

# TRAFFIC REGULATIONS

## CHAPTER 5

### TRAFFIC REGULATIONS

#### ARTICLE 1. DEFINITIONS

##### **§5-101 DEFINITIONS.**

The words and phrases used in this Chapter, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Chapter 60 of the Reissued Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statute, the word or phrase shall have its common meaning. *(Ref 60-601 to 60-6,377 RS Neb.)*

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### **ARTICLE 2. MUNICIPAL TRAFFIC REGULATIONS**

#### **§5-201 TRUCK ROUTES.**

The Governing Body may, by resolution, designate certain streets in the Municipality that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on streets other than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through, or about the Municipality. The Governing Body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. *(Ref. 60-681 RS Neb.)*

#### **§5-202 ONE-WAY TRAFFIC.**

The Governing Body may, by resolution, provide for one-way travel on any street, or alley located in the Municipality and shall provide for appropriate signs and markings when said streets have been so designated by resolution. *(Ref. 60-680 RS Neb.)*

#### **§5-203 TRAFFIC LANES; DESIGNATION.**

The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. *(Ref. 60-680 RS Neb.)*

#### **§5-204 ARTERIAL STREETS; DESIGNATION.**

The Governing Body may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated. *(Ref. 60-680 RS Neb.)*

#### **§5-205 TURNING; "U" TURNS.**

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection, or where an automatic signal is in operation, or a sign is posted that U-turns are permitted. *(Ref. 60-6,160, 60-680 RS Neb.)*

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### **§5-206 TURNING; GENERALLY.**

Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right hand side of the highway and must turn the corner as near the right hand curb as possible to keep between the curb to the right and the center of the intersection of the two (2) streets. The driver of a vehicle intending to turn to the left shall approach such center line of the street, and in turning shall pass as near as possible to center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this Section, the center of the intersection shall mean the meeting point of the medial lines of the streets intersecting one another. *(Ref 60-6, 159 RS Neb.)*

### **§5-207 RIGHT-OF-WAY; GENERALLY.**

When two (2) vehicles approach, or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a law enforcement officer stationed at the intersection. The driver of a vehicle intending to turn to the left within an intersection, or into an alley, private road, or drive-way shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver of a vehicle on any street shall yield the right-of-way to a pedestrian crossing such street within any clearly marked crosswalk, or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than a pedestrian crossing, crosswalk, or intersection shall yield the right-of-way to vehicles upon the street. The driver of a vehicle entering a Municipal street from a private road, or drive shall yield the right-of-way to all vehicles approaching on such streets. The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals. *(Ref. 60-6, 146 thru 60-6, 154 RS Neb.)*

### **§5-208 POSITION OF VEHICLE ON HIGHWAY; GENERALLY.**

Upon all highways of sufficient width, one-way streets excepted, the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, driver shall give each other at least one half (1/2) of the main traveled portion of the roadway. *(Ref. 60-6, 131 RS Neb.)*

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### **§5-209 CROSSWALKS.**

The Governing Body may, by resolution, establish and maintain, by appropriate devices, markers, or lines upon the street, crosswalks, at intersections where there is particular danger to pedestrians crossing the street, and at such other places as they may deem necessary. *(Ref. 60-680 RS Neb.)*

### **§5-210 SIGNS, SIGNALS.**

The Governing Body may, by resolution, provide for the placing of stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the Municipality's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation of prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulation, or prohibition. *(Ref. 60-6,119 thru 60-6,121, 60-680 RS Neb.)*

### **§5-211 STOP SIGNS.**

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operated shall stop at a marked stop line, or if there is no stop line, before entering the crosswalk; but if neither is indicated, then as near the right-of-way line of the intersecting roadway as possible. *(Ref. 60-6,119 thru 60-6121, 60-680 RS Neb.)*

### **§5-212 PEDESTRIAN MALL/FIRE LANE.**

That portion of "G" Street which extends east from Third Street within the Municipality of Eagle to the north-south alley in Tax Lot 12, Original Town, is designated as a pedestrian mall to be open for pedestrian use only with the exception of this section of "G" Street shall be maintained as a fire lane accessible to emergency vehicles. All other motor vehicle traffic is prohibited thereon. The Municipal maintenance department shall post appropriate signs and have constructed appropriate gates and barricades designed to serve the purposes of this ordinance.

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### **§5-213 ENGINE BRAKING; PROHIBITED.**

It shall be unlawful within the Municipal Limits for any operator of a motor vehicle to use the practice of engine braking, or to attempt to or actually retard the forward movement of said vehicle by initiating a device to contain the engine's compression, thus rapidly slowing the engine's revolutions per minute.

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### **ARTICLE 3. PROHIBITIONS AND ENFORCEMENT**

#### **§5-301 LITTERING.**

It shall be unlawful for any person to drop, or cause to be left, upon any municipal highway, street, or alley, except at places designated by the Governing Body, any rubbish, debris, or waste, and whosoever shall be guilty of such littering will be fined dollars nor more than one hundred (\$100.00) dollars. *(Ref. 39-311 RS Neb.)*

#### **§5-302 SIGNS; DEFACING OR INTERFERING WITH.**

It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal. *(Ref. 60-6,129 RS Neb.)*

#### **§5-303 QUIET ZONES; UNNECESSARY NOISE.**

All streets, or portions thereof, lying within three hundred (300') feet of any hospital, nursing home, or school, and which have been declared to be "quiet zones" by the Governing Body shall be respected as such by all drivers, and no driver of any vehicle shall within such zones, make any unnecessary noise or sound the horn, or other warning device, or such vehicle except in an emergency. It shall be unlawful for any person in any part of said Municipality to make, or cause to be made, any unnecessary noise with any signal device, or to use the same except as a road signal.

#### **§5-304 SPEED LIMITS.**

No person shall operate a motor vehicle on any street, or other place at a rate of speed greater than 25 (twenty-five) miles per hour except Fourth Street between the centerline of "A" and the north right-of-way line of Highway 34, unless a different rate of speed is specifically provided. No person shall operate a motor vehicle on Fourth Street between the centerline of "A" and the north right-of-way line of Highway 34 in excess of 20 (twenty) miles per hour. No person shall operate a motor vehicle on any alley at a rate of speed greater than 15 (fifteen) miles per hour unless a different rate of speed is specifically provided. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a maximum speed is set by ordinance, or differs from the 25 miles per hour limit set forth herein, appropriate signs shall be posted by the municipal employees.  
*(Ref. 60-6,186, 60-6,190 RS Neb.)*

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### **§5-305 RECKLESS DRIVING.**

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving, and as such shall be punished as provided by the Nebraska Rules of the Road or other state statute. (Ref. 60-6,213; 60-6,215; 60-4,182 RS Neb.)

### **§5-306 RECKLESS DRIVING; WILLFUL.**

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons, or property shall be deemed to be guilty of willful, reckless driving, and shall be punished as provided by the Nebraska Rules of the Road or other state statute. (Ref. 60-6,214; 60-6,216; 60-6,217; 60-6,218 RS Neb.)

### **§5-307 NEGLIGENT DRIVING.**

Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving and shall be punished as provided by statute by the Nebraska Rules of the Road or other state statute. (Ref. 60-4,182 RS Neb.)

### **§5-308 DRIVING ABREAST.**

Two (2) or more vehicles shall NOT be driven abreast except when passing, or when traversing a multi-lane or one-way street; provided, motorcycles may be driven no more than two (2) abreast in a single lane. (Ref. 60-6,138; 60-6,308 RS Neb.)

### **§5-309 DRIVING IN SIDEWALK SPACE.**

No motor vehicle or livestock shall be driven or ridden within any sidewalk space, except a permanent or temporary driveway. (Ref. 60-6,178 RS Neb.)

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### **§5-310 EMERGENCY; REGULATIONS.**

The Governing Body is hereby empowered to make and enforce temporary regulations to cover emergencies. (*Ref 81-2005 RS Neb.*)

### **§5-311 VIOLATIONS; CITATIONS AND SUMMONS.**

Any law enforcement officer with the authority to do so may issue citations for the violation of any provisions of this Chapter. Any person receiving such citation shall be subject to a summons to appear before the appropriate court and upon conviction shall be subject to the penalties provided for in this Chapter.

### **§5-312 CHILD PASSENGER RESTRAINT SYSTEM.**

The Nebraska State Statutes governing proper child restraints are adopted in their entirety as the laws that will be used by every motor vehicle operated within the Municipality. Whenever such Statutes are amended by the State legislature, they will become the Municipality's restraint laws as well upon their effective dates.

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### **ARTICLE 4. VEHICLE QUALIFICATIONS**

#### **§5-401 VEHICLE; MUFFLER.**

Every motor vehicle operated within this Municipality shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; Provided, the provisions of this Section shall not apply to authorized emergency vehicles. *(Ref. 60-6,286 RS Neb.)*

#### **§5-402 LOADS; PROJECTING.**

When any vehicle shall be loaded in such a manner that any portion of the load extends more than four (4') feet beyond the rear of the bed or the body of such vehicle, a red flag shall be carried by day, and a red light after sunset at the extreme rear end of such load. *(Ref. 60-6,243 RS Neb.)*

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### **ARTICLE 5. BICYCLES, MINIBIKES, GOLF CARTS, SNOWMOBILES AND OFF-ROAD VEHICLES.**

#### **§5-501 BICYCLE; OPERATION.**

No person shall ride or propel a bicycle on a street or other public highway of this Municipality with another person on the handlebars or in any position in front of the operator.

No bicycle shall be ridden faster than is reasonable and proper, but every bicycle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and public highways.

Persons riding bicycles shall observe all traffic signs and stop at all stop signs.

No bicycle shall be permitted on any street or other public highway from one half (1/2) hour after sunset and one half (1/2) hour before sunrise without a headlight, visible under normal atmospheric conditions, from the front thereof for not less than five hundred (500') feet indicating the approach or presence of the bicycle, firmly attached to such bicycle, and properly lighted, or without a yellow, or red light reflector attached to, and visible five hundred (500') feet from the rear thereof. The said headlight shall give a clear, white light.

No person shall ride or propel a bicycle upon any street or other public highway abreast of more than one other person riding or propelling a bicycle.

Every person riding or propelling a bicycle upon any street or other public highway shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right-hand side of the street or highway, pass to the left when passing overtaken vehicles and individuals that are slower moving, and shall pass vehicles to the right when meeting. (*Ref. 60-6,315 to 60-6,318 RS Neb.*)

#### **§5-502 MINIBIKES, SNOWMOBILES, GOLF CART, GO CART, OFF-ROAD VEHICLE; PARKS.**

It shall be unlawful for any person to operate any mini-bike, snowmobile, golf cart, go cart, or off-road vehicle in any park owned or maintained by the Municipality.

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### **§5-503 OFFROAD VEHICLES; UNLAWFUL OPERATION.<sup>1</sup>**

A. The use of all off-road designed vehicles, which are not licensed under the laws of the State of Nebraska, upon the public streets of the Village of Eagle, Nebraska is prohibited. Examples of said vehicles are as follows:

1. Golf carts;
2. Go carts;
3. Minibikes, which shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen (14") inches or an engine rated capacity of less than forty-five (45) cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only;
4. Snowmobiles;
5. All-terrain vehicles (as defined by Chapter 60, Nebraska Revised Statutes);
6. All other vehicles banned as provided in the Municipal Code.

EXCEPT, said vehicles are permitted under the following circumstances:

1. In parades or special events, which specifically authorize such use, by the Board of Trustees, and,
2. Use by Municipal Employees or contractors in such capacity.
3. Golf Carts as permitted herein

B. Golf Cart Permits. That any person desiring to operate an golf cart upon the public streets of the Village of Eagle, Nebraska, other than in parades which have been authorized by the Board of Trustees of the Village of Eagle, Nebraska, and which has not been specifically prohibited to be upon the public streets of the Village of Eagle, Nebraska, as herein indicated, shall first apply for a permit upon application forms furnished by the Clerk of the Village of Eagle, Nebraska, and receive from the Clerk of the Village of Eagle, Nebraska, a permit for said operation of said golf cart, the requirements and criteria for obtaining said permit to be as follows:

1. Golf cart requirements:
  - a. Sixty (60) inches or less in width;
  - b. Dry weight of nine hundred (900) pounds or less;
  - c. Travels on three (3) or more low pressure tires;
  - d. Has a seat for the operator; Has a seat for a passenger if so designed by the original manufacturer;
  - e. Has handle bars or other steering assembly for steering control;

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<sup>1</sup> 5-503 Modified by 2009-1

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- f. Is equipped with a bicycle safety flag that extends not less than five (5) feet above ground attached to the rear of such vehicle; the bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be day-glow in color;
  - g. Is equipped with a slow moving vehicle emblem on the rear of the vehicle;
  - h. Shall display a lighted headlight and taillight during the period of time from sunset to sunrise and at all times when visibility is reduced due to insufficient light or unfavorable atmospheric conditions;
  - i. Has a brake system maintained in good operating condition;
  - j. Has an adequate muffler system in good working condition;
  - k. Have affixed a Municipal Permit provided by Municipal rules and regulations.
2. Applicant's requirements:
- a. Applicant must be a licensed driver in possession of a valid operator's license;
  - b. That Applicant's license to operate a motor vehicle is not currently suspended or revoked by the laws of the State of Nebraska for loss of points or driving under the influence of alcohol or other similar driving offenses, causing a revocation or suspension of said person's operators license;
  - c. That Applicant must be able to obtain and submit proof of financial responsibility evidencing Applicant's ability to respond in damages for liability (each applicant in the case of a family membership shall be identified on such proof), on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of said golf cart (1) in the amount of Twenty Five Thousand (\$25,000.00) Dollars because of bodily injury or (2) death of one person in any one accident, (3) subject to such limit for one person in the amount of Fifty Thousand (\$50,000.00) because of bodily injury or death of two or more persons in any one accident and, (4) in the amount of Twenty Five Thousand (\$25,000.00) Dollars because of injury to or destruction of property of others in any one accident;
  - d. That Applicant acknowledges that Applicant shall abide by the terms and conditions of this Ordinance;
  - e. That a non refundable application fee of \$25.00 shall accompany each individual application or \$75.00 for a

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family application (a family may include up to 4 persons residing in the same household and each person must be named in the application and meet all qualifications of an applicant). Applicant shall pay all other expenses and costs associated with Applicant's application.

C. Upon satisfaction of the above conditions, the Clerk may issue a permit for such person to operate the off-road designed vehicle on the streets of the Village of Eagle, Nebraska, under the following rules and regulations:

1. That said permit is valid for only one (1) year from the date of its issuance;
2. That Applicant and Operator shall operate such golf cart subject to the following:
  - a. All rules of the road of the State of Nebraska as found in Chapter 60 of the Revised Statutes of the State of Nebraska, not in conflict herewith;
  - b. All Ordinances of the Village of Eagle, Nebraska, as found in the Municipal Code of the Village of Eagle, Nebraska, not in conflict herewith;
  - c. That said golf cart shall not be operated in excess of the posted speed limit or municipal code and all passengers must remain seated while the cart is in operation.
  - d. Maintain proof of insurance or financial responsibility as provide above.
  - e. That said golf cart shall not be operated within the corporate limits of the Village of Eagle, Nebraska, during the time period commencing at 10 o'clock P.M. to 6:00 o'clock A.M.
  - f. Only the applicant is authorized to operate the golf cart. Operation by any person not the applicant shall be a violation of the permit, which may lead to immediate revocation.

D. That by Applicant's signing an application for a permit to operate a golf cart upon the public streets of the Village of Eagle, Nebraska, pursuant to this Ordinance, said Applicant consents to the release of all information deemed relevant by the Clerk of the Village of Eagle, Nebraska, in determining whether or not to issue a permit to said Applicant based upon said Applicant's application.  
*(Effective Date 5/6/2009, Ordinance 2009-3)*

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### ARTICLE 6. PARKING

#### **§5-601 PARKING; GENERALLY; PROHIBITION AGAINST PARKING.**

No person shall park any vehicle, or approach the curb or the edge of any street with a vehicle, except when headed in the direction of the traffic. On those streets which have a curb at the edge, vehicles, when parked, shall stand parallel with and adjacent to the curb, in such manner as to have both right wheels within six (6") of the curb, except where the Governing Body designates that vehicles shall be parked at an angle so as to have the right front wheel at the curb. Where stalls are designated whether on the curb or pavement, vehicles shall be parked within such stalls. It shall be unlawful for any person to park or place, or cause to be parked or placed, any vehicle upon any part of the sidewalk space or that space between the curb line and the lot line on streets having curbs. *(Ref 60-680 RS Neb)*

#### **§5-602 PARKING; DESIGNATION.**

The Governing Body may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. *(Ref. 60-680 RS Neb.)*

#### **§5-603 PARKING; AREAS.**

The Governing Body may, by resolution, set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers. *(Ref. 60-680 RS Neb.)*

#### **§5-604 UNLOADING; FREIGHT VEHICLES.**

Vehicles while discharging or loading freight may back to the curb, but only if traffic on the street is not obstructed, but shall occupy as little of the street as possible. *(Ref. 60-680 RS Neb.)*

#### **§5-605 PARKING; TRUCKS AND TRAILERS PROHIBITED.**

It shall be unlawful to stop or park any truck, trailer, truck-trailer combination or recreational vehicle with a length or overall length of more than twenty (20') feet on a street within the Municipality except to load or unload for a period of time not to exceed what is reasonably necessary to load or unload. *(Ref 60-680 RS Neb)*

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### **§5-606 PARKING; OBSTRUCTING OR IMPEDING TRAFFIC.**

It shall be unlawful for any person to stop any vehicle in any location where such stopping will obstruct the street, intersection, or entrance to an alley or public or private drive or will impede the flow of traffic over and across any street or alley; provided, however, this prohibition shall not apply in the event of an accident, emergency, or upon the operator of such vehicle being directed to stop such vehicle by a lawful traffic signal or sign or by a lawful directive of a law officer. *(Ref. 60-680 RS Neb.)*

### **§5-607 PARKING; DISPLAY OR REPAIR.**

It shall be unlawful for any person to park upon any alley, or public place within this Municipality any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this Municipality, excepting in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. *(Ref. 60-680 RS Neb.)*

### **§5-608 PARKING; TIME LIMIT.**

It shall be unlawful for any person to park any vehicle or to permit such vehicle to stand on one side of a street within a block zoned for residential purposes for a period of longer than seventy-two (72) hours and within a block zoned for commercial purposes for a period longer than twenty-four (24) hours.

### **§5-609 PARKING; SNOW REMOVAL AND MAINTENANCE.**

The Governing Body may order any street or alley, or portion thereof, vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley, by posting or by personal service. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this Chapter, and such vehicle may be removed and parked, under the supervision of the contracted law enforcement personnel, to a suitable nearby location without further notice to the owner or operator of such vehicle. Any and all costs of storage shall be the responsibility of the owner of the vehicle. *(Ref. 17-557 RS Neb.)*

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### **§5-610 PARKING; EMERGENCY SNOW ROUTE.**

The following streets are hereby designated a snow route within the Municipality of Eagle, Nebraska: Fourth Street between A Street and Highway 34; F Street from First Street to Wulf Drive; G Street from Wulf Drive to Eagle Drive; All of Eagle Drive; all of Applewood Drive; all of Parkview Drive; all of Wulf Drive; and all of First Street. The above designated streets shall be posted with appropriate signs indicating they are part of an emergency snow route. Whenever a snow emergency has been declared, the Chairperson of the Governing Body or his or her designee shall alert the general public of the existence of the declared emergency of such emergency by an announcement through local radio and television. The declaration shall declare the streets or parking facilities, or parts thereof whereon the parking of vehicles will be prohibited and the hours during which the prohibition will be in effect. All vehicles parked on a snow route shall be removed within one half (1/2) hour of the time of the beginning of the snow emergency. From the time of the posting of the snow emergency until the time that the Chairman of the Governing Body or his or her designee terminates the snow emergency, it shall be unlawful for the owner or operator of any vehicle to permit a vehicle to be parked upon the above designated streets. The owner or operator of any vehicle found in violation of this prohibition shall be subject to a fine of one hundred (\$100.00) dollars). In addition, such vehicle may be removed from the above designated streets pursuant to section 5-615.

The Chairperson or his or her designee may declare the prohibition terminated, in whole or in part, effective immediately upon announcement or at a later specified time.

### **§5-611 PARKING; EMERGENCY VEHICLES.**

The provisions of this Article regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this Article, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. (*Ref. 60-6,114 RS Neb.*)

### **§5-612 PARKING; PRIVATE LOTS.**

Any person parking a motor vehicle in a properly posted, restricted parking lot without the consent of the owner or tenant authorized to give permission shall be guilty of an infraction and the vehicle shall be subject to being towed away at the request of such lot owner or tenant. Any person found guilty under this Section shall be of the operator of a motor vehicle in violation of this Section cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such infraction. When any law enforcement officer observes or is advised that a motor vehicle may be in violation of this Section, he or she shall make a determination as to whether a violation has in

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fact occurred and if so shall personally serve or attach to such motor vehicle a citation directed to the owner or operator of such vehicle, which shall set forth the nature of the violation. Any person who refuses to sign the citation or otherwise comply with the command of the citation shall be punished as provided by Section 29-426 RS Neb.

Signs designating a restricted parking lot shall be readily visible and shall state the purpose or purposes for parking on the restricted parking lot, state the hours for restricted parking, and state who to contact for information regarding a towed vehicle. (*Ref. 60-2401.01, 60-2402 RS Neb.*)

### **§5-613 PARKING; NON-MOVING VIOLATIONS; BUREAU OF VIOLATIONS.**

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

Any person having been issued a citation for a non-moving violation, desiring to plead guilty and waive court appearance, may pay the Clerk according to the fee/fine schedule set forth in Chapter 6, within 15 days of the occurrence of the violation, excluding weekends and legal holidays. In the event the fee is paid within said time period, \$25.00 of such fee shall be considered administrative costs, and shall be paid into the general fund. Any amount collected in excess of \$25.00 shall be considered a fine, and said excess amount shall be transferred to the school district in which the Municipality lies.

Should any such fee not be paid within the fifteen (15) day period, the Clerk shall ask the Municipal Attorney to file a complaint in the appropriate court. (*Ref. 18-1729 RS Neb.*)

### **§5-614 PARKING; TICKETS.**

All tickets issued for violations of non-moving traffic regulations contained in this Chapter shall, in addition to information normally stated on such tickets and required by state law, carry the following information:

1. The amount of the fine if paid within fifteen (15) days;
2. The amount of the fine if not paid within fifteen (15) days;
3. The location where payment may be made;
4. The fact that a complaint will be filed after fifteen (15) days if the fine is not paid in that time; and
5. A warning that failure to appear in accordance with the command of the citation is a punishable offense. (*Ref. 29-423 RS Neb*)

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### **§5-615 SUMMONS; DESTRUCTION.**

It shall be unlawful for any person to tear up, or destroy, a parking tag placed upon any vehicle by the contracted law enforcement personnel, or to disregard the summons contained on such tag, and fail to appear in court as directed by said tag. *(Ref 60-680 RS Neb.)*

### **§5-616 PARKING; REMOVAL OF ILLEGALLY PARKED VEHICLES.**

Whenever any contracted law enforcement officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of this Article, such individual may remove or have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle, to a position off the roadway of such street or alley or from such street or alley.

The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of the vehicle. *(Ref. 60-680, 60,6,165 RS Neb.)*

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### **ARTICLE 7. SNOW EMERGENCIES**

#### **§5-701 SNOW EMERGENCY; INTERFERENCE WITH SNOW REMOVAL.**

Whenever there is a snowfall in the Municipality to a depth of three inches (3”) or more during any period of twenty-four (24) hours or less, an emergency is hereby declared to exist, constituting a serious public hazard, impairing transportation, and jeopardizing the welfare and safety of the Municipality. To meet such an emergency, the Chairperson of the Governing Body or his or her designee, by rules and regulations, prohibit the parking and stopping of vehicles in such streets, districts, or Municipal-owned or operated parking facilities as he or she may designate to enable the expeditious removal of the snow. It shall be unlawful for the owner or operator of any vehicle to permit such vehicle to be parked, stopped, or left standing in any street, streets, district, or Municipal-owned parking facility during the periods of time set forth in such rules and regulations. In addition to any penalty assessed for the violation of this section, any vehicle stopped, parked, or left standing in violation of this section or the provisions of any rules or regulations adopted pursuant hereto, may be removed as provided in section 5-710.

**§5-702 ESTABLISHMENT OF SNOW EMERGENCY ROUTES.** The following streets are hereby designated a snow route within the Municipality of Eagle, Nebraska: Fourth Street between A Street and Highway 34; F Street from First Street to Wulf Drive; G Street from Wulf Drive to Eagle Drive; All of Eagle Drive; All of Applewood Drive; all of Parkview Drive; all of Wulf Drive; and all of First Street. In addition to the above named streets, the Chairperson or his or her designee, is hereby authorized to establish snow emergency routes upon any street or highway of the Municipality and may place appropriate signs, marks, lines, signals, or other traffic control devices indicating the existence of said snow emergency routes. Such designation of any street, highway or portion thereof as a snow emergency route shall in no way affect any previous designation of that street or highway as an arterial or other road designation.

#### **§5-703 SNOW EMERGENCY; DECLARATION OF EMERGENCY; PROHIBITION OF PARKING ON SNOW EMERGENCY ROUTES.**

The Chairperson of the Governing Body or his or her designee, may order a parking prohibition on all snow emergency routes by declaring that an emergency exists on the basis of falling snow, sleet, freezing rain, or official forecast by the U.S. Weather Service of snow, sleet, freezing rain, or other weather conditions making it necessary that parking on a snow emergency route be prohibited for snow plowing or other purposes. In such declaration, the Chairperson of the Governing Body or his or her designee shall state the time that said emergency shall be in effect. It shall be unlawful for any person to park or allow to remain

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parked during a parking prohibition affecting such streets. Once in effect, the parking prohibition imposed under this section shall remain in effect until terminated by the Chairperson of the Governing Body or his or her designee. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provisions of law.

### **§5-704 SNOW EMERGENCY; PROHIBITION OF PARKING RESIDENTIAL STREETS.**

The Chairperson of the Governing Body or his or her designee may order a parking prohibition on parts of or on all of the residential streets by declaring an emergency exists on the basis of accumulated snow or other conditions making it necessary that parking on residential streets be prohibited or restricted for snow plowing or other purposes. Streets subject to total parking prohibition on both sides of the street shall be established only by executive order of the Chairperson of the Governing Body or his or her designee. For all other streets, the declaration may order that parking be prohibited on one side of the residential streets, where either the odd or even address number sides are designated. In such a declaration, the Chairperson of the Governing Body or his or her designee shall state the date and time on which such parking prohibitions shall take effect. The parking prohibitions or restrictions shall remain in effect until terminated by the Chairperson of the Governing Body or his or her designee. It shall be unlawful for any person to park or allow to remain parked any vehicle upon residential streets in violation of a declared parking prohibition affecting such streets.

### **§5-705 SNOW EMERGENCY; PROHIBITION OF PARKING ON CITY-OWNED OR OPERATED PARKING FACILITIES.**

The Chairperson of the Governing Body or his or her designee may order a parking prohibition on any part or all of any or all Municipal-owned or operated parking facilities on the basis of accumulated snow or other conditions making it necessary that parking on Municipal-owned or operated parking facilities be prohibited for snow plowing or other purposes. In such declaration, the Chairperson or his or her designee shall state the date and time on which such parking prohibition shall remain in effect until terminated by the Chairperson or his or her designee.

### **§5-706 SNOW EMERGENCY; OPERATION OF MOTOR VEHICLES ON SNOW EMERGENCY ROUTES.**

It shall be unlawful for the owner or person operating a motor vehicle on a snow emergency route to allow such vehicle to become stalled or stuck on such snow emergency route during a declared emergency parking prohibition under section 5-703.

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For purposes of this section, stalled shall include any motor vehicles stalled because the motor fuel supply is exhausted or the battery has become inoperative.

### **§5-707 SNOW EMERGENCY; STALLED VEHICLE ON SNOW EMERGENCY ROUTE.**

It shall be unlawful for the person operating a motor vehicle that has stalled for any reason on any snow emergency route on which there is a parking prohibition in effect to fail to take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route, either onto the nearest cross street which is not a snow emergency route, or other appropriate location. No person shall abandon or leave his or her vehicle in the roadway of a snow emergency route, except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay.

### **5-708 EMERGENCY DECLARATIONS OF THE MUNICIPAL CHAIRPERSON OR HIS OR HER DESIGNEE.**

The Chairperson or his or her designee shall publicly announce each declaration of a snow emergency made pursuant to this chapter by means of broadcast or telecast from broadcasting stations with normal operating range covering the Municipality and in newspapers of general circulation when so desired. Each announcement shall describe the action taken by the Chairperson or his or her designee, including the time it became or will become effective, and shall specify the streets or areas affected. The Chairperson or his or her designee shall issue an executive order to record the details of such snow emergency as soon after the declaration of an emergency as is feasible.

### **§5-709 SNOW EMERGENCY; PROVISIONS TEMPORARILY EFFECTIVE TO TAKE PRECEDENCE.**

Any provisions of this Chapter which becomes effective by order or declaration of the Chairperson of the Governing Body or his or her designee upon the occurrence of a snow emergency, whole temporarily in effect, shall take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer.

### **§5-710 SNOW EMERGENCY; REMOVAL OF STALLED OR PARKED VEHICLES.**

Members of the Law Enforcement or Sheriff's Department are hereby authorized to remove or have removed a vehicle from a street or Municipal-owned or

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operated parking facility to another place or location on a street or to a lot, garage, or other similar facility designated by the Police or Sheriff's Department when:

- A. The vehicle is parked on a snow emergency route on which a parking prohibition is in effect;
- B. The vehicle is stalled on a snow emergency route on which there is a parking prohibition in effect and the person who is operating said vehicle does not appear to be removing it in accordance with the provisions of this Chapter.
- C. The vehicle is parked on any streets or other public area in violation of any parking prohibition or provision of law contained in this Article and is interfering or about to interfere with snow removal operations.

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

### **5-711. PARKING; EMERGENCY VEHICLES.**

The provisions of this Article regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this Article, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties.

### **5-712. SNOW EMERGENCY PARKING; PENALTY.**

The fine for a violation of Section 5-703, Parking in the Snow Route During a Snow Emergency, shall be in the amount of one hundred (\$100.00) dollars. The fine for a violation of Section 5-704, Parking on the Street During Snow Removal, shall be in the amount of one hundred (\$100.00) dollars. The fines assessed for the above violations shall be paid at the office of the Municipal Clerk within fifteen (15) days of the date of the issuance. Should the fine not be paid within such time, the Clerk shall refer the matter to the Municipal Attorney to file a complaint in the appropriate court.

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### ARTICLE 8. PENAL PROVISION

#### **§5-801 VIOLATION; PENALTY.**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (*Ref 17-207 NRS Neb.*)