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CHAPTER 5 – TRAFFIC REGULATIONS

Article 1 – General Provisions

§5-101 DEFINITIONS

The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60, Article 6, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §60-606 through 60-676)

Article 2 – Traffic Regulations

§5-201 TRUCK ROUTES

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

§5-202 ONE-WAY TRAFFIC

(1) The City Council may provide for one-way traffic in any street, portions of streets or alleys located within the City and shall provide for appropriate signage and markings when said streets have been so designated.

(2) In addition to streets or portions of streets and alleys otherwise designated as one-way, the following streets and alleys shall be one-way:

(a) In all alleys between 14th Street and 16th Street and between Adams Street and Ash Street, traffic shall run only from east to west.

(b) In all alleys between 13th Street and 14th Street and between Adams Street and Ash Street, traffic shall run only from west to east.
(Am. by Ord. No. 974, 12/18/03)

§5-203 TRAFFIC LANES; DESIGNATION

The City Council may by resolution mark lanes for traffic on street pavements at such places as it may deem advisable. (Neb. Rev. Stat. §60-680)

§5-204 ARTERIAL STREETS; DESIGNATION

The City Council 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. (Neb. Rev. Stat. §60-680)

§5-205 TURNING; "U" TURNS; CROSSOVER PARKING

No vehicle shall be turned so as to proceed in the opposite direction except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation or where a sign is posted indicating that "U" turns are prohibited. No vehicle shall be turned so as to cross over from the right half of the roadway into the left half of the roadway for the purpose of parking such vehicle in public roadway parking areas except at a street intersection. (Neb. Rev. Stat. §60-680, 60-6,131)

§5-206 CROSSWALKS

The City Council may by resolution establish and maintain crosswalks by appropriate devices, markers, or lines upon the street at intersections where there is particular danger to pedestrians crossing the street and at such other places as may be deemed necessary. (Neb. Rev. Stat. §60-680)

§5-207 SIGNS, SIGNALS

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

§5-208 SCHOOL CROSSING ZONES; DESIGNATION

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

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

(3) The City Council may by resolution designate to the public any area of a roadway other than a freeway as a school crossing zone through the use of a sign or traffic control device as specified by the Council in conformity with the *Manual on Uniform Traffic Control Devices*. Any school crossing zone so designated starts at the location of the first sign or traffic control device identifying the crossing zone and continues until a sign or traffic control device indicates that the crossing zone has ended.

(Neb. Rev. Stat. §60-658.01)

§5-209 SPEED; ELECTRONIC DETECTION

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

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

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

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

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

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

(Neb. Rev. Stat. §60-6,192)

§5-210 UNNECESSARY NOISE

It shall be unlawful for any person to operate any vehicle upon any highway, street, alley, public way, or within the corporate limits of the City in such a manner as to cause unnecessary noise, spinning or squealing of tires, loss of traction, skidding, sliding, swerving or abrupt turns. It shall be unlawful for any person at any time to use a horn on such a vehicle otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device on such a vehicle. (Neb. Rev. Stat. §60-680)

§5-211 OPERATION OF TRUCKS AND COMMERCIAL VEHICLES

The Mayor and City Council may by resolution provide prohibitions upon the operation of trucks or other commercial vehicles upon designated streets, roads and highways under the jurisdiction of the City and further, by this article provide by resolution imposition of weight limits upon designated streets, roads and highways under the jurisdiction of the City. The said prohibitions and limitations as set forth in said resolutions as authorized shall be designated by appropriate signs placed on such streets, roads and highways.

§5-212 VEHICLE GROSS WEIGHT

(1) It shall be unlawful to operate upon any street or alley in the City any truck, truck-tractor, semitrailer, or trailer or combination thereof having a gross weight of more than five tons, except that said vehicles may exceed said limitations if they are being used to deliver

goods and/or items to and from residences and/or businesses in the City.

(2) Any officer of the City having reason to believe that the gross weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same. The said weighing shall be made at the nearest city, state or commercial scale which can reasonably accommodate such vehicle; provided, such vehicle may travel from where it was stopped by the officer to such scale without penalty. When an officer, upon weighing a vehicle and load as herein provided, determines that the gross weight exceeds the lawful weight, he may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted by subsection (1) of this section. All material so unloaded shall be cared for by the owner or driver of such vehicle at the risk of such owner or driver. "Lawful weight" as used in this section shall mean the maximum weight permitted by subsection (1) of this section.

(3) Any person operating any vehicle as described in subsection (1) of this section in violation of such section and not qualifying for the exception shall be guilty of an offense or offenses and shall, upon conviction, be punishable as provided for in the general penalty provisions of the municipal code.

(4) Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing or who refuses, when directed by an officer upon weighing the vehicle, to stop the vehicle and otherwise comply with the provisions of subsection (2) of this section, shall be guilty of an offense and shall, upon conviction, be punishable as provided for in the general penalty provisions of the municipal code.

§5-213 EMERGENCY REGULATIONS

The Chief of Police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Neb. Rev. Stat. §60-435)

§5-214 VEHICULAR AND PEDESTRIAN TRAFFIC; PROHIBITED IN CITY PARKS; HOURS

All vehicular and pedestrian traffic and use of the city parks shall be prohibited from midnight to 6:00 A.M. every day except with the express permission of the Ashland Police Department. Appropriate signs shall be erected giving notice of the above by the Chief of Police pursuant to Section 5-433.

§ 5-215 ENGINE BRAKING; PROHIBITED

It shall be unlawful within the city limits for any operator of a motor vehicle with a total gross vehicle weight rating of 7,000 pounds or more, including its towed unit or units, to attempt to 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. (Ord. No. 828, 3/4/99)

§ 5-216 UTILITY-TYPE VEHICLES

(A) For purposes of this section:

(1) "All-terrain vehicle" means any motorized off-highway vehicle which (a) is 50 inches or less in width, (b) has a dry weight of 900 pounds or less, (c) travels on three 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 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.

(2) "Utility-type vehicle" means any motorized off-highway vehicle which (a) is not less than 48 inches nor more than 74 inches in width, (b) is not more than 135 inches, including the bumper, in length, (c) has a dry weight of not less than 900 pounds nor more than 2000 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. "Utility-type vehicle" does not include all-terrain vehicles, golf carts, golf car vehicles or low-speed vehicles.

(3) "Street" or "highway" means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Neb. Rev. Stat. §60-624)

(B) A utility-type vehicle may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

(C) Any person desiring to operate a utility-type vehicle on streets and highways within the corporate limits of the City shall make written request to the Ashland Police Department for a permit allowing such use and shall at all times prominently display a valid and current identification tag issued by the City on the utility-type vehicle.

(1) In order to obtain a permit to operate a utility-type vehicle within the corporate limits of the City, an applicant must make an annual application therefor at the offices of the Ashland Police Department and provide the following information:

(a) Name and address of the applicant;

(b) Proof of insurance for the all-terrain or utility-type vehicle(s) to be operated within the City by the applicant;

(c) Valid Class O operator's license issued by the State of Nebraska; and,

(d) Year, make, model, color, engine size, and vehicle identification number (VIN) of the utility-type vehicle(s) to be operated within the City by the applicant.

(2) Upon compliance with subsection (C)(1) herein and payment of an application fee of \$30.00 for initial permit and a \$25.00 annual renewal fee, which fees may be amended from time to time by resolution of the City Council, the Ashland Police Department shall issue the applicant a permit to operate the designated utility-type vehicle(s) within the corporate limits of the City.

(3) Permits to operate the utility-type vehicle shall be valid from the date of issuance until midnight on the 31st day of December of the year for which the permit is issued.

(D) A utility-type vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of 30 miles per hour. When in operation as authorized in subsection (B) of this section, the headlight and taillight of the utility-type vehicle shall be on and it shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(E) Nothing in this ordinance shall be construed to permit the operation of all-terrain vehicles on streets or highways within the corporate limits of the City, and notwithstanding any other provision of this ordinance, the operation of all-terrain vehicles on any street or highway within the corporate limits of the City is strictly prohibited.

(F) Any person operating a utility-type vehicle as authorized in subsection (B) of this section shall have:

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

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

(G) Utility-type vehicles may be operated without complying with subsections (C) and (E) of this section on streets and highways in parades which have been authorized by the State or any department, board, commission, or political subdivision of the State.

(H) A utility-type vehicle shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted, except as provided in subsection (H) of this section.

(I) Subject to subsection (G) of this section, the crossing of a highway shall be permitted by a utility-type vehicle without complying with subsection (C) of this section only if:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of

the highway and at a place where no obstruction prevents a quick and safe crossing;

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

(3) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

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

(J) Every utility-type vehicle shall be equipped with:

(1) A brake system maintained in good operating condition;

(2) An adequate muffler system in good working condition;

(3) A lap belt, shoulder belt or any combination thereof that restrains the driver and passengers and that conforms to federal motor safety standards for passenger restraint systems applicable for the utility-type vehicle's model and year; and

(4) A United States Forest Service-qualified spark arrester.

(K) No person shall:

(1) Equip the exhaust system of a utility-type vehicle with a cutout, bypass, or similar device;

(2) Operate a utility-type vehicle with an exhaust system so modified;

(3) Operate a utility-type vehicle without requiring every person in the utility-type vehicle to be seated in a permanent seat in which the driver and all passengers are adequately restrained by a lap belt, shoulder belt or any combination thereof that restrains the driver and passengers and that conforms to federal motor safety standards for passenger restraint systems applicable for the utility-type vehicles model and year; or

(4) Operate a utility-type vehicle with the spark arrester removed or modified.

(Neb. Rev. Stat. §60-6,355, 60-6,356, 60-6,358, 60-6,359) (Ord. No. 1120, 2/19/15)

Article 3 – Police Enforcement

§5-301 ENFORCEMENT

The City Police are hereby authorized, empowered, and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict, regulate and, when necessary, temporarily divert or exclude, in the interest of public safety, health, and convenience the movement of pedestrian, animal, and vehicular traffic of every kind in streets, in parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. (Neb. Rev. Stat. §60-683)

§5-302 REFUSAL TO OBEY

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a police officer. (Neb. Rev. Stat. §60-680)

§5-303 TRAFFIC OFFICERS

The City Council or the City Police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer, notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection. (Neb. Rev. Stat. §60-680, 60-683)

Article 4 – Parking

§5-401 VEHICLES; UNATTENDED; COASTING

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon and, when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of the street. The driver of a motor vehicle, when traveling upon a down grade upon any street, shall not coast with the gears of the vehicle in neutral. (Neb. Rev. Stat. §60-680)

§5-402 GENERALLY

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles when parked shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least four feet between the vehicle so parked and any other parked vehicles, except where the City Council designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (Neb. Rev. Stat. §60-680, 60-6,167)

§5-403 DESIGNATION

The City Council may by resolution designate any street or portion thereof where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. (Neb. Rev. Stat. §60-680, 60-6,167)

§5-404 DIAGONAL PARKING

All motor vehicles, excluding trucks, which are expressly forbidden to park upon the public ways by Section 5-405, shall be parked thereon against and at an angle of 50 degrees left from the curb. In order to assure uniformity of parking and to make available maximum parking space, the streets shall be plainly marked by paint or other visible markers designating individual parking spaces. Failure to park a motor vehicle within and approximately parallel to the markers shall be deemed a violation of this chapter. (Neb. Rev. Stat. §60-680)

§5-405 TRUCK, SEMI-TRAILER

(1) No trucks or semi-trailers shall be parked upon any public ways of the City.

(2) Exceptions.

(a) Trucks or semi-trailers may be parked on the public ways of the City for the sole purpose of and only during the actual process of loading or unloading, which shall not exceed a cumulative period of 60 minutes in any 24-hour period.

(b) This section shall not apply to trucks or semi-trailers being used in connection with construction, service or the moving of household goods.

(c) Trucks or semi-trailers may be parked on the public ways of the City if the request to park is approved in advance by the City Administrator or Chief of Police.

(3) Definitions.

(a) For purposes of this section, "truck" shall mean any motor vehicle that exceeds 21 feet in length or 7 feet in width.

(b) For purposes of this section, "semi-trailer" shall mean any vehicle with or without motive power designed to carry persons or property, to be drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(Am. by Ord. No. 997, 2/17/05)

§5-406 AREAS

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

§5-407 OBSTRUCTING ALLEY

No vehicle while parked shall have any portion thereof projecting into any alley or alley entrance. (Neb. Rev. Stat. §60-680)

§5-408 ALLEYS

No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one-half hour. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. (Neb. Rev. Stat. §60-680)

§5-409 FIRE HYDRANTS AND STATIONS

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted red to indicate such prohibition. (Neb. Rev. Stat. §60-6,166)

§5-410 STREET INTERSECTIONS

Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection or curb lines or, if none, then within 15 feet of the intersection of property lines; nor where said curb lines are painted red to indicate such prohibition. (Neb. Rev. Stat. §60-6,166)

§5-411 OBSTRUCTING TRAFFIC

No person shall, except in case of an accident or emergency, stop any vehicle in any location where such stopping will obstruct any street, intersection, or entrance to an alley or public or private drive. (Neb. Rev. Stat. §60-680)

§5-412 CURB

No vehicle shall park on any street with its left side to the curb unless said street has been designated to be a one way street by the City Council. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away. (Neb. Rev. Stat. §60-6,167)

§5-413 DISPLAY OR REPAIR

Except for vehicle dealerships, it shall be unlawful for any person to park upon any street, alley, or public place any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle or race the motor of same while it is standing on the public streets or alleys except 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. (Neb. Rev. Stat. §60-680)

§5-414 HANDICAPPED OR DISABLED PERSONS; DEFINITIONS

For purposes of this article:

(1) "Access aisle" means a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the federal Americans with Disabilities Act of 1990 and the federal rules and regulations adopted and promulgated in response to the Act. (Neb. Rev. Stat. §18-1736)

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

(b) "Temporarily handicapped or disabled person" means any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one year. (Neb. Rev. Stat. §18-1738)

(3) "Handicapped parking infraction" means the violation of any section of this article regulating:

(a) The use of parking spaces, including access aisles, designated for use by handicapped or disabled persons,

(b) The unauthorized possession, use, or display of handicapped or disabled parking permits, or

(c) The obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990. (Neb. Rev. Stat. §18-1741.01) (Am. by Ord. No. 949, 11/14/02)

§5-415 HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES AND ACCESS AISLES; DISPLAY OF PERMITS

(1) The City Council may designate parking spaces, including access aisles, for the exclusive use of:

(a) Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. Rev. Stat. §60-3,113,

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

(c) Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose motor vehicles display the permit specified in Neb. Rev. Stat. §18-1739, and

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

All such permits shall be displayed by hanging the permit from the motor vehicle's rear view mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rear view mirror.

(2) If the City Council so designates a parking space or access aisle, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space or access aisle a sign as described in Neb. Rev. Stat. §18-1737. In addition to such sign, the space or access aisle may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space or access aisle.

(Neb. Rev. Stat. §18-1736) (Am. by Ord. No. 929, 6/6/02)

§5-416 HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING STALLS, SPACES, AND ACCESS AISLES

The City and any person in lawful possession of any offstreet parking facility may designate stalls or spaces, including access aisles, in such facility owned or operated by the City or person for the exclusive use of:

(1) Handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to Neb. Rev. Stat. §60-3,113,

(2) Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City, whose motor vehicles display the permit specified in Neb. Rev. Stat. §18-1739, and

(3) Such other motor vehicles, as certified by the City, which display such permit. Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space, including access aisles, a sign which is in conformance with the requirements in Neb. Rev. Stat. §18-1737.
(Neb. Rev. Stat. §18-1737) (Am. by Ord. No. 930, 6/6/02)

§5-417 HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE

(1) The City Clerk shall take an application from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by this article when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces. For purposes of this section, the handicapped or disabled person or temporarily handicapped or disabled person shall be considered the holder of the permit. (Neb. Rev. Stat. §18-1738(1))

(2) The City Clerk shall not accept the application for a permit of any person making application contrary to the provisions of Neb. Rev. Stat. §18-1738.02. (Neb. Rev. Stat. §18-1738.02)

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

(4) A person may hold only one permit under this section and may hold either a permit

under this section or a permit under section 5-418 (Motor Vehicle Permit Issuance), but not both.

(5) The City Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of every person applying for a permit pursuant to this section. (Neb. Rev. Stat. §18-1738(3)) (Am. by Ord. No. 900, 5/17/01)

§5-418 HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT; ISSUANCE; RENEWAL

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

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

(3) No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under section 5-417 (Personal Permit; Issuance), but not both.

(4) An application for the renewal of a permit under this section may be filed within 30 days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit.

(5) 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. (Neb. Rev. Stat. §18-1738.01)

(6) The City Clerk shall not accept the application for a permit of any person making application contrary to Neb. Rev. Stat. §18-1738.02. (Neb. Rev. Stat. §18-1738.02) (Am. by Ord. No. 950, 11/14/02)

**§5-419 HANDICAPPED OR DISABLED PERSONS; PERMITS; PROHIBITED
ISSUANCE; DUPLICATE PERMITS**

(1) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to Section 5-421 (Permits Nontransferable; Violations; Suspension). At the expiration of such suspension, a permit may be renewed in the manner provided for renewal in this Article.

(2) A duplicate permit may be provided without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the City Clerk or the Department of Motor Vehicles. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued.

(Neb. Rev. Stat. §18-1739) (Am. by Ord. No. 931, 6/6/02)

**§5-420 HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID;
RENEWAL OF TEMPORARY PERMITS**

(1) Permanently issued permits for handicapped or disabled parking authorized by this Article issued prior to August 1, 2005 shall be valid for a period ending on September 30 of the third year after the date of issuance and shall expire on that date. Permanently issued permits issued on or after August 1, 2005 shall be valid for a period ending on the last day of the month of the applicant's birthday in the third year after issuance and shall expire on that day.

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

(Neb. Rev. Stat. §18-1740) (Am. by Ord. No. 933, 6/6/02)

**§5-421 HANDICAPPED OR DISABLED PERSONS; PERMITS
NONTRANSFERABLE; VIOLATIONS; SUSPENSION**

(1) Permits issued under this article shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to this article. No person shall knowingly hold more than one permit or knowingly provide false information on an application for a permit.

(2) No person who is not the holder of a handicapped or disabled parking permit issued to him or her as a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person.

(3) No person who is the holder of a handicapped or disabled parking permit issued for

the use of such person when transporting a handicapped or disabled person shall display his or her handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

(4) No person who is not the holder of a handicapped or disabled parking permit issued for use when a vehicle is transporting a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

(5) Any violation of this section shall constitute a handicapped parking infraction and shall be cause for suspension of such permit for a period of six months and imposition of the penalty provided for violation of this chapter. In addition, the trial court shall impose a fine of not more than \$250.00 which may be waived by the court if, at the time of sentencing, all handicapped parking permits issued to or in the possession of the offender are returned to the court. At the expiration of such six-month period, a suspended permit may be renewed in the manner provided for renewal in this article.

(Neb. Rev. Stat. §18-1741) (Am. by Ord. No. 951, 11/14/02)

§5-422 HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY

(1) The owner or person in lawful possession of an offstreet parking facility, after notifying the City Police, and the City, if it provides onstreet parking or owns, operates, or provides an offstreet parking facility, may cause the removal from a stall or space, including access aisles, designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying the proper permit or the distinguishing license plates specified in this article if there is posted aboveground and immediately adjacent to and visible from such stall or space, including access aisles, a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(2) A person who parks a vehicle in any onstreet parking space or access aisle which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space or access aisle in any offstreet parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom, as the case may be, the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space or access aisle shall be guilty of a handicapped parking infraction and shall be subject to the penalties and procedures set forth in Section 5-423 (Citation, Issuance;

Complaint; Trial; Dismissal). The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this section.

(3) In the case of a privately owned offstreet parking facility, the City shall not require the owner or person in lawful possession of such facility to inform the City of a violation of this section prior to the City issuing the violator a handicapped parking infraction citation. (Neb. Rev. Stat. §18-1737) (Am. by Ord. No. 952, 10/14/02)

§5-423 HANDICAPPED OR DISABLED PERSONS; CITATION, ISSUANCE; COMPLAINT; TRIAL; DISMISSAL

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

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

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

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

(5) For any citation issued for a handicapped parking infraction by reason of the failure of a vehicle to display a handicapped parking permit issued pursuant to Neb. Rev. Stat. §18-1738 or 18-1738.01, the complaint shall be dismissed if, within seven business days after the date of issuance of the citation, the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit issued under Neb. Rev. Stat. §18-1738 or 18-1738.01 and that the peace officer has personally viewed the permit. (Neb. Rev. Stat. §18-1741.01, 18-1741.04, 18-1741.06)

§5-424 CURRENT LICENSE

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

§5-425 TIME LIMIT

The City Council may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution and the parking or stopping of any vehicle in any such street, streets, or district for a period of time longer than fixed in such resolution shall constitute a violation of this article. (Neb. Rev. Stat. §60-680)

§5-426 MAXIMUM TIME LIMIT

The parking of a motor vehicle on a public street for over 24 consecutive hours is unlawful, except where a different maximum time limit is posted. (Neb. Rev. Stat. §60-680)

§5-427 PRIVATE LOTS

(1) 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 subject to the penalties provided for infractions. If the identity of the operator of a motor vehicle in violation of this section cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such 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 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 Neb. Rev. Stat. §29-426.

(2) 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 whom to contact for information regarding a towed vehicle. (Neb. Rev. Stat. §60-2401, 602402)

§5-428 ON SIDEWALKS

It shall be unlawful to park a motor vehicle upon a sidewalk within the City. (Neb. Rev. Stat. §60-680)

§5-429 ALL NIGHT PARKING PROHIBITED

It shall be unlawful for any person to park a vehicle within the business district for a period of time longer than 30 minutes between the hours of 2:00 A.M. and 7:00 A.M. of any day, except physicians on emergency calls. (Neb. Rev. Stat. §60-680)

§5-430 NO PARKING OR LOADING ZONES

Whenever the City Council shall deem it necessary and advisable, it may designate a certain zone or zones wherein no motor vehicles may be parked except certain vehicles for whose use the zones have been created. The zones shall be clearly marked on their outer boundaries by paint or other visible markers and the curbs within the boundaries shall be painted red, yellow or white. The parking of any motor vehicle within the zones, except those vehicles for which the zones are reserved, shall be deemed a violation of this section. (Neb. Rev. Stat. §60-680)

§5-431 DESIGNATION OF CURB LOADING ZONES

The City Council may by resolution determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. (Neb. Rev. Stat. §60-680)

§5-432 STANDING IN FREIGHT CURB LOADING ZONE

It shall be unlawful for any person to stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading of materials exceed 30 minutes. (Neb. Rev. Stat. §60-680)

§5-433 PARKING SIGNS REQUIRED

Whenever any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the Chief of Police to erect appropriate signs giving notice thereof and such regulations shall not be effective unless said signs are erected and in place at the time of any alleged offense. (Neb. Rev. Stat. §60-680)

§5-434 CITATIONS

It shall be the duty of the police officers of the City of Ashland, whenever they observe a violation of Chapter 5, Article 4 of the municipal code, to attach to such vehicle at the time such vehicle is found in violation a citation to the owner or operator thereof that such vehicle is or has been parked in violation of a provision of Chapter 5, Article 4 of the code, which citation shall describe such violation and instruct such owner or operator to report to the city hall in regard to such violation. (Neb. Rev. Stat. §29-422 through 29-424, 39-697)

§5-435 BUREAU OF VIOLATIONS

The Bureau of Violations shall operate within the powers and duties of the office of the City Clerk. A copy of each citation issued for a non-moving traffic violation shall be deposited by the Ashland Police Department with the City Clerk, whose duty it shall be to collect all fines and administrative costs and to maintain appropriate and accurate records of all such fines and administrative costs paid. Fines and administrative costs shall be payable at the office of the City Clerk during hours which the office shall be open to the public for the transaction of business. (Neb. Rev. Stat. §18-1729)

§5-436 PENALTIES AND PROCEDURES

Any such violator of Chapter 5, Article 4 of the municipal code appearing at city hall and desiring to plead guilty and waive court appearance shall present the official police citation and pay the City Clerk according to the following penalty schedule based upon the offense and elapsed time from the occurrence of the violation:

	<i>Within 72 Hours</i>	<i>After 72 Hours</i>
<i>Handicapped Parking</i> (Sections 5-414 through 5-423)	\$35.00	\$60.00
<i>Others</i>	\$10.00	\$20.00

(Am. by Ord. No. 861, 3/23/00)

§5-437 NOTICE BY CITY CLERK

Should any such penalty as provided in Section 5-436 not be paid within 72 hours as provided therein, the City Clerk shall send to the owner of the motor vehicle to which the official police citation was affixed a written notice informing him of the violation and warning him that he will be held responsible for the penalty and that in the event that the violator or owner of the vehicle to which the official police citation was attached fails to appear at the Bureau of Violations within five days after the date of issuance of such written notice, excluding weekends and legal holidays, a complaint will be issued. In the event that such violator fails to appear in response to such notice, excluding weekends and legal holidays, such violator or the owner of the offending motor vehicle shall be liable to prosecution in the Saunders County Court for the offense or offenses charged and subject to the penalty provided for by the general penalties provision of this chapter. Whenever any person refuses neglects or fails to comply with any of the requirements of this section or Section 5-436, he shall be denied the benefits of any of the provisions thereof.

§5-438 PRESUMPTIONS

In any prosecution charging a violation of any provision of Chapter 5, Article 4 of the municipal code, proof that the particular vehicle described in the citation was parked in violation of such chapter and article, together with proof that the defendant named in the complaint was at the time of such parking 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 parked or placed such vehicle at the point where and for the time during which such violation occurred.

§5-439 REMOVAL OF ILLEGALLY PARKED VEHICLES

(1) Whenever any police 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.

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

§ 5-440 MOTOR VEHICLES IN EXCESS OF 20 FEET PROHIBITED

No motor vehicle shall be parked on Silver Street between 13th and 16th Streets which has an overall length including but not limited to any attachments thereto or parts thereof, either attached or being carried thereon, in excess of 20 feet as measured from the front most portion of said motor vehicle to the rear most portion of said motor vehicle or of any attachment or projection therefrom. (Neb. Rev. Stat. §60-680)

§5-441 REMOVAL OF IMPROPERLY PARKED VEHICLES OR OF PARKED VEHICLES OBSTRUCTING THE REMOVAL OF SNOW OR THE REPAIR OF A STREET OR ALLEY

Any vehicle parked in violation of any traffic regulations, any vehicle parked so as to obstruct the free movement of traffic or to cause a traffic hazard, or any vehicle parked on any street or alley obstructing the removal of snow or the repair of said street or alley may be immediately removed upon order of the Police Department. Any such vehicle removed by the Police shall be kept under control of the Police Department until the owner or authorized agent pays a reasonable cost of removal and storage. If said vehicle is redeemed within five days, said removal charges shall not exceed the actual cost and expense of said removal. However, if said vehicle is not redeemed within five days, the cost of redemption shall include the actual cost and expense of said removal in addition to the storage charge and said costs and expenses shall be a lien in favor of the City upon said vehicle. (Neb. Rev. Stat. §60-680, 60-6,165)

§5-442 NO PARKING AREAS AT CERTAIN TIMES AND PLACES

(1) There shall be no parking of any motor vehicle on the north side of any street which runs in an east-west direction and parking shall only be permitted along the south side of such streets, except as otherwise posted or marked, except for the following designated areas:

(a) On Silver Street between 13th Street and 16th Street; parking shall be allowed on both sides of said street year around except between the hours of 2:00 A.M. and 7:00 A.M.

(b) On Clay Street between 27th and 30th Streets; parking shall be allowed on the north side of street and prohibited on the south side of the street.

(c) On Boyd Street between 11th Street and 12th Street, parking shall not be permitted on the south side of said street at any time and the north side of said street shall be used only for school bus loading and unloading.

(2) There shall be no parking of any motor vehicle on the east side of any street which runs in a north-south direction and parking shall only be permitted along the west side of such streets except at the following designated areas, where parking shall be allowed on both sides of the street except as otherwise posted or marked:

(a) On 14th Street between Ash and Adams.

(b) On 15th Street between Ash and Adams.

(c) On 16th Street between the alley between Ash and Silver and the alley between Silver and Adams.

(3) There shall be no parking of any motor vehicle on the entire length of Dennis Dean Road on either side of said street.

(4) There shall be no parking of any motor vehicle on Fir Street from 7th Street west to Highway 66 on either side of said street.

(5) There shall be no parking of any motor vehicle within 15 feet of either side or end of a U.S. Postal Service delivery box or group of boxes.

(6) It is the intention of this section, among other things, to ensure the movement of emergency vehicles and maintenance vehicles and to facilitate removal from city streets of snow, ice and other forms of precipitation which fall and form during the winter months. In the event that the Mayor determines that a sufficient amount of snow, ice and/or other forms of precipitation have fallen or formed at any time, said Mayor or designee is hereby authorized and empowered to declare a public emergency and pressing necessity and order the no parking of any motor vehicle on city streets for the purpose of allowing the removal of any such substance from the streets.

(Ord. No. 880, 6/15/00) (Am. by Ord. Nos. 974, 12/18/03; 995, 12/2/04)

Article 5 – Penal Provision

§5-501 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 \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Am. by Ord. No. 870, 5/3/00)