

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

§5-401 PARKING; DESIGNATION. The Governing Body may, by resolution, designate any portion of any street where vehicles shall or shall not be permitted to stop, stand, or park and may designate the manner in which vehicles (either all vehicles or by vehicle classification) may stop, stand, or park. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-402 PARKING; BUREAU OF VIOLATIONS. There is hereby created the Bureau of Violations within the powers and duties of the Municipal Police. A copy of each citation issued for non-moving traffic violations shall be deposited with the Administrative Assistant at City Hall, whose duty it shall be to collect all parking fines and to maintain appropriate and accurate records of all such fines. Parking fines shall be payable at City Hall. Such fines shall be in the amount of ten (\$10.00) dollars for each violation if paid within seventy-two (72) hours from the date of issuance. After seventy-two (72) hours the fine shall be twenty (\$20.00) dollars. Fines pertaining to handicapped parking shall be one hundred (\$100.00) dollars if paid within seventy-two (72) hours and two hundred (\$200.00) dollars after seventy-two (72) hours. Should such fines not be paid within thirty (30) days from date of issuance, the Municipal Police shall forward all necessary information to the Municipal Attorney. The Municipal Attorney may file a complaint in the appropriate Court. All money collected by the Municipal Police under this section shall be transferred to the Municipal Treasurer who shall, in turn, transfer said money to the school district in which the Municipality lies. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07; 1939, 08/04/15)

§5-403 PARKING; TICKETS. All tickets issued for violations of nonmoving traffic regulations contained in this Article shall, in addition to information normally stated on such tickets, carry the following information:

- A. The amount of the fine if paid within seventy-two (72) hours;
- B. The amount of the fine if not paid within seventy-two (72) hours;
- C. The location where payment may be made; and
- D. The fact that a complaint will be filed with the Court and that a warrant may be issued if the fine is not paid within thirty (30) days from the date of the issuance. (Ref. 18-1729 RS Neb.) (Ord. 1680, 06/19/07)

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

§5-404 PARKING; TICKETS; DESTRUCTION OF. It shall be unlawful for any person to tear up, or destroy, a parking ticket placed upon any vehicle by the Municipal Police, or to disregard the summons contained on such ticket, and fail to appear in Court as described on said ticket. (Ref. 60-680, 60-6,167 RS Neb.)
(Ord. 1680, 06/19/07)

§5-405 PARKING; GENERAL. Unless otherwise prohibited or designated by sign or stall markings, the operator shall park the vehicle headed in the direction of traffic, parallel with and adjacent to the curb (or edge of roadway when no curb is present) with the both right wheels within twelve inches (12") from the curb or edge of roadway, so as to leave at least four feet (4') between the vehicle and any other vehicles, except where the Governing Body designates vehicles to be parked at an angle so as to have the front right wheel at the curb or edge of roadway. Where stalls are marked, vehicles shall park within such stalls. Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-406, PARKING; SPECIAL EXEMPTIONS. The provisions of this Article regulating the movement, stopping, standing, and parking of vehicles shall not apply to any operator moving, stopping, standing, and parking at the direction of any peace officer or firefighter in the necessary performance of public duties or any operator involved in a motor vehicle accident. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-407 PARKING; AUTHORIZED EMERGENCY VEHICLES. The provisions of this Article regulating the movement, stopping, standing, and parking of vehicles shall not apply to authorized emergency vehicles, while the operator of such vehicle is operating the same in the necessary performance of public duties. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-408 PARKING; TIME LIMIT. The Governing Body may, by resolution, entirely prohibit, or fix a time limit for, the parking and stopping of vehicles on any street(s), public roadway(s), or district(s) designated by such resolution, and the parking, or stopping, of any vehicle on such street(s), public roadway(s), or district(s) for a period of time longer than fixed in such resolution shall constitute a violation of this Article. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

§5-409 PARKING; MAXIMUM TIME LIMIT. Unless otherwise designated by sign(s) and/or appropriate curb paint which prohibit or provide a more restrictive time limit, no vehicle shall be parked upon any street, public road or public property for more than twenty-four (24) hours. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-410 PARKING; OBSTRUCTING STREET/PUBLIC ROAD. No vehicle shall be parked in a manner that obstructs, to any degree, any traveled portion of any Street or public road, except as stated in Sections 5-410.01 and 5-411. The Municipal Police may cause such vehicle to be immediately removed from such street or public road and stored at the expense of the owner/operator. (Ref. 60-680, 60-6,166, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07; 1732 06/16/09)

§5-410.01 PARKING; OBSTRUCTING STREET/PUBLIC ROAD; C-1 CENTRAL COMMERCIAL DISTRICT. No delivery vehicle shall be parked in a manner that obstructs, to any degree, or projects into any street/public road located in or adjacent to a C-1 Central Commercial District, except for the purpose of expediently loading and/or unloading of material, which shall not exceed one-quarter (1/4) hour. During loading and/or unloading, delivery vehicles shall be parked in such a manner as will cause the least obstruction possible to traffic within the Street/public road. The municipal police may cause such delivery vehicle in violation to be immediately removed and stored at the expense of the owner/operator. Delivery vehicle shall be defined to include all delivery trucks or vehicles, intended to transport material or supplies, but shall exclude all private passenger vehicles. (Ref. 60-680, 60-6,166, 60-6,167 RS Neb.) (Ord. 1732 06/16/09)

§5-411 PARKING; OBSTRUCTING ALLEY. No vehicle shall be parked in a manner that obstructs, to any degree, or projects into any alley, except for the purpose of expediently loading and/or unloading of person and/or material, which shall not exceed one-half (1/2) hour. During loading and/or unloading vehicles shall be parked in such a manner as will cause the least obstruction possible to traffic within the alley. The municipal police may cause such vehicle in violation to be immediately removed and stored at the expense of the owner/operator. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07; 1731, 05/19/09)

§5-412 PARKING; OBSTRUCTING PRIVATE DRIVE. No vehicle shall be parked on any street, alley, or public road in a manner that

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

obstructs, to any degree, or is within four feet (4') of any private drive. Upon complaint of the owner of said drive, the Municipal Police may cause such vehicle to be immediately removed from such street, alley, or public road. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-413 PARKING; OBSTRUCTING SIDEWALK. No vehicle or trailer shall be parked in a manner that obstructs, to any degree, any sidewalk within the Municipality. (Ref. 60-680, 60-6,166, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-414 PARKING; CITY RIGHT-OF-WAY. It shall be unlawful for any person to park or place, or to cause to be parked or placed any vehicle or trailer upon the City Right-of-Way adjacent to any street, as dedicated, within the Municipality. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-415 PARKING; STREET INTERSECTIONS. Except in compliance with traffic control devices, or where permitted by City-designated parking stalls, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within twenty (20) feet of the intersection of curb lines, nor where said curb lines are painted red to indicate such prohibition. (Ref. 60-680, 60-6,166, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-416 PARKING; FIRE HYDRANTS AND STATIONS. No vehicle shall be parked within fifteen feet (15') in either direction of any fire hydrant or within twenty feet (20') of the driveway entrance to any fire station. The Municipal Police may cause such vehicles to be immediately removed from such street, alley, public road or public property. (Ref. 60-680, 60-6,166, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-417 PARKING; BRIDGES. No vehicle shall stop, stand, or park upon or within twenty (20) feet of any bridge within the Municipality. The municipal police may cause such vehicle in violation to be immediately removed and stored at the expense of the owner/operator. (Ref. 60-680, 60-6,166, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07; 1731, 05/19/09)

§5-418 PARKING; RAILROAD CROSSING. No vehicle shall stop, stand, or park upon or within fifty (50) feet of any railroad crossing within the Municipality. The municipal police may cause such vehicle in violation to be immediately removed and stored at the

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

expense of the owner/operator. (Ref. 60-680, 60-6,166, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07; 1731, 05/19/09)

§5-419 PARKING; TRAFFIC CONTROL DEVICE. No vehicle shall stop, stand, or park within thirty (30) feet of any flashing signal, stop sign, yield sign, or other traffic control device located at the side of a roadway within the Municipality. (Ref. 60-680, 60-6,166, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-420 PARKING; LEFT SIDE OF ROADWAY. Unless parking, standing, or stopping upon a one-way street, no vehicle shall be parked upon the left curb of any street, alley, or public road. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-421 PARKING; UNATTENDED VEHICLES. No operator shall allow a vehicle to stand unattended on a highway without first stopping the motor of such vehicle, locking the ignition, removing the key from the ignition, and effectively setting the brakes thereon brakes thereon and, when standing upon any roadway, turning the front wheels of such vehicle to the curb or side of such roadway. (Ref. 60-6,168 RS Neb.) (Ord. 1680, 06/19/07)

§5-422 PARKING; FARM MACHINERY PROHIBITED. No farm machinery shall be parked within the corporate residential limits of the City; provided, farm machinery may be parked in an enclosed structure for that purpose within such limits, or upon any area of land actually farmed, and provided further, this section shall not be construed to include machinery used for gardening purposes for consumption of products raised by the person or persons engaged in such gardening. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-423 PARKING; DISPLAY OR REPAIR. It shall be unlawful for any vehicle, displayed "For Sale," to be parked upon any street, alley, or public property within this Municipality. 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 the 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. The Municipal Police may cause such vehicles to be immediately removed from such street, alley, public road or public property. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

§5-424 PARKING; CURRENT LICENSE REQUIRED. Every vehicle parked or left standing upon any street, alley, public road or public property shall have license plates attached thereto which are issued to the vehicle to which said license plates are attached and registered in the name of the owner of the vehicles in accordance with the laws of the State of Nebraska, or the state wherein the license is issued. If any vehicle is found upon any street or alley in violation of any of the provisions of the ordinances and resolutions of the City regulating the stopping, standing or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation. The Municipal Police may cause such vehicles to be immediately removed from such street, alley, public road or public property. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-425, PARKING; TRUCKS OTHER THAN PICKUPS; IMPOUNDMENT AND FEE THEREFORE.

(1) It shall be unlawful for the operator of any truck with an overall length of more than twenty (20') feet to stop or park any such vehicle on a street which the Governing Body has designated to be within the "Central Commercial Zone," (see zoning map) except to load or unload, and then only when loading or unloading in an alley is impossible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload. In those cases where a vehicle, as defined above, must park on a street within the Central Commercial Zone to load or unload, the owner or driver thereof shall first obtain permission from the Police Department. Permission must be obtained each time parking within the Central Commercial Zone is necessary. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway, or on a sidewalk. The Governing Body may, by resolution, provide truck parking areas adjoining or adjacent to the Central Commercial Zone, and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes.

(2) No truck, truck tractor or semi-trailer (except pickup trucks), including oil tankers, shall park or stop for any period of time, within the limits of any streets within any residential district except for the purpose of loading, unloading the cargo thereof or performing a service in the area in the ordinary course of business, unless otherwise posted, and except when

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

parking in special truck park areas provided by the Governing Body by resolution.

(3) Any such truck (s) which are parked in violation of this Section or any resolution of the Governing Body adopted pursuant to authority of this Section, may be impounded by the Police Department by the application to such truck of a mechanism, the effect of which is to prevent the movement of such vehicles from the place where parked, by attachment of such mechanism to the wheels or wheel thereof. The owner or operator of such truck may cause the release and removal of such impoundment and by paying to the City an impoundment fee of Twenty-Five Dollars (\$25.00) to defray costs and extra work and time required for such impoundment and removal thereof and any other costs of administration and shall in addition thereto pay such parking fee or fees due the Bureau of Violations of the City for such parking violation. The impoundment fee provided for herein shall be paid over to the Treasurer of the City and credited to the General Fund of the City. When such truck has been so impounded so as to prevent its movement, written notice shall be placed on said truck visible to the operator thereof, giving notice that said vehicle has been impounded and rendered immobile by the attachment of the immobilizing mechanism authorized herein and that said impoundment will be released and discharged upon payment of impoundment fee of Twenty-Five Dollars (\$25.00) in addition to any parking fee due the Bureau of Violations of the City for such parking violation. In addition thereto, where possible and practicable, similar notice shall be given the owner or lessor of the truck so impounded. Within thirty (30) days after payment of such impoundment fee, the operator, owner or lessor may request a hearing before the City Council to contest said fee and request refund thereof; setting forth the reasons and grounds upon which such contest is based. (*Amended by Ord. 1680, 06/19/07; Ord. 1904, 06/26/14*)

§5-426 PARKING; EMERGENCY SNOW ROUTES; SNOW EMERGENCY.

(1) The Municipal Public Works shall designate emergency snow routes through the Municipality which will be cleared of snow before other streets, alleys, and public roads during a snow emergency.

(2) The Municipal Public Works shall identify emergency snow routes with signs marked, "EMERGENCY SNOW ROUTE."

(3) The Mayor shall have the authority to declare a snow emergency.

(4) No vehicle may be parked upon a designated emergency snow route during a snow emergency so declared by the Mayor.

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

(5) Upon declaration of a snow emergency, the Mayor may direct the Municipal Police and/or Public Works to immediately remove and store or cause the immediate removal and storage of any vehicles upon designated emergency snow routes. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-427 PARKING; ZONES; HOW MARKED. Parking zones shall be designated and regulated by appropriate signs and/or the use of colored paint on the curb as follows:

Red and Yellow. No Parking: Stopping, standing, or parking of any vehicle is entirely prohibited within the area.

Orange. School Bus Stop: Stopping, standing, or parking of any vehicle, other than those operated or contracted by the Crete Public or Saint James Schools, and adjacent to such schools, is entirely prohibited within the area.

Green. Loading Zone: Stopping, standing, or parking is authorized within the area for the expedient loading and/or unloading of people and/or materials as described in Ordinance §5-407.

Blue. Handicapped Parking Zone: Stopping, standing, or parking is prohibited to any vehicle not lawfully displaying the distinguishing handicapped/disabled person license plate(s) and/or tags.

Colored paint may also be used to differentiate traffic lanes, parking stalls, and mark crosswalks. These markings do not infer parking regulations. (Ref. 18-1,736, 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07; 1951, 10/20/15)

§5-428, PARKING; "NO PARKING" SIGNS. No vehicle shall be parked at any place designated by the sign, "NO PARKING." (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-429, 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 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

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

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, 60-2402 RS Neb.) (Ord. 1680, 06/19/07)

§5-430 PARKING; REMOVAL OF ILLEGALLY PARKED VEHICLES. Whenever any Police Officer shall find a vehicle standing upon a street or alley or upon the space between the curb and sidewalk of any street in the City, as dedicated, 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 such space between the curb and the sidewalk, from such street or alley or location.

The owner or other person lawfully entitled to the possession of such vehicle may be charged with the reasonable cost of such removal and storage, payable before such vehicle is released. Any such towing or storage fee shall become a security interest in the vehicle prior to all other claims. This fee shall be in addition to any other fees or penalties owed the Municipality for such vehicle. (Ref. 60-6,165, 60-680 RS Neb.) (Ord. 1680, 06/19/07)

§5-431 PARKING; LOADING/UNLOADING ZONES. It shall be unlawful for the operator of any vehicle to stop, stand, or park such vehicle within any designated loading/unloading zone for a period of time longer than is necessary for the expedient loading and/or unloading of passengers and/or materials, and in no event shall the operator of a vehicle stop, stand, or park in any loading zone for a period longer than thirty (30) minutes to load/unload materials, nor more than five (5) minutes to load/unload passengers, and then only when the operator thereof remains in said vehicle. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-432 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF PARKING SPACES; DISPLAY OF PERMITS; ACCESS AISLE, DEFINED.

(1) The Governing Body may designate parking spaces for the exclusive use of (a) handicapped or disabled persons whose

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Section 60-311.14 RS Neb., (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 Municipality, whose motor vehicles display the permit specified in Neb. RS 18-1739, and (d) such other motor vehicles, as certified by the Municipality, which display the permit specified in RS 18-1739. All such permits shall be displayed by hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

(2) If the Governing Body 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 which is in conformance with the Manual on Uniform Traffic Control Devices. 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.

(3) For purposes sections 18-1736 to 18-1742, 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, as the act and the rules and regulations existed on May 31, 2001. (Ref. 18-1736, 18-1737 RS Neb.) (Ord. 1680, 06/19/07)

§5-432.01 PARKING; HANDICAPPED OR DISABLED PERSONS, OFF-STREET PARKING FACILITY; ON-STREET PARKING; DESIGNATION OF OFF-STREET PARKING SPACES.

The Governing Body and any person in lawful possession of any off-street parking facility may designate stalls or spaces, including access aisles, in such facility for the exclusive use of handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to Section 60-311.3 RS Neb., (b) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Governing Body, whose motor vehicles display the permit specified in Section 5-431.05, and (c) such other motor vehicles, as certified by the Governing Body, 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

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

is in conformance with the Manual on Uniform Traffic Control Devices. (Ref. 18-1737 RS Neb.) (Ord. 1680, 06/19/07)

§5-432.02 PARKING; HANDICAPPED OR DISABLED PERSONS; HANDICAPPED; PARKING INFRACTION; DEFINED; PENALTIES.

For the purposes of this Article, handicapped parking infraction means the violation of any statute of ordinance 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 Disability Act of 1990, as the act existed on May 31, 2001.

(2) 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 or resolution approved by the Governing Body to exercise the authority to issue a citation for any handicapped parking infraction.

(3) Any person found guilty of a handicapped parking infraction shall be fined (1) not more than one hundred dollars for the first offence, (2) not more than two hundred dollars for a second offence within a one-year period, and (3) not more than three hundred dollars for a third or subsequent offence within a one-year period. (Ord. 1680, 06/19/07)

§5-432.03 PARKING; HANDICAPPED OR DISABLED PERSONS; DEFINED; PARKING; PERMITS; ISSUANCE; PROCEDURE; RENEWAL.

(1) The Municipal 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 or access aisles 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 or access aisles. For purposes of this section, the handicapped or disabled person or temporarily handicapped or disabled person shall be considered the holder of the permit.

(2) For the purposes of this Article, handicapped or disabled person shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

whose 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 as being Class III or Class IV, according to standards set by the American Heart Association, and any individual who has lost all or substantially all the use of one or more limbs.

(3) Temporarily handicapped or disabled person shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such a manner for no longer than one (1) year; and

(4) A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity, and shall submit a completed medical form signed by a physician, physician assistant, or nurse practitioner certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. No applicant shall be required to provide his or her social security number. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or nurse practitioner shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six (6) months, whichever is less. A person may hold only one permit under this section or a permit under 5-431.05, but not both.

(5) Before issuing a permit, the Municipal Clerk shall enter all information required in the manner prescribed in Section 18-1739 RS Neb. The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons receiving a permit pursuant to this section. (Ref. 18-1738 RS Neb.) (Ord. 1680, 06/19/07)

§5-432.04 PARKING; HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT ISSUANCE.

(1) The Municipal Clerk shall take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided 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.

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

(2) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to Section 18-1738.02 RS Neb.

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

(4) 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 5-428.03, but not both.

(5) The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section. (Ref. 18-1738.01 RS Neb.) (Ord. 1680, 06/19/07)

§5-432.05 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS; PROHIBITED ISSUANCE; DUPLICATE PERMITS.

(1) The permit issued for handicapped or disabled parking shall be constructed of a durable plastic designed to resist normal wear or fading for the term of the permit's issuance and printed so as to minimize the possibility of alteration following issuance. The permit shall be of a design, size, configuration, color, and construction and contain such information as specified in the rules and regulations adopted and promulgated by the United States Department of Transportation in the Uniform System for Parking for Persons with Disabilities 23 C.F.R. part 1235; as such regulations existed on May 31, 2001.

(2) In addition to the requirements of subsection (1) of this section, the permit shall show the expiration date and such identifying information with regard to the handicapped or disabled person or temporarily handicapped or disabled person to whom it is issued as is necessary to the enforcement of this Article.

(3) 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 permit has been suspended pursuant to Section 5-431.07. At the expiration of such

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

suspension, a permit may be renewed in the manner provided for renewal.

(4) A duplicate permit may be provided without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the Municipal Clerk. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. (Ref. 18-1739 RS Neb.) (Ord. 1680, 06/19/07)

§5-432.06 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL.

(1) Permanently issued permits authorized under this Article for handicapped or disabled parking issued prior to August 1, 2005, shall be valid for a period ending on September 30 of the third year following 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 (6) months after the date of issuance but may be renewed for a one-time period not to exceed six months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability.

(Ord. 1680, 06/19/07)

§5-432.07 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS NONTRANSFERABLE; VIOLATION; SUSPENSION.

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. 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. 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

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

or her handicapped or disabled parking permit in a space or access aisle designated for the exclusive use 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 is parked, and will return to the vehicle before it leaves the designated space or access aisle. 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 in a space or access aisle designated for the exclusive use 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 is parked, and will return to the vehicle before it leaves the designated space or access aisle. Any violation of this section shall constitute a handicapped parking infraction and shall cause for suspension of such permit for a period of six (6) months. In addition, the trial court shall impose a fine of not more than two hundred fifty dollars (\$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. (Ref 18-1741 RS Neb.) (Ord. 1680, 06/19/07)

§5-432.08 PARKING; HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY.

(1) The owner or person in lawful possession of an off-street parking facility, after notifying the Municipal Police, and the Municipality providing on-street parking or owning, operating, or providing an off-street parking facility, may cause the removal, from a stall or space, including access aisles, designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons, or motor vehicles for the transportation of such persons, of any vehicle not displaying the proper permit or the distinguishing license plates specified in this Article if there is posted above ground 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) Anyone who parks a vehicle in any on-street 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 such persons, or in any so exclusively designated parking space

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

or access aisle in any off-street 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 access aisle shall be guilty of a handicapped parking infraction as defined in Section 5-431.02 and shall be subject to the procedures set forth in Section 5-431.09 and the penalty provided for in this Chapter. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in this Chapter.

(3) In the case of a privately owned off-street parking facility, the owner or person in lawful possession of such facility shall not be required to inform the Municipality of a violation of this section prior to the Municipality issuing the violator a handicapped parking infraction citation. (Ref 18-1737 RS Neb.) (Ord. 1680, 06/19/07)

§5-432.09 PARKING; HANDICAPPED OR DISABLED PERSONS; CITATION, REQUIREMENTS; ISSUANCE; PROCEDURE; WAIVERS; COMPLAINT; TRIAL; RIGHTS; 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 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 (3) days after the issuance of the handicapped parking citation. One (1) copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

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

(4) A person cited for a handicapped parking violation may waive his or her right to trial.

(5) For any handicapped parking citation issued for a handicapped parking infraction by reason of the failure of a vehicle to display a handicapped parking permit issued pursuant to Section 18-1738 or 18-1738.01 RS Neb., the complaint shall be dismissed if, within seven (7) 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 Section 18-1738 or 18-1738.01 RS Neb. and that the peace officer has personally viewed the permit.

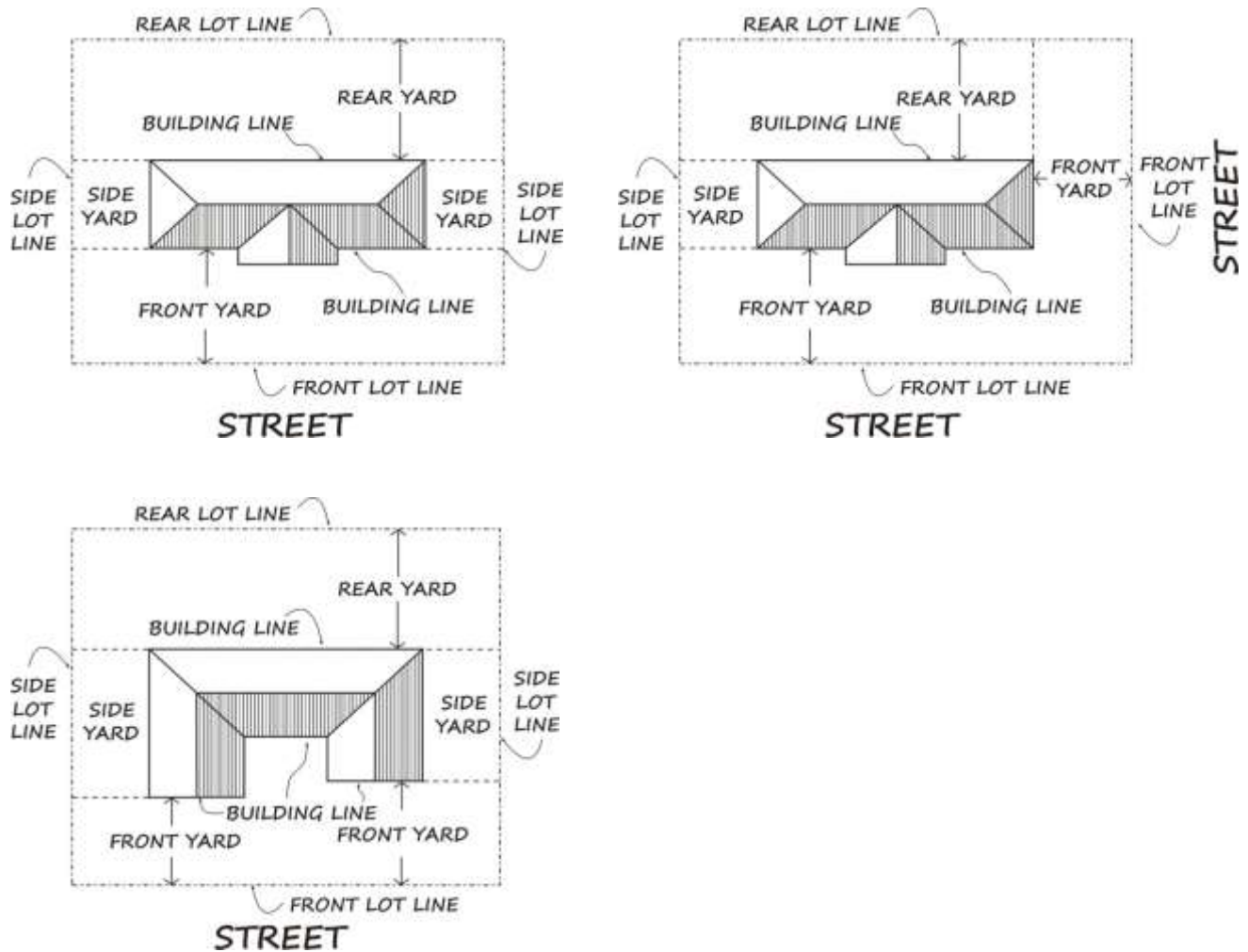
(6) The trial of any person for a handicapped parking infraction shall be by the court without a jury. All other rights provided by the Constitution of the United States made applicable to the states by the Fourteenth Amendment to the Constitution of the United States and the Constitution of Nebraska shall apply to persons charged with a handicapped parking infraction. (Ref. 18-1741.01, 18-1741.04, 18-1741.06 RS Neb.) (Ord. 1680, 06/19/07)

§5-433 PARKING; NUISANCE. No person shall park upon any street, alley, public road, or right-of-way adjacent to any street: (1) Any unregistered, inoperable or partially dismantled vehicle; or (2) Any vehicle discharging fuel, oil, coolant, or other liquid (other than water); or (3) Any vehicle presenting a health or safety hazard. Such vehicle is declared a nuisance. The Municipal Police may immediately cause any liquid(s) to be contained and/ or removed and the vehicle removed and stored. All costs related to the containment and/ or removal of liquid(s) and removal and storage of the vehicle shall be at the expense of the owner/ operator. (Ref 18-1720 RS Neb.) (Ord. 1898, 06/17/14)

§5-434 PARKING; RESIDENTIAL; FRONT YARDS; PROHIBITED. It shall be unlawful for any vehicle owner and/or the owner, occupant, lessee, mortgagee or person in possession, charge or control of any residentially zoned lot or piece of ground to park or allow

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

a vehicle to park upon the front yard of such lot or piece of ground unless the vehicle is on a surface of gravel, rock, asphalt or concrete maintained in good repair, without weeds or grass, and in conformance with Municipal building codes. For the purposes of this Section, the front yard shall include all sides of a lot adjacent to a Municipal street (Examples below). Exceptions to this Section shall include: 1) An open building permit granted by the Municipality and 2) As necessary for the expedient loading and/or unloading of materials.



(Ord. 1981, 8/16/16)

§5-435 PARKING; REMOVAL, IMPOUND, STORAGE BY MUNICIPAL POLICE.

(1) Unless immediate removal is authorized as described within this Article, the Municipal Police may remove or cause the removal of any vehicle or trailer in violation of any

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

Article within this Chapter, and store such vehicle or trailer, upon the issuance of three (3) tickets within any thirty (30) day period.

(2) If impoundment by physically removing any vehicle or trailer is deemed by the Municipal Police to be impractical, the Municipal Police may apply a mechanism to such vehicle or trailer, the effect of which is to prevent movement from the place where parked, by attachment of such mechanism to the wheels or wheel thereof.

(3) Once removed, the Municipal Police shall store or arrange for the storage of such vehicle or trailer. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07)

§5-436 PARKING; FINES, COSTS, AND FEES; APPEAL.

(1) The owner or operator of any vehicle or trailer removed and/or impounded by the Municipal Police as authorized within this Article, shall be responsible for any and all fines, costs, and fees associated with such impoundment, removal, and any subsequent storage.

(2) The owner or operator of such vehicle or trailer may cause the release and/or removal of such removal and/or impoundment by paying to the City an impound fee of twenty-five (\$25.00) dollars to defray costs, extra work, and time required by the City for such removal and/or impoundment thereof, a storage fee of five (\$5.00) dollars each day the vehicle or trailer is held, and any other costs of administration and shall in addition thereto pay such parking fee(s) due the Bureau of Violations of the City for such parking violation. The impoundment fee provided for herein shall be payable at City Hall and paid over to the Municipal Treasurer and credited to the General fund of the City.

(3) The owner or operator of such vehicle or trailer shall also pay any private tow service for costs related to the impoundment, removal, and storage of said vehicle or trailer prior to release.

(4) Within thirty (30) days after payment of such impoundment and/or storage fees, the owner or operator may request a hearing before the City Council to contest said fees and request refund thereof; setting forth the reasons and grounds upon which such contest is based. Requests for such hearing shall be made through the City Clerk. The Governing Body may, upon the conclusion of said hearing, direct the Municipal Treasurer to refund all or part of said fees. (Ref. 60-680, 60-6,167 RS Neb.) (Ord. 1680, 06/19/07; 1938, 08/04/15)

CHAPTER 5
TRAFFIC REGULATIONS
Article 4. Parking

§5-437 PARKING; NOTIFICATION OF POSSESSION; ABANDONED VEHICLE;

DISPOSAL. (1) If the owner or operator has not reclaimed possession of an impounded vehicle or trailer within ten (10) days, the Municipal Police will make an inquiry concerning the last-registered owner and make reasonable attempt to notify the last-registered owner of the City's possession of such vehicle or trailer by certified mail.

(2) If the owner has not reclaimed possession of such vehicle or trailer after thirty (30) days from the date the certified notice was mailed, the Municipal Police may declare such vehicle or trailer as abandoned.

(3) The Municipal Police shall dispose of all abandoned vehicles and trailers according to law. (Ref. 60-680; 60-1,903; 60-6,167 RS Neb.) (*Ord. 1680, 06/19/07*)