shall be unlawful for any person to park or leave any vehicle in a no parking zone. In addition, it shall be unlawful for any person to park or leave any vehicle in a zone where parking is restricted during certain times and/or days during the restriction period indicated. (Ord. 3294, 1993)

**22-6-14. No parking zones; designation; marking.**

The City Council, whenever it shall by resolution determine that the public safety, convenience or welfare requires or warrants, by resolution may designate parking spaces on streets and avenues abutting or adjacent to premises used for school purposes as no parking zones during hours and on days designated in the resolution, except during the period from June 5th to August 25th. It shall be unlawful for any person to park any vehicle in any such parking spaces during any of such hours. Such zones shall be clearly marked with appropriate signs bearing the words "NO PARKING" and

stating the days and hours during which the prohibition applies. (Ord. 3363, 1994)

**22-6-15. Intersections; near; prohibited; marking; exceptions.**

It shall be unlawful for any person to park or leave standing any vehicle for any purpose for any period of time on any street so that any part of the vehicle is within thirty (30) feet of any street intersection. The top of the curb, if any, abutting such space shall, if painted, be painted red. Provided, this section shall not apply to any space abutting or adjacent to which a parking meter shall have been installed or a stop sign shall have been erected (Ord. 1889, 1971; Ord. 1116)

**22-6-16. Stop signs; near; prohibited.**

It shall be unlawful for any person to park or leave standing any vehicle for any purpose for any period of time on any street so that any part of the vehicle is within twenty (20) feet of a stop sign of the City. The top of the curb, if any, abutting such space shall, if painted, be painted red. Provided, this section shall not apply to any space abutting or adjacent to which a parking meter shall have been installed. (Ord. 1539, 1965; Ord. 1116)

**22-6-17. Alley entrances; projecting into; prohibited.**

It shall be unlawful for any person to park or leave standing any vehicle for any purpose for any period of time on any street so that any part of the vehicle is within five (5) feet of any alley entrance, public or private driveway, or curb cut; provided, this section shall not apply to any space abutting or adjacent to which a parking meter shall have been installed. (Ord. 1539, 1965; Ord. 1116)

**22-6-18. Fire hydrants; near; prohibited; marking.**

No vehicle shall be parked or left standing within ten (10) feet of any fire hydrant for any period of time whatever. The curb space within such area of ten (10) feet within such fire hydrant shall be painted red to indicate such prohibition. (Ord. 1116)

**22-6-19. Alleys; restrictions.**

No motor vehicle shall be parked in any alley in the City except for the purpose of loading or unloading, or of repairing a building or equipment that cannot be removed from a building. Such parking shall be done in a manner that will cause the least possible obstruction in the alley, and shall not continue longer than necessary for the purpose of loading or unloading, or of making repairs. The operator of the vehicle shall activate the vehicle emergency flasher system equipment continuously during the loading and unloading. The Police Chief shall have power to prohibit such parking in any particular instance in which such parking substantially interferes with the movement of traffic in the alley or creates a public danger. This section shall not be construed to authorize parking that is prohibited by any other section of this Article. (Ord. 2286, 1977; Ord. 1116)

**22-6-20. Obstructing and impeding traffic; prohibited; exceptions.**

1. No person shall, except in case of accident or emergency or as otherwise provided in this section, park or stop any vehicle within any street (except where parking is permitted), street intersection or alley entrance, or in such location as to obstruct or partially obstruct any street (except where parking is permitted), street crossing, crosswalk, alley entrance or private driveway or drive, or back of another vehicle parked diagonally with the curb.

2. A vehicle used primarily to transport the elderly or persons with a disability who require assistance in entering and leaving the vehicle, may, if no lawful parking place is reasonably

convenient, temporarily park such vehicle in the traveled portion of a street subject to the following restrictions:

- a. such vehicle may park in the traveled portion of a street only for the purpose of allowing an elderly person or a person with a disability to enter or depart the vehicle;
- b. the vehicle may park in the traveled portion of a street for no longer than is reasonably necessary to accomplish the purpose described above, and in no event longer than ten minutes;
- c. the vehicle's flashing stop warning signal lights shall be activated at all times while the vehicle is stopped in the traveled portion of a street;
- d. the vehicle shall park close enough to the curb to allow other traffic to pass;
- e. a traffic cone complying with the provisions of the Manual on Uniform Traffic Control Devices adopted by the Nebraska Department of Roads shall be in place at the rear of the vehicle at all times while the vehicle is stopped in the traveled portion of a street. (Ord. 3772, 2003)

**22-6-21. Unattended vehicles; precautions.**

No person having control or charge of a vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon and stopping the motor thereof, and, when such vehicle is standing upon any grade, without turning the front wheels of such vehicle toward the curb or side of the street. (Ord. 1116)

**22-6-22. Parking; maximum period.**

It shall be unlawful for any person to park or leave standing any vehicle in any street, alley, municipal off-street parking lot, or other public way or place of the City for a period of more than ten (10) days. This section shall not be construed to extend any period of time for parking or leaving standing a vehicle that is limited by some other provision of this ordinance. (Ord. 1487, 1965; Ord. 1116)

**22-6-23. Markings, designations; by private persons; prohibited.**

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 and no person, firm or corporation shall so mark or designate, by painting the curb or otherwise, any portion of any street or alley, or in any other manner set aside or attempt to prevent the parking of vehicles in any portion of any street or alley except at places where the parking of vehicles is prohibited by ordinance. (Ord. 1116)

**22-6-24. Private premises; unauthorized parking; posting.**

It shall be unlawful for any person not in possession of private premises, unless authorized by the person in possession of the premises, at any time to park or leave standing any vehicle on such premises within any space or area that has been designated, as herein provided, as a private parking space or to obstruct in any manner the entrance to such parking space. All such private parking spaces or areas shall be designated by appropriate signs, erected by the owner or occupant of the premises, bearing the words "Private Parking." Private premises shall include all premises not in the possession of the City. (Ord. 1723, 1968; Ord. 1116)

**22-6-25. City premises; parking; signs.**

It shall be unlawful for any person, firm, or corporation at any time to park or leave standing any vehicle on premises, or part of premises, owned by or under the control of the City which have been designated as a no parking zone in the manner hereinafter provided; provided, this prohibition shall not apply to officers or employees of the City while engaged in the performance of their official duties. Such zones may be designated by a resolution adopted by the City Council. Appropriate signs with the words "NO PARKING," or these and other consistent words, imprinted thereon shall be placed on the premises by the City at points where the signs reasonably may be seen by the operators of vehicles. (Ord. 2000, 1974; Ord. 1116)

**22-6-26. Winter's Creek Canal; vehicles.**

It shall be unlawful for any person to operate or park any motor vehicle (including motorcycle and moped) upon the concrete cover of that part of the Winter's Creek Canal conduit which is situated between Avenue I and Avenue B; provided, this section shall not apply to those segments of the Canal conduit which intersect a public street or alley of the City. (Ord. 2654, 1981)

**22-6-27. Limited time parking; enforcement; notice; fees; exceptions.**

Whenever any person shall violate any provision of section 22-6-6 or 22-6-48, with respect to the locations identified below, a police officer or other employee of the City designated by the Police Chief with authority to enforce this Article shall cause a written notice of the violation to be affixed in a conspicuous place on the motor vehicle. The recipient of the notice may, within 24 hours after the notice is affixed to the motor vehicle, deposit the sum provided in Chapter 6, Article 6 and the notice at the office of the City Clerk or in a receptacle provided by the City Clerk. If this amount and the notice are not deposited as provided for above, the recipient of the notice may, within 72 hours after expiration of the above 24 hour period, pay the sum provided in Chapter 6, Article 6 at the office of the City Clerk. Payment pursuant to either of the above procedures shall avoid the issuance of a citation or arrest by a police officer and prosecution for the violation specified in the notice. This section shall be applicable only with respect to motor vehicles parked in parking spaces at the following locations:

- (1) both sides of Broadway Avenue between 14th Street and 20th Street,
- (2) both sides of Avenue A between Railway Street and West 19th Street,
- (3) West side of Avenue B between Railway Street and West 17th Street,
- (4) both sides of 1st Avenue between East 14th Street and East 19th Street,
- (5) both sides of 2nd Avenue between East 15th Street and East 16th Street,
- (6) both sides of East 15th Street between Broadway Avenue and 2nd Avenue, and
- (7) both sides of 16th Street between Avenue A and 2nd Avenue,
- (8) both sides of 17th Street between Avenue B and 2nd Avenue,
- (9) both sides of 18th Street between Avenue B and 2nd Avenue,
- (10) both sides of 19th Street between Avenue A and 1st Avenue,
- (11) on public off-street parking lots numbers 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 14 and 15.

(Ord. 3322, 1993)

**22-6-28. Citation; arrest; prosecution; penalties.**

Whenever any person shall violate any provision of sections 22-6-6, 22-6-43, or 22-6-53 (providing, in the event the violation shall have occurred at a location to which § 22-6-27 applies, and the person shall not have made payment of a fee in an amount and manner and within a time which, by the terms of such section, will avoid the issuance of a citation or arrest and prosecution), a citation

charging violation of the applicable section shall be issued to the person, or the person shall be arrested by a police officer and the case prosecuted in the manner provided by law. Upon conviction, the person shall be punished in the manner provided for Class II violations. (Ord. 3322, 1993)

**22-6-29 to 22-6-32. Reserved.**

### **(b) TRUCKS**

#### **22-6-33. Trucks; certain streets; restrictions; general.**

It shall be unlawful to park any motor truck vehicle on the following described avenues:

- (1) Broadway Avenue from the intersection thereof with 20th Street to the intersection thereof with 14th Street,
- (2) 1st Avenue from the intersection thereof with East 20th Street to the intersection thereof with East 14th Street, and
- (3) Avenue A, from the intersection thereof with West 20th Street to the intersection thereof with Railway Street, except as to any of such avenues, for the purpose of loading into or unloading from a building located on such an avenue that does not have an entrance from the alley located immediately behind it. Where such loading or unloading is permissible, the operator of the vehicle shall activate the vehicle emergency flasher system equipment continuously during the loading and unloading; provided, this section shall not apply to motor truck vehicles which are the subjects of sections 22-6-34 and 22-6-35. (Ord. 2617, 1980)

#### **22-6-34. Certain streets; alleys; maximum length; combinations, tandem wheels prohibited.**

It shall be unlawful for any motor truck vehicle in excess of twenty-six (26) feet in overall length to be loaded, unloaded or parked upon the following designated streets, ways and alleys in the City:

- (1) Broadway Avenue, from the intersection thereof with 20th Street to the intersection thereof with 14th Street,
- (2) Avenue A, from the intersection thereof with 20th Street to the intersection thereof with Railway Street,
- (3) Railway Street, from the intersection thereof with Avenue A to the intersection thereof with Broadway Avenue,
- (4) 1st Avenue, from the intersection thereof with East 20th Street to the intersection thereof with East 14th Street,
- (5) 19th Street, from the alley between Broadway Avenue and Avenue A to the alley between Broadway Avenue and 1st Avenue,
- (6) 18th Street, from the intersection thereof with Avenue A to the intersection thereof with 1st Avenue,
- (7) 17th Street, from the intersection thereof with Avenue A to the intersection thereof with 1st Avenue,
- (8) 16th Street, from the intersection thereof with Avenue A to the intersection thereof with 1st Avenue,
- (9) 15th Street, from the intersection thereof with Broadway Avenue to the intersection thereof with 1st Avenue,
- (10) 14th Street, from the intersection thereof with Broadway Avenue to the intersection thereof with 1st Avenue,
- (11) the alley between Broadway Avenue and Avenue A, from the intersection thereof

with West 20th Street to the intersection thereof with Railway Street, and

(12) the alley between Broadway Avenue and 1st Avenue, from the intersection thereof with East 20th Street to the intersection thereof with East 14th Street, and

(13) all intersections above-described.

Provided, a cargo weighing not less than ten thousand (10,000) pounds and subject to a single straight bill of lading may be loaded onto or unloaded from such a motor truck in such alleys between the hours of 12:01 A.M. and 10:00 A.M.; and, in event it is impossible to load or unload a single cargo in any of such streets or alleys except onto or from such a motor truck, the Police Chief, upon so determining, may issue a written permit for such loading or unloading, which shall be accomplished at such time and place and in accordance with such other reasonable conditions as the permit shall specify. (Ord. 2286, 1977; Ord. 1116)

### **22-6-35. Commercial vehicles; restrictions; permits.**

It shall be unlawful to park any commercial vehicle on any street or avenue in the City, except in truck parking zones or, in circumstances specified elsewhere in this Article, on streets and avenues in residential zones. Provided, if written application shall be made to the Police Chief by the owner or occupant of premises in a business, commercial or industrial zone, as defined in Chapter 25, Article 22, for a special permit to park a commercial vehicle at a certain location on a street or avenue opposite the premises during loading or unloading, on the grounds that such loading or unloading cannot reasonably be accomplished in any other location, the Police Chief may grant a special written permit to so park the vehicle if he shall determine that such vehicle cannot reasonably be loaded or unloaded except by parking the vehicle at such location, and that such parking would not endanger the public safety or create traffic congestion. The permit shall specify the place or places where such parking may occur, and may contain such further restrictions or conditions as, in the sound discretion of the Police Chief, are reasonably necessary to avoid endangering the public safety or avoid traffic congestion. It shall be unlawful for any person to whom such a permit has been granted to park or permit the parking of the vehicle in violation of the terms of the permit. (Ord. 2617, 1980)

### **22-6-36. Trucks; residential zones.**

It shall be unlawful for any person to cause, allow or permit any motor truck vehicle to stand or be parked upon any public street within any residential zone of the City, except in a truck parking zone,

(1) for a continuous period of time longer than two (2) hours, or

(2) between the hours of 10:00 P.M. and 8:00 A.M. of the following day.

Provided, any such vehicle that shall have been continuously engaged in the loading or unloading of freight while standing or parked for a period of two (2) hours shall be allowed to remain so standing or parked for such additional period of time as is necessary, in the exercise of reasonable diligence, to complete such loading or unloading. The provisions of this section shall not apply:

(a) to an exempt truck vehicle as defined in this chapter,

(b) to motor truck vehicles of the City, or of any public utility, while the vehicle actually is being used in the performance of duties necessary or properly to be performed by the City or public utility,

(c) to motor truck vehicles of the United States of America or the State of Nebraska. (Ord. 2389, 1978; Ord. 1116)

**22-6-37. End gate extended; restrictions.**

It shall be unlawful to park any motor truck vehicle with the end gate of the same down and extending beyond the body of such vehicle, except while such vehicle is being loaded or unloaded in any otherwise lawful manner. (Ord. 1116)

**22-6-38. Truck parking zone; creation; marking.**

The City Council, whenever it shall determine by resolution that the public safety, convenience or welfare requires or warrants, by resolution may designate parking spaces on the streets and avenues of the City as truck parking zones during:

(1) two hour periods (times unspecified for trucks of one and one-half (1 ½) tons and larger,

(2) during the hours from 6:00 P.M. to 7:00 A.M. and on Sundays and holidays.

Such Zones shall be clearly marked with appropriate signs having the words, "TRUCK PARKING ONLY - '1 ½ TONS AND LARGER' —TWO HOUR PARKING ZONE" or, as the case may be, "TRUCK PARKING ONLY 6:00 P.M. to 7:00 A.M. on Sundays and Holidays," imprinted thereon. Such signs shall be located next to the curb and not to exceed one hundred fifty (150) feet apart, and the top of the adjacent curb shall be painted yellow. (Ord. 3088, 1988)

**22-6-39. Vehicles using; restrictions.**

Such truck parking zones are hereby set aside for the purpose of providing space for the parking of commercial vehicles, and it shall be unlawful for any person to park any other vehicle in such zones at any time. (Ord. 1116)

**(c) MUNICIPAL LOTS**

**22-6-40. Municipal parking lots; designated.**

The following tracts of land owned by the City shall be public off-street parking lots, and shall be improved, maintained and operated by the City:

(1) Parking Lot No. 1: Lots 3 and 4, Block 5, Original Town, City of Scottsbluff, Scotts Bluff County, Nebraska.

(2) Parking Lot No. 2: Lots 4, 5 and 6, Block 1, Original Town, City of Scottsbluff, Scotts Bluff County, Nebraska.

(3) Parking Lot No. 3: Lots 4, 5 and 6, except the West 10 feet, of Block 4, Seventh Addition, City of Scottsbluff, Scotts Bluff County, Nebraska.

(4) Parking Lot No. 4: Lot 4, Block 2, Original Town, City of Scottsbluff, Scotts Bluff County, Nebraska.

(5) Parking Lot No. 5: The South 66 feet of the East 85 feet of the following-described tract situated within the City: Beginning at the intersection of the North Line of West 18th Street of the City with the West line of Avenue A of the City, such point being 60 feet North of the Northeast corner of Block 4, Original Town, City of Scottsbluff, Scotts Bluff County, Nebraska, thence North along the West line of Avenue A a distance of 300 feet; thence West along the South line of West 19th Street of the City a distance of 140 feet; thence South and parallel with the West line of Avenue A a distance of 300 feet; thence East along the North line of West 18th Street a distance of 140 feet to the point of beginning.

(6) Parking Lot No. 6: Lots 4, 5, 6, and 7, Block 11, Original Town, City of Scottsbluff, Scotts Bluff County, Nebraska.



(7) Parking Lot No. 7: Lots 11, 12, 13 and 14, Block 11, Original Town, City of Scottsbluff, Scotts Bluff County, Nebraska.

(8) Parking Lot No. 8: Lots 15 and 16, Block 3, Original Town, City of Scottsbluff, Scotts Bluff County, Nebraska.

(9) Parking Lot No. 9: Lots 1, 2, 3, 4, 5 and 6, Block 7, Third Addition, City of Scottsbluff, Scotts Bluff County, Nebraska.

(10) Parking Lot No. 10: Lots 15 and 16, Block 6, Original Town, City of Scottsbluff, Scotts Bluff County, Nebraska.

(11) Parking Lot No. 11: Lots 9, 10, 11, and 12, Main Street Addition, City of Scottsbluff, Scotts Bluff County, Nebraska.

(12) Parking Lot No. 12: Lot 1 and the N 1/2 of Lot 2, Block 4, Original Town, City of Scottsbluff, Scotts Bluff County, Nebraska.

(13) Parking Lot No. 13: Lot 4, Block 10, Original Town, City of Scottsbluff, Scotts Bluff County, Nebraska.

(14) Parking Lot No. 14: Lot 5, Block 3, Seventh Addition, City of Scottsbluff, Scotts Bluff County, Nebraska, except the South 10 feet of the West 60 feet, and except the following tract: Beginning at a point 80 feet West of the Southeast corner of Lot 5, Block 3, Seventh Addition, City of Scotts-bluff, Scotts Bluff County, Nebraska, thence North 5 feet; thence East 45 feet, parallel with the South line of such Lot 5; thence South 5 feet; thence West 45 feet to the point of beginning.

(15) Parking Lot No. 15: Lot 6, Block 1, Third Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska.

(16) Parking Lot No. 16: Lots 13 and 14, Block 3, Original Town of Scottsbluff, Scotts Bluff County, Nebraska. (Ord. 3537, 1997)

**22-6-41. Entrance, exit; marking; location.**

Vehicles may enter a public off-street parking lot only at an entrance, may leave only at an exit, while on the lot, except while entering or backing out of a parking space, may be driven only toward an exit. No vehicle shall be backed into a parking space. All entrances and exits shall be clearly marked with appropriate signs. The City Council by resolution may prescribe such locations for the entrances and exits, and prescribe such signs to designate the same, as the City Council shall determine to be in the interest of public safety, convenience and welfare. (Ord. 1561, 1966; Ord. 1116)

**22-6-42. Limited parking; creation; marking.**

The City Council, whenever it shall determine that the public safety, convenience or welfare requires or warrants, by resolution may establish the parking spaces, or particular parking spaces, on designated off-street parking lots:

(1) as two-hour, four-hour or ten-hour parking spaces between the hours of 8:00 A.M. and 6:00 P.M. on any day of the week except Sundays and holidays, and further designate such parking spaces, or some of them, as parking spaces on which, if a seventy-two hour permit shall have been issued as provided in this Article, vehicles may be parked continuously for periods not to exceed seventy-two hours, or

(2) as parking spaces on which, if a monthly permit shall have been issued as provided in this Article, vehicles may be parked continuously or intermittently for a period not to exceed one (1) month. Such two-hour, four-hour and ten-hour parking spaces shall be clearly designated with

appropriate signs(s) bearing the words “TWO-HOUR PARKING,” “FOUR-HOUR PARKING” or “TEN-HOUR PARKING,” and such monthly parking spaces shall be clearly designated with appropriate sign(s) bearing the words “MONTHLY PARKING” (Ord. 3538, 1997)

**22-6-43. Limited parking; violations.**

It shall be unlawful for any person:

(1) to park or leave any vehicle in a two-hour parking space on a public off-street parking lot for a period in excess of two (2) consecutive hours, in a four-hour parking space on a public off-street parking lot for a period in excess of four (4) consecutive hours, or in a ten-hour parking space on a public off-street parking lot for a period in excess of ten (10) consecutive hours, unless such person holds a permit, issued pursuant to this Article, to park the vehicle in such space during periods not to exceed seventy-two (72) consecutive hours,

(2) to park or leave for period in excess of seventy-two (72) consecutive hours, in any two-hour, four-hour, or ten-hour parking space on a public off-street parking lot, any vehicle in respect of which a permit has been issued to park in such a space during a period not to exceed seventy-two (72) consecutive hours, or

(3) to park or leave any vehicle on any public off-street parking lot which has been designated as a monthly parking lot as provided in this Article, without having an unexpired permit as provided in this Article. (Ord. 3538, 1997)

**22-6-44. Limited parking; permit; fee.**

Upon application made to the City Clerk, upon a form supplied by the Clerk, for a permit:

(1) to park or leave a vehicle for periods not to exceed seventy-two (72) consecutive hours in a parking space in a public off-street parking lot which has been designated as a two-hour, four-hour or ten-hour parking space, or

(2) to park or leave a vehicle intermittently or continuously on a public off-street parking lot on which, or a portion of which, neither two-hour, four-hour nor ten-hour parking spaces have been designated, and upon payment to the Clerk of a fee in the amount provided in Chapter 6, Article 6, the Clerk shall issue to the applicant such a permit, which shall be effective for a period of one (1) month from the date of issuance, and shall be subject to renewal from month-to month upon application made and payment of the monthly fee. The permit shall identify the vehicle to which it applies, bear the name of the applicant and the date of expiration, and designate by number the public off-street parking lot(s) on which the permitted parking may occur. (Ord. 3538 § 3, 1997.)

**22-6-45. Limited parking; permit; display.**

Any permit issued pursuant to section 22-6-49 shall be displayed in the applicable vehicle so as to be readily readable outside the vehicle at all times during which the vehicle is parked in a space or location to which the permit applies. If not so displayed at a time when the parking would constitute a violation of section 22-6-43 in absence of a permit issued pursuant to section 22-6-44, it shall not be a defense to a citation for such a violation that such a permit in fact had been issued. (Ord. 3018, 1987)

**22-6-46. Provisions, applicability.**

The provisions of this Chapter shall be applicable to public off-street parking lots, except as otherwise provided in this Chapter and except as to provisions of this Chapter that clearly are not applicable to public off-street parking lots. (Ord. 1561, 1966; Ord. 1116)

## (d) HANDICAPPED PARKING

### **22-6-47. Handicapped Parking Spaces; authorized; marking; permit display.**

The City Council may, by ordinance or by resolution, designate certain parking spaces on public streets or on off-street parking facilities owned or operated by the City as “Handicapped Parking Spaces.” In addition, any person in lawful possession of an off-street parking facility may designate certain parking spaces in the facility as “Handicapped Parking Spaces.” Handicapped Parking Spaces shall be available for the exclusive use of handicapped or disabled persons whose vehicles display:

- (1) a distinguishing license plate issued to handicapped or disabled persons pursuant to §60-311.14 of the Nebraska Statutes or any later section covering this matter;
- (2) a distinguishing license plate issued to handicapped or disabled persons by another state;
- (3) a permit issued to handicapped or disabled persons as provided for in this Article of the Municipal Code; or
- (4) a permit issued for a vehicle to transport handicapped or disabled persons as provided for in this Article.

All such permits shall be displayed by attaching the permit to the motor vehicles rearview mirror so as to be clearly visible through the front windshield. When there is no rear view mirror, the permit shall be displayed on the dash board.

All Handicapped Parking Spaces shall be indicated by (a) blue paint on the curb or edge of the paved portion of a street, on a barrier curb in an off-street parking facility, or in the parking space itself, and (b) a sign posted above ground and immediately adjacent to and visible from each Handicapped Parking Space as required by the latest edition of the Manual on Uniform Traffic Control Devices adopted by the Nebraska Department of Roads. (Ord. 3499, 1996)

### **22-6-48. Parking; requirement.**

It shall be unlawful for any person to park a vehicle in any parking space which has been designated as a Handicapped Parking Space unless:

- (1) there is displayed on the vehicle a form of identification as provided for in section 22-6-47, or
- (2) when the handicapped or disabled person to whom or for whom, as the case may be, the permit is issued will not enter or exit the vehicle while it is parked in the designated space.

If the identity of the person who parked a vehicle in violation of this section cannot be readily determined, the party in whose name the vehicle is registered shall be held prima facie responsible for the violation.

If there is posted above ground and immediately adjacent to and visible from such handicapped parking space a sign which clearly and conspicuously states the area so designated as a “tow-in zone,” then a vehicle not displaying the proper permit or distinguishing license plates may be removed. The removal may be by the owner or person in lawful possession of an off-street parking facility, after notification of the police department. As to on-street parking and city owned off-street parking facilities, the removal shall be by the city. (Ord. 3499, 1996)

### **22-6-49. Permit; eligibility.**

The City Clerk may take an application from a handicapped or disabled person or temporarily handicapped or disabled person who resides within the city, or his or her parent, legal guardian, or

foster parent for a permit which will entitle the holder thereof or a person driving a vehicle for the purpose of transporting such holder to park in handicapped parking space. For purposes of this section the handicapped or disabled person or temporarily handicapped or disabled person shall be considered the holder of the permit. (Ord. 3499, 1996)

**22-6-50. Permit; application.**

A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity and shall complete the application and medical forms provided to the City Clerk by the Nebraska Department of Motor Vehicles. The City Clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons applying for a permit pursuant to this section. (Ord. 3499, 1996)

**22-6-51. Permit; vehicle used for transportation.**

The City Clerk may take an application from any person who resides within the city for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in handicapped parking spaces if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it is issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces. A person applying for a permit or for the renewal of a permit pursuant to this section shall complete the forms provided by the City Clerk provided by the Department of Motor Vehicles, and shall demonstrate to the clerk that such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. A copy of the completed application form shall be given to each applicant. The City Clerk shall submit to the Department the name, address and license number of all persons applying for a permit pursuant to this section. (Ord. 3499, 1996)

**22-6-52. Fee.**

Persons applying for a handicapped parking permit shall pay the fee provided in Chapter 6, Article 6. (Ord. 3499, 1996)

**22-6-53. Limit.**

A vehicle authorized to park in a Handicapped Parking Space shall not be parked in a space for a period of time longer than is (1) allowed for other parking spaces in the area in which the Handicapped Parking Space is located, and (2) reasonably necessary to enable the handicapped or disabled person to engage in the business which is the occasion for the parking. (Ord. 3257, 1992)

**22-6-54. Limit; exception.**

A person holding a permit issued pursuant to this Article may make application to the City Clerk, on a form supplied by the Clerk, for a permit to park a vehicle in a regular or Handicapped Parking Space for a period of time not to exceed 10 consecutive hours. The Clerk may issue a permit for good cause shown which may include the need to park near a place of employment. The permit shall be issued for parking within one block of a particular location. No fee shall be charged for this permit other than the normal permit fee charged pursuant to this Article. The permit shall specify:

(1) the name the holder, (2) identify the vehicle to which it applies, (3) the expiration date, (4) the address of the location for which the permit is issued, and (5) whether the permit applies to a regular space or a handicapped space. All permits issued pursuant to this section shall expire on each January 1 following issuance and may be renewed by making application for a new permit. (Ord. 3257, 1992)

**22-6-55. Citation.**

For any violation of section 22-6-48, a handicapped parking citation may be issued by any Police Officer or Parking Enforcement Clerk. When a handicapped parking citation is issued:

(1) The person issuing the handicapped parking citation shall enter thereon all required information, including the name and address of the cited person, or, if not known, the license number and description of the offending motor vehicle, the offense charged, and the time and place the person cited is to appear in court. One copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

(2) Unless the person cited requests an earlier date, the time of appearance shall be at least 3 days after the issuance of the handicapped parking citation.

(3) At least 24 hours before the time set for the appearance of the cited person, either the city attorney or deputy city attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint. If a complaint is not filed in a timely manner, the person charged shall be released from the obligation to appear as specified in the citation.

(4) A person cited for a handicapped parking violation may waive his or her right to trial. For any handicapped parking citation issued by reason of the failure of the vehicle to display a handicapped parking permit, the complaint shall be dismissed, if, within seven business days after the date of issuance of the citation, the person cited files with the court an affidavit signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit and that the peace officer has personally viewed the permit. The trial of any person charged under this section shall be by the court without a jury. (Ord. 3499, 1996)

**22-6-56. Restricted use; alteration; false information; prohibited.**

Handicapped parking permits shall not be transferable and shall be used only by the party to whom issued and for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall alter or reproduce in any manner a handicapped parking permit. No person shall knowingly hold more than one permit or knowingly provide false information on an application for a handicapped parking permit. (Ord. 3499, 1996)

**22-6-57. Penalty.**

A person convicted of violating sections 22-6-48 or 22-6-56 shall pay the costs of prosecution and be fined:

- (1) not more than \$100 for the first offense;
- (2) not more than \$200 for a second offense within a one-year period; or
- (3) not more than \$300 for a third or subsequent offense within a one-year period. (Ord. 3499, 1996)

**22-6-58 to 22-6-60. Reserved.**

**(e) SNOW EMERGENCY ROUTES**

**22-6-61. Snow Emergency Routes, Designated.**

The streets described below are hereby declared to be snow emergency routes in the City of Scottsbluff, Nebraska. Appropriate signs or other traffic control devices shall be installed indicating the existence of such snow emergency routes. A designation of any street, avenue, road or highway or a portion thereof, as a snow emergency route shall in no way affect designation of that street, avenue, road or highway for any other purpose. The snow emergency routes are:

South Beltline Highway from east city limits to West Overland  
Avenue I from South Beltline Highway to Highway 26  
Avenue B from South Beltline Highway to 42<sup>nd</sup> Street  
Broadway from South Beltline Highway to 27<sup>th</sup> Street  
5<sup>th</sup> Avenue from South Beltline Highway to 42<sup>nd</sup> Street  
21<sup>st</sup> Avenue from 7<sup>th</sup> Street to Highway 26  
27<sup>th</sup> Street from west city limits to 21<sup>st</sup> Avenue  
20<sup>th</sup> Street from South Beltline Highway to 21<sup>st</sup> Avenue  
East Overland from Broadway to 21<sup>st</sup> Avenue  
West Overland from Broadway to South Beltline Highway (Ord. 3797, 2004)

**22-6-62. Prohibition of Parking on Snow Emergency Routes.**

Whenever the City Manager, Public Works Director or Police Chief shall find, on the basis of falling snow, accumulated snow, sleet, or freezing rain, or on the basis of an official forecast by the National Weather Service of snow, snow accumulation, sleet or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city snow emergency routes be prohibited or restricted for snow plowing and other purposes, the City Manager, Public Works Director or Police Chief may put into effect a parking prohibition on any or all snow emergency routes by declaring that emergency conditions exist and that all parking on said streets so designated shall be prohibited. In such declaration of emergency conditions the City Manager, Public Works Director or Police Chief shall state the time that said emergency shall be in effect and from the time so designated, all parking of motor vehicles on snow emergency routes so designated shall be prohibited. While the prohibition is in effect, no person shall allow any motor vehicle to remain parked on any portion of a snow emergency route. The parking prohibition imposed under this section shall remain in effect until terminated by declaration of the City Manager, Public Works Director or Police Chief. Nothing in this section shall be construed to permit parking at any time or place when or where it is prohibited by any other provision of law. (Ord. 3797, 2004)

**22-6-63. Emergency Declaration.**

The City Manager, Public Works Director or Police Chief shall cause each declaration of a snow emergency made by him or her, pursuant to this Article, to be publically announced on any commercial radio or television station which maintains a studio in Scotts Bluff County. Such announcement shall describe the action taken by the City Manager, Public Works Director or Police Chief including the time it became or will become effective, and shall specify the streets or areas affected. The City Manager, Public Works Director or Police Chief shall make or cause to be made a record of each time and date when any declaration is announced to the public by issuing an executive order as soon after the declaration of an emergency as is feasible.

**22-6-64. Operation of Motor Vehicles on Snow Emergency Routes or Designated Arterial and Residential Streets.**

Whenever an emergency has been declared pursuant to this Article, no person operating a motor vehicle on a designated snow emergency route shall allow such motor vehicle to become stalled or stuck including those motor vehicles which become stalled or stuck due to the fact that the motor fuel supply is exhausted or the battery has become inoperative. Whenever a motor vehicle becomes stalled or stuck for any reason on any designated snow emergency route on which there is a parking prohibition in effect, the person operating such motor vehicle shall take immediate action to remove such vehicle from such designated snow emergency route. No person shall abandon or leave a motor vehicle in the roadway of a designated snow emergency route, except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone, garage, service station, or other place of assistance and return without delay. (Ord. 3797, 2004)

**22-6-65. Windrows, Removal of Vehicles.**

Upon the removal or moving of snow, by the city, from streets or avenues located within the corporate limits of the city, and the creation of any windrows, or piles of snow left around a vehicle, said vehicle must be moved within twelve hours from the date of the creation of the windrow or pile of snow to a location at least one hundred feet (100') from the nearest windrow located upon the portion of public right-of-way used for vehicular traffic, or to be moved upon privately owned property. (Ord. 3797, 2004)

**22-6-66. Curb Sidewalk Areas, Private Driveways.**

It is hereby specifically provided that in areas where curb sidewalks exist, if and when it becomes necessary to plow snow from the street on to such curb sidewalks, it shall become the abutting property owner's responsibility to have such snow removed as provided by law. It is also hereby provided that when snow from the streets is plowed into private driveways, it shall not be the responsibility of the city to remove such snow therefrom. It is further declared that those vehicles not moved from streets during snow emergency may have snow plowed up against said vehicle and it will be the sole responsibility of property owner or owner of vehicle to have said snow removed from vehicles left parked along snow routes.(Ord. 3797, 2004)

**22-6-67. Violation of Vehicles Parking on Emergency Snow Routes.**

A violation of any provision of this Article shall be punishable by a fifty dollar (\$50.00) fine. (Ord. 3885, 2005)

**ARTICLE 7**

**MISCELLANEOUS PROVISIONS**

**Section**

- [22-7-1](#) [Pedestrians; jay-walking; prohibited.](#)
- [22-7-2](#) [Signs, signals; interference with; prohibited.](#)
- [22-7-3](#) [Same; unofficial; prohibited; nuisances; abatement.](#)
- [22-7-4](#) [Government vehicles; Chapter; applicable.](#)
- [22-7-5](#) [All-terrain vehicles and utility-type vehicles.](#)

**22-7-1. Pedestrians; jay-walking; prohibited.**

It shall be unlawful for any pedestrian to cross a street at any point other than a pedestrian crossing, crosswalk or street intersection, or to cross any street intersection diagonally. (Ord. 1116)

**22-7-2. Signs, signals; interference with; prohibited.**

It shall be unlawful for any person wilfully to deface, injure, remove, obstruct, or otherwise interfere with any official traffic sign or signal. (Ord. 1116)

**22-7-3. Same; unofficial; prohibited; nuisances; abatement.**

It shall be unlawful for any person to place, maintain or display upon or in view of any street any unofficial sign, signal or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal or device is hereby declared to be a public nuisance, and any police officer is hereby empowered to remove the same, or cause it to be removed, without notice. (Ord. 1116)

**22-7-4. Government vehicles; Chapter; applicable.**

The provisions of this Chapter shall apply to any vehicle and any driver of any vehicle owned by or operated in the service of the United States Government, any state, and any governmental subdivision thereof, including the City of Scottsbluff. It shall be unlawful for any such driver to fail or refuse to comply with any of the provisions of this Chapter, except as otherwise permitted in this Chapter. (Ord. 1116)

**22-7-5. All-terrain vehicles and utility-type vehicles.**

1. For the purposes of this section, All-Terrain Vehicle means any motorized off-highway vehicle which is (a) fifty inches (50") or less in width, (b) has a dry weight of nine hundred pounds (900 lbs.) or less, (c) travels on four (4) or more low-pressure tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one (1) passenger, (e) has a seat or saddle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control.

Street or Highway means the entire width between the boundary limits of any street, road, avenue, boulevard or way which is publically maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

2. For the purposes of this section, Utility-Type Vehicle means any motorized off-highway vehicle which (a) is not less than forty-eight inches (48"), nor more than seventy-four inches (74") in width, (b) is not more than one hundred thirty-five inches (135") including the bumper, in length, (c) has a dry weight of not less than nine hundred pounds, nor more than two thousand 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.

A utility-type vehicle does not include golf carts, low-speed vehicles, or Electric Personal Assistive Mobility Devices as defined in Section 3-1-5 of the Municipal Code.

3. An All-Terrain Vehicle or Utility-Type Vehicle may be operated on streets and highways, other than a controlled-access highway with more than two (2) marked traffic lanes, within the corporate limits of the City of Scottsbluff, only if the operator and the vehicle comply with the provisions of this Ordinance.

4. It is unlawful to operate a three-wheeled All-Terrain Vehicle or Utility-Type Vehicle



within the city limits of the City of Scottsbluff.

5. An All-Terrain Vehicle or Utility-Type Vehicle shall not be operated at a speed in excess of thirty miles per hour (30 mph) and shall observe posted speed limits if lower than thirty miles per hour.

6. When operating an All-Terrain Vehicle or Utility-Type Vehicle, the headlight and taillight of the vehicle shall be on. Whenever an All-Terrain Vehicle or Utility-Type Vehicle is operated within the city, there shall be no trailer attached to the All-Terrain Vehicle or Utility-Type Vehicle, and all cargo must be securely attached to the vehicle in such a manner that the cargo remains secured without any assistance of the operator.

7. Every All-Terrain Vehicle or Utility-Type Vehicle shall be equipped with a bicycle safety flag which extends not less than six feet (6') above ground attached to the rear of the vehicle. The safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color. Every All-Terrain Vehicle and Utility-Type Vehicle shall also be equipped with (a) a brake system maintained in good operating condition; (b) an adequate muffler system in good working condition; and (c) a United States Forest Service Qualified Spark Arrester.

8. No person shall:

a. Equip the exhaust system of an All-Terrain Vehicle or Utility-Type Vehicle with a cutout, bypass or similar device;

b. Operate an All-Terrain Vehicle or Utility-Type Vehicle with an exhaust system so modified; or

c. Operate an All-Terrain Vehicle or Utility-Type Vehicle with the spark arrester removed or modified, except for use in a closed-course competition event.

9. Any person operating an All-Terrain Vehicle or Utility-Type Vehicle shall have obtained a valid Class O Operator's License or a farm permit from the Nebraska Department of Motor Vehicles pursuant to the Motor Vehicle Operator's License Act.

10. The operator and any passenger of any All-Terrain Vehicle must wear a helmet in compliance with Neb. Rev. Stat. §60-6,278 through §60-6,282.

11. Any person operating an All-Terrain Vehicle or Utility-Type Vehicle shall have liability insurance coverage for the All-Terrain Vehicle or Utility-Type Vehicle while operating the All-Terrain Vehicle or Utility-Type Vehicle within the City of Scottsbluff. The person operating the All-Terrain Vehicle or Utility-Type Vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such request. It shall be unlawful for any person to operate any All-Terrain Vehicle or Utility-Type Vehicle within the City of Scottsbluff until the owner has demonstrated proof of insurance to the Scottsbluff Police Department and obtained an insurance decal for the current year. The Scottsbluff Police Department will issue a decal for the current year that must be affixed to the All-Terrain Vehicle or Utility-Type Vehicle in a conspicuous place. The City of Scottsbluff will charge a fee of twenty-five dollars (\$25.00) for the issuance of the permit.

12. All-Terrain Vehicles and Utility-Type Vehicles may be operated on streets and highways without complying with paragraphs 3. through 9. of this Ordinance while in parades which have been authorized by the State of Nebraska, any department, board, commission or political subdivision of the State of Nebraska.

13. An All-Terrain Vehicle or Utility-Type Vehicle shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes, and the crossing of any controlled-access

highway with more than two (2) marked traffic lanes shall not be permitted. The crossing of any one

of these streets or avenues shall be permitted by an All-Terrain Vehicle or Utility-Type Vehicle if:

- a. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street or avenue 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 street or avenue;
- c. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- d. The crossing is made only at an intersection of such street or avenue with another street or avenue; and
- e. Both the headlight and taillight of the vehicle are on when the crossing is made.

14. If an accident results in the death of any person or the injury of any person which requires a treatment of the person by a physician, or causes damage to the property of any person or entity in the apparent amount of more than one thousand dollars (\$1,000.00), the operator of each All-Terrain Vehicle or Utility-Type Vehicle involved in the accident shall give notice in the accident in the same manner as provided by Neb. Rev. Stat. §60-699.

15. Any person who violates any provision of this Ordinance shall be punished as provided in §6-7-1 of the Scottsbluff Municipal Code, unless otherwise provided for in this ordinance. In addition to any penalties for violation hereof, the Scottsbluff Police Department may impound any All-Terrain Vehicle or Utility-Type Vehicle when operated in violation of Nebraska law or city ordinance, in the same situation as any violation in connection with a motor vehicle.

## ARTICLE 8

### ENFORCEMENT

#### **Section**

<a href="#"><u>22-8-1</u></a>	<a href="#"><u>Traffic supervision; generally; Police Chief; duty.</u></a>
<a href="#"><u>22-8-2</u></a>	<a href="#"><u>Traffic signs, markers, devices; installation.</u></a>
<a href="#"><u>22-8-3</u></a>	<a href="#"><u>Traffic; Police Department; powers; duties; generally.</u></a>
<a href="#"><u>22-8-4</u></a>	<a href="#"><u>Intersections; police officers and crossing guards; authorization; duty.</u></a>
<a href="#"><u>22-8-5</u></a>	<a href="#"><u>Emergency regulations; City Manager, Police Chief; power.</u></a>
<a href="#"><u>22-8-6</u></a>	<a href="#"><u>Orders, signals; police officers, crossing guards; compliance; required.</u></a>
<a href="#"><u>22-8-7</u></a>	<a href="#"><u>Parking violation notice; destruction; failure to appear.</u></a>
<a href="#"><u>22-8-8</u></a>	<a href="#"><u>Railroad crossings; watchmen; authority; duties.</u></a>
<a href="#"><u>22-8-9</u></a>	<a href="#"><u>Private premises; unauthorized parking; complaints.</u></a>

#### **22-8-1. Traffic supervision; generally; Police Chief; duty.**

It shall be the duty of the Police Chief to supervise generally the administration and enforcement of traffic regulations of the City. (Ord. 1116)

#### **22-8-2. Traffic signs, markers, devices; installation.**

The City Manager shall designate an employee of the City to arrange for and supervise the placing and installation of all traffic signs, markers, devices and traffic-control signals that are required by this municipal code. (Ord. 3428, 1995)

**22-8-3. Traffic; Police Department; powers; duties; generally.**

Subject to the provisions of sections 22-8-1 and 22-8-2, any police officer and Police Chief, city employee designated by the Police Chief, or volunteer with the Volunteers in Police Service (VIPS) or Community Emergency Response Team (CERT), are hereby authorized, empowered and ordered to exercise all powers and duties with relation to the management of street traffic, and to direct, control, stop, restrict, regulate and, when necessary, temporarily divert or exclude, in the interest of public safety, health, and convenience, the movement of vehicular, pedestrian and animal traffic of every kind in streets and parks, and on bridges in the City. (Ord. 1116; Ord. 3969, 2008)

**22-8-4. Intersections; police officers, crossing guards and volunteers; authorization; duty.**

The City Manager or the Police Chief may at any time authorize regulation of traffic (1) by police officers, and (2) by lay employees designated as crossing guards at street intersections and crossings, except on State highways, or, if authorized by the State Department of Roads, on State highways, and (3) by volunteers through to the Volunteers in Police Service (VIPS) or Community Emergency Response Team (CERT) who are performing service for and under the supervision and control of the police department. Every police officer, crossing guard and member of the Volunteers in Police Service (VIPS) or Community Emergency Response Team (CERT), shall have authority to regulate and control traffic at the intersections or crossings which such person is authorized by the police department to regulate. It shall be such person's duty to direct the movement of traffic at such intersection or crossing in such a manner as will facilitate traffic and prevent congestion and accidents.(Ord. 2439 1978; Ord. 1116; Ord. 3969, 2008)

**22-8-5. Emergency regulations; City Manager; Police Chief; power.**

The City Manager or, in case of his or her absence or disability, the Police Chief is hereby empowered to make temporary traffic regulations in emergencies or to respond to temporary situations, including but not limited to construction projects in or near the City streets. It shall be unlawful for any person to violate such regulations. (Ord. 1168, 1958; Ord. 1116; Ord. 3751, 2003)

**22-8-6. Orders, signals; police officers, crossing guards, volunteers; compliance; required.**

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer, crossing guard or volunteer with the Volunteers in Police Service (VIPS) or Community Emergency Response Team (CERT), notwithstanding the presence of traffic signs, markers or devices.(Ord. 2459, 1978; Ord. 1116; Ord. 3969, 2008)

**22-8-7. Parking violation notice; destruction; failure to appear.**

It shall be unlawful for any person to destroy any notice of parking violation placed upon any vehicle by any officer or other employee of the Police Department, or to fail to appear as directed in such notice. (Ord. 2910, 1985)

**22-8-8. Railroad crossings; watchman; authority; duties.**

Each watchman stationed at a railroad crossing within the City shall have authority to regulate and control traffic of vehicles at such crossing. It shall be his or her duty to direct the movement of traffic at such crossing in such a manner as will facilitate the movement of traffic, prevent congestion and accidents. He or she shall stop all movement of vehicles at such crossing when any engine, car or conveyance of the railroad company approaches such crossing upon the tracks of such company, by holding a stop signal in his hand extended straight out from his shoulder and facing the street. It shall

be unlawful for any person to violate any lawful order or signal of such watchman. (Ord. 1116)

**22-8-9. Private premises; unauthorized parking; complaints.**

Prosecution for parking or leaving standing vehicles on private premises in violation of section 22-6-24 shall be commenced only by a complaint in writing signed by the person in possession of the premises. The complaint shall be in a form prescribed by the City Attorney. (Ord. 1723, 1968; Ord. 1116)

**ARTICLE 9**

**ABANDONED VEHICLES**

**Section**

<a href="#"><u>22-9-1</u></a>	<a href="#"><u>Abandonment of vehicle; prohibited.</u></a>
<a href="#"><u>22-9-2</u></a>	<a href="#"><u>Applicability of certain provisions.</u></a>
<a href="#"><u>22-9-3</u></a>	<a href="#"><u>Vehicle pound; created.</u></a>
<a href="#"><u>22-9-4</u></a>	<a href="#"><u>Same; location.</u></a>
<a href="#"><u>22-9-5</u></a>	<a href="#"><u>Abandoned vehicles; impounding.</u></a>
<a href="#"><u>22-9-6</u></a>	<a href="#"><u>No number plates; value one hundred dollars (\$250.00) or less; title.</u></a>
<a href="#"><u>22-9-7</u></a>	<a href="#"><u>Same; disposition.</u></a>
<a href="#"><u>22-9-8</u></a>	<a href="#"><u>Same; other than section 22-9-5; inquiry; notice.</u></a>
<a href="#"><u>22-9-9</u></a>	<a href="#"><u>Same; claim to vehicle; charges.</u></a>
<a href="#"><u>22-9-10</u></a>	<a href="#"><u>Same; title.</u></a>
<a href="#"><u>22-9-11</u></a>	<a href="#"><u>Same; explanation; payment; protest.</u></a>
<a href="#"><u>22-9-12</u></a>	<a href="#"><u>Same; trial; sale; refund.</u></a>
<a href="#"><u>22-9-13</u></a>	<a href="#"><u>Same; sale; time.</u></a>
<a href="#"><u>22-9-14</u></a>	<a href="#"><u>Same; proceeds; disposition.</u></a>
<a href="#"><u>22-9-15</u></a>	<a href="#"><u>Owner of abandoned vehicle; liability.</u></a>
<a href="#"><u>22-9-16</u></a>	<a href="#"><u>Owner, occupant of premises; City not liable.</u></a>
<a href="#"><u>22-9-17</u></a>	<a href="#"><u>Impounding vehicles; enforcement; Police Chief; duty.</u></a>
<a href="#"><u>22-9-18</u></a>	<a href="#"><u>Impounding vehicles; records; reports.</u></a>
<a href="#"><u>22-9-19</u></a>	<a href="#"><u>Abandoned vehicles; Director of Motor Vehicles; regulations.</u></a>
<a href="#"><u>22-9-20</u></a>	<a href="#"><u>Impounding vehicles; remedy; cumulative.</u></a>
<a href="#"><u>22-9-21</u></a>	<a href="#"><u>Vehicle Title; authority to sign.</u></a>

**22-9-1. Abandonment of vehicle; prohibited.**

It shall be unlawful for any person to cause any vehicle to be an abandoned vehicle. (Ord. 1906, 1971; Ord. 1116)

**22-9-2. Applicability of certain provisions.**

The provisions of this article shall apply to motor vehicles only. (Ord. 1202, 1958; Ord. 1116)

**22-9-3. Vehicle pound; created.**

There is hereby created a pound for the impounding of vehicles, to be known as the vehicle pound. (Ord. 1906, 1971; Ord. 1116)

**22-9-4. Same; location.**

The vehicle pound shall be at such location as the City Council by resolution shall designate, or at such location as impounded vehicles are to be stored pursuant to a contract for the removal and storage of such vehicles which has been approved by the City Council. (Ord. 1906, 1971; Ord. 1116)

**22-9-5. Abandoned vehicles; impounding.**

A police officer may remove and convey, or cause to be removed and conveyed, by towing or otherwise, to the vehicle pound any abandoned vehicle. (Ord. 1906, 1971; Ord. 1116)

**22-9-6. Same; no number plates; value two hundred fifty dollars (\$250.00) or less; title.**

If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit decals issued pursuant to state law affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of two hundred fifty dollars or less, title shall immediately vest in the City. (Ord. 3627, 1999)

**22-9-7. Same; disposition.**

The City, in the discretion of the City Manager, may retain and use an impounded abandoned automobile of the type described in section 22-9-6, sell it at a private sale or public auction, or otherwise dispose of it. Provided, if the automobile be sold, the proceeds of sale shall be applied, and the balance, if any, held and paid over as provided in section 22-9-15. (Ord. 1906, 1971; Ord. 1116)

**22-9-8. Same; other than section 22-9-6; inquiry; notice.**

(1) Except for vehicles governed by Section 22-9-6, the Police Chief having custody of an abandoned vehicle shall make an inquiry concerning the last-registered owner of such vehicle as follows:

- (a) Abandoned vehicles with license plates affixed, to the jurisdiction which issued such license plates; or
- (b) Abandoned vehicles with no license plates affixed, to the Department of Motor Vehicles.

(2) The Police Chief shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either (a) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (b) title will vest in the City thirty days after the date such notice was mailed. If the agency described in subdivision (1)(a) or (b) of this section also notifies the Chief of Police that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. (Ord. 3627, 1999)

**22-9-9. Same; claim to vehicle; charges.**

Any person claiming an impounded abandoned vehicle of a type described in section 22-9-8 shall make such claim to the Police Chief and shall, before the vehicle is released from the pound, pay to the City Clerk the cost of removal and storage of the vehicle as determined by the Police Chief. The cost of removal and storage of vehicles generally shall be the reasonable cost thereof as the City Council shall have determined by resolution: provided, if the Police Chief shall determine that the reasonable cost of removal or storage of trucks or trailers exceeds the cost of removal or storage of vehicles generally as determined by a resolution of the City Council, the cost of removal or storage of trucks or trailers shall be the reasonable cost thereof as determined by the Police Chief. (Ord.

1906, 1971; Ord. 1116)

**22-9-10. Same; title.**

(1) Title to an abandoned vehicle, if unclaimed, shall vest in the City (a) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under Section 22-9-8 subdivision 2 (a),(b) thirty days after the date the notice is mailed if the Police Chief will retain the vehicle, or (c) if the last-registered owner cannot be ascertained, when notice of such fact is received.

(2) After title to the abandoned vehicle vests pursuant to this chapter the City may retain for use, sell, or auction the abandoned vehicle. If the Police chief has determined that the vehicle should be retained for use, the Police Chief shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the Police Chief intends to retain the abandoned vehicle for its use and that title will vest in the City thirty days after the publication.

(3) When the City has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, the Police Chief shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the City, that the vehicle is no longer needed for law enforcement purposes, and that after thirty days the City will dispose of the vehicle. This section shall not apply to motor vehicles subject to forfeiture under Neb. Rev. Stat. 28-431 or any amendment thereof. No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this section unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the City took the vehicle into custody. If a registered owner of the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. (Ord. 3627, 1999)

**22-9-11. Same; explanation; payment; protest.**

When the owner, operator, or other person asserting an interest in an impounded abandoned vehicle of the type described in section 22-9-6 of this Article makes a claim to the Police Chief for release of the vehicle, it shall be the duty of the Police Chief to inform such person of the nature and circumstances of the alleged violation on account of which such vehicle has been impounded. If such person executes an affidavit denying the facts upon which the impounding of the vehicle has been based, and protesting against the payment of the above enumerated charges, but nevertheless pays the charges, there shall be given him by the Police Chief a receipt therefor marked "Paid Under Protest." (Ord. 1906, 1971; Ord. 1116)

**22-9-12. Same; trial; sale; refund.**

A charge filed as provided in section 22-9-11 shall be tried and determined by the appropriate court in the same manner as other charges of violations of ordinances of the City are tried and determined. In addition, if the person charged is found by the Court to be guilty, the impounded vehicle shall be sold as provided in this Article. If, on the other hand, the person is found by the Court to be not guilty, the automobile shall be released to such person, and the City Clerk shall refund to such person the amount, if any, of removal and storage charges which such person has paid under protest. (Ord. 1906, 1971; Ord. 1116)

**22-9-13. Same; sale; time.**

All vehicles of the type described in section 22-9-8 which remains in the pound for a period of thirty (30) days or more may be sold to pay the removal and storage charges, unless the owner or other person interested in the vehicle shall, prior to actual sale, pay to the City Clerk the amount of such charges, together with such expenses of sale as may have been incurred by the City. (Ord. 1906, 1971; Ord. 1116)

**22-9-14. Same; proceeds; disposition.**

Any proceeds from the sale of an abandoned vehicle, less the removal and storage charges and expenses, if any, of sale, shall be held by the City Treasurer, without interest, for the benefit of the owner or lienholders of such vehicle for a period of two (2) years. If not claimed within such two (2) year period, such proceeds shall be paid into the general fund of the City. (Ord. 3627, 1999)

**22-9-15. Owner of abandoned vehicle; liability.**

The last registered owner of an abandoned vehicle shall be liable to the City for the costs of removal and storage of such vehicle and the expense, if any, of sale thereof. If such costs and expense exceed the proceeds realized upon a sale of the vehicle such owner shall be liable to the City for the excess. (Ord. 3627, 1999)

**22-9-16. Owner, occupant of premises; City not liable.**

Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed nor the City shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the City or its contractual agent, or as a result of any subsequent disposition. (Ord. 3627, 1999)

**22-9-17. Impounding vehicles; enforcement; Police Chief; duty.**

It shall be the duty of the Police Chief to see that the provisions of this Article pertaining to the abandoned vehicle pound and the impounding of abandoned vehicles are enforced. The Police Chief may delegate to a subordinate officer or officers the powers and duties vested in the Police Chief by this Article, except those specified in the following sections, and parts of sections: section 22-9-6, section 22-9-7 (provisions pertaining to notice), section 22-9-9 (provisions pertaining to trucks and trailers) and section 22-9-10. Provided, the Police Chief may in writing delegate to a subordinate officer the exercise of such excepted powers and duties in the case of absence or disability of the Police Chief. (Ord. 1906, 1971; Ord. 1116)

**22-9-18. Impounded vehicles; records; reports.**

The Police Chief shall keep a record of the name of the owner of each vehicle impounded the number of the registration plate of such vehicle, the nature and circumstances of each violation involved, and the disposition of each case. (Ord. 1906, 1971; Ord. 1116)

**22-9-19. Abandoned vehicles; Director of Motor Vehicles; regulations.**

The provisions in this Article pertaining to abandoned vehicles shall be subject to a regulation adopted by the Director of Motor Vehicles pursuant to statute and, in the event of conflict between a provision of this Article and a regulation of the Director of Motor Vehicles, the regulation shall, to the extent of the conflict, govern. (Ord. 1906,1971; Ord. 1116)

**22-9-20. Impounding vehicles; remedy; cumulative.**

Nothing in this Article pertaining to the impounding of vehicles shall be construed as superseding any other ordinance concerning the proper parking or operation of vehicles of any character in the City, nor shall the impounding of any vehicle and the collection of the charges and expenses in connection therewith as in this Article provided prevent or preclude prosecution for the violation of any other provisions of any ordinance of vehicles in the City. (Ord. 1906, 1971; Ord. 1116)

**22-9-21. Vehicle Title; authority to sign.**

When a vehicle is sold pursuant to the authority granted in this Article, the certificate of title and any other documents necessary to transfer title to the buyer may be executed on behalf of the City by the City Clerk, the Police Chief, or any Police Department Captain.

## ARTICLE 10

### VIOLATIONS; PENALTIES

**Section**

<a href="#">22-10-1</a>	<a href="#">Violations; classification.</a>
<a href="#">22-10-2</a>	<a href="#">Same; owner of vehicle; prima facie liable; when.</a>
<a href="#">22-10-3</a>	<a href="#">Liability for recklessness, negligence; preserved.</a>

**22-10-1. Violations; classification**

A violation of any provision of this Chapter which is not specifically classified otherwise is a Class II violation.

**22-10-2. Same; owner of vehicle; prima facie liable; when.**

In any prosecution charging a violation of any of the provisions of this Chapter regulating the stopping, standing, parking or operation of a vehicle, proof that the particular vehicle described in the complaint was stopped, standing, parked or operated in violation of any such provision, together with proof that the defendant named in the complaint was at the time of such stopping, standing, parking or operation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who stopped, placed, parked or operated such vehicle at the point or points where, and for the time during which, such violation occurred. (Ord. 1445, 1963; Ord. 1116)

**22-10-3. Liability for recklessness, negligence; preserved.**

Nothing in this Chapter shall be construed or pleaded as justifying, absolving or rendering blameless, either directly or indirectly, any person or persons in charge of or owning any vehicle for any injury or damage to persons or property due to recklessness, incompetency, or negligence in the operation of any vehicle. (Ord. 1116)