

Chapter 5
TRAFFIC REGULATIONS

Article 1. Definitions

§5-101 DEFINITIONS. The words and phrases used in this Chapter, pertaining to motor vehicles and traffic regulations, unless more specifically defined herein, shall be construed as defined in Chapter 39 of the Reissued Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statute, or within this Chapter, the word or phrase shall have its common meaning. *(Ref. 39-602 RS Neb.)*

COMMERCIAL DISTRICT. The term “commercial district” shall include those portions of the Municipality embraced within the Mixed Urban District (MX Zone), Limited Commercial District (LC Zone), Community Commercial District (CC Zone), Downtown Commercial District (DC Zone), General Commercial District (GC Zone) as described in the “Waverly Zoning Ordinance” and as shown on the “Official Zoning Map of the City of Waverly”.

INDUSTRIAL DISTRICT. The term “industrial district” shall include those portions of the Municipality embraced within the Limited Industrial District (LI Zone), and General Industrial (GI Zone) as described in the “Waverly Zoning Ordinance” and as shown on the “Official Zoning Map of the City of Waverly”.

RESIDENTIAL DISTRICT. The term "residential district" shall include all parts of the Municipality not included in the commercial or industrial districts.
(Amended by Ord. 02-02, 2/4/02)

Article 2. Municipal Traffic Regulations

§5-201 TRUCK ROUTES. The City Council may, by resolution, designate certain streets in the City upon which trucks or trailers, in excess of three (3) tons gross loaded weight, shall not travel upon and it shall be unlawful for any person operating trucks or trailers to travel upon streets where such truck or trailer traffic is prohibited, except to pick up or make deliveries; Provided, however, that such restricted routes shall not be utilized where in order to pick up or make deliveries an alternate, non-restricted route is available. *(Ref. 39-6, 189, RS Neb.)*

§5-202 TRUCK ROUTES; PENALTY FOR VIOLATION. Any person, firm partnership, association, corporation, company, or organization of any kind violating §5-201 shall be deemed guilty of a Class II Misdemeanor as defined by §6-501 of this Code. If such violation is disposed of pursuant to a waiver of appearance and plea of guilty, the fine shall be twenty-five dollars (\$25.00). *(Amended by Ord. 07-05, 5/7/07)*

§5-203 ONE-WAY TRAFFIC. The Governing Body may, by resolution, provide for one-way travel in any street, or alley located in the Municipality and shall provide for appropriate signs and markings when said streets have been so designated by resolution. *(Ref. 39-697 RS Neb.)*

§5-204 TRAFFIC LANES; DESIGNATION. The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. *(Ref. 39-697 RS Neb.)*

§5-205 ARTERIAL STREETS; DESIGNATION. The Governing Body may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated. (*Ref. 39-697 RS Neb.*)

§5-206 TURNING; "U" TURNS. No vehicle shall be turned so as to proceed in the opposite direction at any street intersection, or upon any street other than a cul-de-sac; Provided, this Section shall not apply to postal or emergency vehicles operated on official business with the drivers thereof making use of proper visual and audible signals. (*Ref. 39-697 RS Neb.*)

§5-207 CROSSWALKS. The Governing Body may, by resolution, establish and maintain, by appropriate devices, markers, or lines upon the street, crosswalks, at intersections where there is particular danger to pedestrians crossing the street, and at such other places as it may deem necessary. (*Ref. 39-697 RS Neb.*)

§5-208 SIGNS, SIGNALS. The Governing Body may, by resolution, provide for the placing of stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the Municipality's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation 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.

However, no such slow or stop signs, buttons or signals shall be erected or established and maintained in, upon or over any public thoroughfare constituting a State highway within the City; Provided that at the intersection within the City of any State highway with any street, avenue, alley or public thoroughfare of the City, the City Council may, by resolution, erect or establish and maintain, at the confines of said State highway and in full view of the traffic thereon in both directions, such school-slow signs, buttons, or signals as the City Council deem expedient. (*Ref. 39-609 through 39-611, 39-697 RS Neb.*)

§5-209 STOP SIGNS. (*Repealed by Ord. 02-02, 2/4/02*)

§5-210 ALL-TERRAIN, UTILITY TYPE, AND MINITRUCK 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 four 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 device which (a) is not less than forty-eight inches nor more than seventy-four inches in width, (b) is not more than one hundred thirty-five inches, including the bumper, in length, (c) has a dry weight of not less than nine hundred pounds nor more than two thousand pounds, (d) travels on four or more low-pressure tires, and (e) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side. Utility-type vehicle does not include golf carts or low speed vehicles.

(3) "Minitruck" means a foreign-manufactured import vehicle or domestic manufactured vehicle which (1) is powered by an internal combustion engine with a piston or rotor displacement of one thousand cubic centimeters or less, (2) is sixty-seven inches or less in width, (3) has a dry weight of four thousand two hundred pounds or less, (4) travels on four or more tires, (5) has a top speed of approximately fifty-five miles per hour, (6) is equipped with a bed or compartment for hauling, (7) has an enclosed passenger cab, (8) is equipped with headlights, tail lights, turn signals, windshield wipers, a rearview mirror, and an occupant protection system, and (9) has a four-speed, five-speed, or automatic transmission.

(4) "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.

(B) All-terrain, utility-type, or minitruck vehicles 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) All-terrain, utility-type, or minitruck vehicles 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 or less if the posted speed limit is less. When operating any of these vehicles as authorized in subsection (B) of this section, the headlight and tail lights of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag, which extends not less than five feet above ground level 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. The vehicle shall also be equipped with turn signals, brake lights and a horn.

(D) Any person operating an all-terrain, utility-type, or minitruck 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 all-terrain, utility-type, or minitruck vehicles while operating such vehicle on a street or highway. The person operating any of these vehicles shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

(E) It shall be unlawful for any person to operate all-terrain, utility-type, or minitruck vehicles on the City streets or alleys until the owner has demonstrated proof of insurance to the City and obtained an insurance decal for the current year. The City will issue a decal for the current year that must be affixed to all-terrain, utility-type, or minitruck vehicles in a conspicuous place. The City will charge a fee of twenty-five (\$25.00) dollars per year for the issuance of the permit. The Certificate shall be an annual permit from January 1 through December 31 of each year. The operator shall have until May 1 of the following year to re-new the certificate. During the first year that a certificate is purchased the fee will be prorated from the month that the certificate is obtained through December at two dollars per month and a one dollar administrative fee. Any permit purchased by a person for the same all-terrain, utility-type, or minitruck vehicles in a subsequent year shall not be prorated.

(F) All-terrain, utility-type, or minitruck vehicles may be operated without complying with subsections (C), (D), 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.

(G) All-terrain, utility-type, or minitruck vehicles 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.

(H) Subject to subsection (G) of this section, the crossing of a street or highway shall be permitted by all-terrain, utility-type, or minitruck vehicles without complying with subsections (C) and (D) of this section only if:

(1) The crossing is made at an angle of approximately ninety degrees to the direction of the street or 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 street or 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.

(I) If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain, utility-type, or minitruck vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699.

(J) Every All-terrain Vehicle (ATV), Utility-type Vehicle (UTV), and Minitruck as defined by the Statutes of Nebraska or the Waverly Municipal Code, which are operated within the jurisdiction of the City of Waverly, are hereby declared to be a motor vehicle and subject to all of the motor vehicle Rules of the Road and traffic laws as defined in either the Nebraska State Statutes or the Waverly Municipal Code.

(K) Penalty.

(1) Any person who violates Sections 3-313 to 3-327 shall be guilty of a misdemeanor and shall be subject to the penal provisions provided in this Code.

(2) Each day that a violation of any Section of this Article continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this Article provided.

(3) Any violation of any other provision of the Waverly Municipal Code or the State of Nebraska Rules of the Road under Nebraska Revised Statutes in Chapter 60 may be punished under the penalty provisions of such chapter. (*Added by Ord. 09-15, 12/21/09; amended by Ord. 10-11 8/16/10*)

Article 3. Prohibitions and Enforcement

§5-301 LITTERING. It shall be unlawful for any person to drop, or cause to be left, upon any municipal highway, street, or alley, except at places designated by the Governing Body, any rubbish, debris, or waste, and any person so doing shall be guilty of littering. (*Ref. 39-683 RS Neb.*)

§5-302 GLASS; POINTED OBJECTS. No person shall throw, cast, lay, or place upon any street any thorns, nails, tacks, glass, bottles, window glass, or other articles made of, or containing, glass, and in case of an accident causing the breaking of any glass upon any street, the owner or person in charge of such glass, or the person responsible for such breakage, shall at once remove, or cause the same to be removed, from the street. (*Ref. 39-683 RS Neb.*)

§5-303 SIGNS; DEFACING OR INTERFERING WITH. It shall be unlawful for any person to willfully deface, injure, remove, obstruct, or interfere with any official traffic sign or signal. (*Ref. 39-619, 39-714.04 RS Neb.*)

§5-304 SIGNS; UNAUTHORIZED DISPLAY. It shall be unlawful for any person to maintain or display upon, or in view of any street, any unofficial sign, signal, or device which purports to be, is an imitation of, or resembles an official traffic sign or signal which attempts to direct the movement of traffic, or which hides from view, or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance, and any police officer is hereby empowered to remove the same, or cause it to be removed, without notice. (*Ref. 39-618 RS Neb.*)

§5-305 EMERGENCY REGULATIONS. The Chief Law Enforcement Officer is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (*Ref. 60-435 RS Neb.*)

§5-306 POLICE; 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 Law Enforcement Officer. (*Ref. 39-697 RS Neb.*)

§5-307 LOADS; SPILLING. All vehicles used for carrying earth, sand, gravel, rock, asphalt, or any granular substance shall be so constructed, or secured so as to prevent the sifting, spilling, or falling of any of the contents onto the roadway.

Provided, that it shall be unlawful for any person to spill or allow to be spilled such substances which would be likely to be injurious to vehicular traffic without immediately causing the same to be removed from any street. (*Amended by Ord. 02-02, 2/4/02*)

§5-308 MOTORCYCLES, MINIBIKES, AND BICYCLES; PROHIBITED ON SIDEWALKS. It shall be unlawful for any person or persons to ride a motorcycle, scooter, go cart, golf cart, minibike, bicycle, roller skates, or an all terrain vehicle etc. on public sidewalks

within the City; Provided, that children under the age of twelve (12) may ride a bicycle on the sidewalks.

Bicycles operated on any street within the City shall be subject to all traffic laws pertaining to motorized vehicles. (*Amended by Ord. 02-02, 2/4/02*)

Article 4. Parking

§5-401 PARKING; 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 twelve inches (12") of the curb or edge of the roadway, and so as to leave at least four feet (4') between the vehicle so parked and any other parked vehicles, except where the Governing body 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. Any parking restriction imposed by ordinance or resolution of the Governing Body shall become effective twenty-four (24) hours after appropriate signs have been posted or curbs have been painted and color coded at the direction of the Governing Body. (*Ref. 39-697 RS Neb.*)

§5-402 PARKING; DESIGNATION. The Governing Body may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. Such designation shall be evidenced by white lines painted upon the surface of the street. (*Ref. 39-697 RS Neb.*)

§5-403 PARKING; CONGESTED DISTRICT DESIGNATION. (*Repealed by Ord. 02-02, 2/4/02*)

§5-404 PARKING; AREAS. The Governing Body may, by resolution, entirely prohibit, restrict, or fix a time limit for the parking and stopping of vehicles in any parking facility owned and operated by the Municipality on any street, alley, public way, or portion thereof designated by the Governing Body and the parking and stopping of any vehicle in any such Municipal parking facility, street, alley, or public way for a period of time longer than that fixed by Resolution of the Governing Body shall constitute a violation of this Section. In addition, each period of time that any vehicle shall remain in any parking space beyond the period of time prescribed for such parking space shall constitute a separate and distinct offense.

§5-405 PARKING; LOADING ZONES. It shall be unlawful for the driver of any commercial vehicle to stop, park or stand such vehicle at any designated loading zone for a period of time longer than is necessary for the expeditious loading or unloading of passengers, merchandise, or materials, and in no event shall the operator of a commercial vehicle into or from which merchandise or material is being loaded stop, park or stand such vehicle in any loading zone for a period longer than thirty (30) minutes, nor shall the operator of any non-commercial passenger vehicle stop, park, or stand such vehicle at any such loading zone for a period of time longer than ten (10) minutes. The Governing Body shall designate such loading zones by resolution.

§5-406 PARKING; COLOR LEGEND.

- A. Red. The use of red paint upon the curb on any street shall indicate that parking or stopping of vehicles within such area is entirely prohibited.

- B. Green. The use of green paint upon the curb on any street shall indicate that such space has been set aside for a loading zone.
- C. Yellow. The use of yellow paint upon the curb on any street shall indicate that that portion of the street has been restricted to fifteen (15) minute parking.
- D. White. The use of white paint upon the surface of the street, at crosswalks, shall indicate pedestrian lanes and the location of crosswalks.
- E. Blue. The use of blue paint upon the curb on any street shall indicate that such space has been set aside for handicapped parking.

Any person, partnership, corporation, or other entity, failing to observe the parking restrictions indicated by curb color legends provided for in this Section shall be deemed guilty of a misdemeanor. The Governing Body may, by resolution, cause the curb space to be painted and keep the same painted as provided for in this Article. No person, partnership, or other entity, shall paint the curb of any street, or in any manner set aside, or attempt to prevent the parking of vehicles in any street, or part thereof, except at such places where the parking of such vehicles is prohibited by the provisions of this Article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be directed by resolution of the Governing Body. (*Ref. 39-697 RS Neb.*)

§5-407 PARKING; LICENSE PLATES ON PARKED VEHICLES; OWNER OF VEHICLE RESPONSIBLE FOR PARKING. Every vehicle parked or left standing upon any street, alley, public way, or parking facility, or other public property shall have license plates attached thereto which are issued for the vehicle to which said license plates are attached and are registered in the name of the owner of the vehicle in accordance with the laws of the State of Nebraska, or of the State wherein the license is issued. If any vehicle is found upon any street, alley, public way, or parking facility, or other public property in violation of any of the provisions of this Article 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.

§5-408 PARKING; ALLEYS, OBSTRUCTION OF ENTRANCE. No vehicle shall be parked within an alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within any alley in such a position as to block the driveway entrance to any abutting property.

§5-409 PARKING; OBSTRUCTING PRIVATE DRIVEWAYS. Except as otherwise provided herein, it shall be unlawful for any person to stop or park any vehicle so as to obstruct a private driveway in any manner which includes stopping or parking any vehicle within five feet (5') of the outer portion of a curb cut on a private driveway; Provided, however, that in the congested district a vehicle may be parked at the entrance of a driveway providing ingress and egress to a business conducted on the adjacent premises, only between the period of time after the business served by such driveway has been closed for the day and opening of business on the following business day, unless the same is prohibited by signs posted at the direction of the Governing Body.

§5-410 PARKING; UNLOADING COMMERCIAL VEHICLES. It shall be unlawful for the operator of any commercial vehicle, regardless of the length thereof, to park such commercial vehicle with its end gate down and extending beyond the body of such vehicle into the street. *(Ref. 39-697 RS Neb.)*

§5-411 PARKING; FIRE HYDRANTS AND STATIONS. No vehicle shall be parked within fifteen feet (15') in either direction of any fire hydrant nor within twenty feet (20') of the driveway entrance to any fire station. *(Ref. 39-672 RS Neb.)*

§5-412 PARKING; STREET INTERSECTIONS, SIDEWALKS. Except in compliance with traffic control devices, or in compliance with the directions of a Law Enforcement Officer, or in case of accident or emergency, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within twenty feet (20') of any crosswalk; within twenty feet (20') of the intersection of curb lines or sidewalks, within thirty feet (30') of the approach to any traffic stop sign or signal within any street, intersection, or alley entrance; or, in such location as to obstruct any street crossing, sidewalk, crosswalk, or alley entrance; or within fifty feet (50') of the nearest rail of any railroad crossing; nor, shall parking be permitted on any sidewalk. *(Ref. 39-672 RS Neb.)*

§5-413 PARKING; SCHOOLS, THEATERS. The Governing Body may, by resolution, entirely prohibit or fix a time limitation for the parking or stopping of vehicles at the curb adjacent to any school grounds upon which are located school buildings used for school purposes during the parts of the day that such schools are in session. *(Amended by Ord. 02-02, 2/4/02)*

§5-414 PARKING; DISPLAY OR REPAIR; TRAILERS, BICYCLES, OR OTHER MOTORIZED VEHICLES. It shall be unlawful for any person, partnership, corporation, or any other entity to park or cause to be parked upon any street, alley, or public place within this Municipality any vehicle displayed for sale. It shall be unlawful for any person, partnership, corporation, or any other entity to park or leave standing or cause to be parked or to be left standing upon any street, alley, public way or parking facility, or other public place within this Municipality, any vehicle for the purpose of washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency, and it shall be unlawful for any person connected with a garage or repair shop or any other person to wash, grease, or repair any vehicle upon any street, alley, public way, or parking facility, or other public place within the City, except repairs which are necessary in order to move such vehicle and are necessitated by an emergency. No trailer, bicycle, or other unmotorized vehicle may be parked or left standing on any street within the Municipality. *(Ref. 39-697 RS Neb.)*

§5-415 PARKING; TWENTY-FOUR HOUR PARKING. It shall be unlawful for any person, partnership, corporation, or any other entity, to park or cause to be parked, or to permit such vehicle to stand on one (1) side of a street within a block for a period longer than twenty-four (24) hours. *(Ref. 39-697 RS Neb.)*

§5-416 PARKING; PARKING ON STATE-OWNED PROPERTY. It shall be unlawful for any person partnership, corporation, or any other entity to park or permit to be parked any motor vehicle on property owned or controlled by the State of Nebraska or any subdivision or institution thereof, within the corporate limits of the Municipality in violation of any rules or regulations established by such State institution or subdivision.

§5-417 PARKING; PETROLEUM, PROPANE, AND ANHYDROUS TRANSPORT VEHICLES. It shall be unlawful for the operator of any petroleum, propane, or anhydrous transport vehicle or vehicles containing other explosive or inflammable materials, whether loaded or unloaded, except while expeditiously loading or unloading the contents thereof, to park or leave such vehicle standing within seventy-five feet (75') of any building.

§5-418 PARKING; PARKING TRUCKS AND TRAILERS. It shall be unlawful for any person, partnership, corporation, or any other entity to park or cause to be parked any motor vehicle with an overall length in excess of twenty-five feet (25'), over ten (10) tons gross empty weight, with a maximum height in excess of eight feet (8'), or a trailer twenty-five feet (25') or greater, except such vehicle or trailer as it is being used for the purpose of delivering or collecting goods, wares, merchandise, or materials, on any street, alley, or public way, for a period of time longer than is necessary for the expeditious delivery or collection of goods, wares, merchandise, or materials, and in no event for a period of time exceeding two (2) hours; Provided, however, that the provision of this section shall not apply to trucks or trailers being used in connection with building, repair, service, or moving operations.

Local law enforcement personnel are hereby authorized to remove or have removed any vehicle or trailer from a street, alley or public way to a lot, garage, or other similar facility designated by the Governing Body of the Municipality or the City Clerk when the vehicle or trailer is parked in violation of this section or any provision contained in Chapter 5, Article 4.

The cost of towing of any vehicle or trailer pursuant to this section, plus the applicable parking fine, shall be collected from the owner of such vehicle or trailer before any such vehicle or trailer shall be returned to the possession of the owner. (*Amended by Ord. No. 98-6, 4/6/98; 02-02, 2/4/02*)

§5-419 PARKING; STREET CLEANING; TEMPORARY BAN. It shall be unlawful to park any vehicle on any public street or portion thereof in the Municipality at any time when such street is being cleaned. Signs indicating when such street or portion thereof has been scheduled for cleaning shall be posted not less than four (4) hours before the scheduled cleaning and shall be removed after the cleaning of the street has been completed.

§5-420 PARKING; SNOW EMERGENCY.

- A. Establishment of Snow Emergency Routes. The Governing Body of the Municipality may, by Resolution, establish Snow Emergency Routes upon any street or highway of the Municipality and/or direct the installation of appropriate signs, marks, lines, signals, or other traffic control devices indicating the existence of said Snow Emergency Routes. The designation of any street, highway, or portion thereof as a Snow Emergency Route shall in no way affect any previous designation of that street or highway as an arterial or other road designation.
- B. Declaration of Emergency; Prohibition of Parking on Snow Emergency Routes. Whenever the Mayor of the Municipality or his or her designated representative shall find, on the basis of falling snow, sleet, or freezing rain or on the basis of an official forecast by the United States Weather Bureau of snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City Snow Emergency Routes be prohibited or restricted for snow plowing and other purposes, the Mayor or his or her designated representative may place into effect a parking prohibition on all Snow Emergency Routes by declaring that emergency conditions exist. In such declaration of emergency conditions, the Mayor or his or her designated representative

shall state the time that said emergency shall be in effect, and from time to time so designated all parking of vehicles on Snow Emergency Routes shall be prohibited. While the prohibition is in effect, no person, partnership, corporation, or other entity, shall park or cause to be parked or allow to remain parked any vehicle on any portion of a Snow Emergency Route. Once in effect, the parking prohibition imposed under this Section shall remain in effect until terminated by declaration of the Mayor or his or her designated representative. However, nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

- C. Prohibition of Parking on Residential Streets. Whenever the Mayor or his or her designated representative shall find, on the basis of accumulated snow, that conditions make it necessary that parking on any streets be prohibited or restricted for snow plowing and other purposes, he or she may put into effect a parking prohibition on parts of or some of such streets by declaring that parking be prohibited on one (1) side of said streets, designating either the odd or even address numbered side, at his or her discretion. In such declaration, the Mayor or his or her designated representative shall state the date and time on which such parking prohibition shall take effect. The prohibition shall remain in effect until terminated by announcement of the Mayor or his or her designated representative, who may then declare that there shall be in effect a parking prohibition on the opposite side of those streets designated above, which prohibition shall remain in effect until terminated by announcement of the Mayor or his or her designated representative.
- D. Operation of Motor Vehicles on Snow Emergency Routes. Whenever an emergency has been declared pursuant to 5-420A of this Code, no person, partnership, corporation, or other entity, operating a motor vehicle on a Snow Emergency Route shall allow such vehicle to become stalled or stuck. No person operating a motor vehicle on a Snow Emergency Route during the declaration of emergency snow conditions shall allow such vehicle to become stalled because the motor fuel supply is exhausted or because the battery has become inoperative. Whenever a motor vehicle becomes stalled for any reason, whether or not in violation of this Chapter, on any Snow Emergency Route on which there is a parking prohibition in effect, the person, partnership, corporation, or other entity, operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such Snow Emergency Route, either into the nearest cross street which is not a Snow Emergency Route, or other appropriate location. No person, partnership, corporation, or other entity, shall abandon his, her, or its vehicle in the roadway of a Snow Emergency Route, except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay.
- E. Emergency Declaration of the Mayor. The Mayor or his or her designated representative shall cause each declaration of a snow emergency made by him or her, pursuant to this Section, to be publicly announced by means of broadcast or telecast from broadcasting stations with a normal operating range covering the Municipality, and he or she may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the Mayor or his or her designated representative, including the time it became or will become effective, and shall specify the streets or areas affected. The Mayor or his or her designated representative shall make or cause to be made a record or each time and date when any declaration is announced to the public by issuing an executive order as soon after the declaration of an emergency as is feasible.

Whenever the Mayor or his or her designated representative shall find some or all of the conditions which gave rise to a parking prohibition placed in effect pursuant to the provisions of this Section no longer exist, he or she may declare the prohibition terminated, in whole or in part, effective immediately upon announcement or at a later specified time.

The Mayor or his or her designated representative may, when he or she deems the same appropriate, institute a limited snow emergency parking ban by personally notifying, through his or her designated representative, the owner or operator of any vehicle parked on any street, alley, or public way, or by causing appropriate signs to be posted along such streets, alleys, or public ways. Such signs shall be posted no less than four (4) hours prior to the time the limited snow emergency parking ban is to become effective.

- F. Provisions Temporarily Effective to Take Precedence. Any provision of this Section which becomes effective by declaration of the Mayor or his or her designated representative upon the occurrence of a snow emergency, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that the same shall not take precedence over provision of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a law enforcement official.
- G. Removal of Stalled or Parked Vehicles. Local law enforcement personnel are hereby authorized to remove or have removed a vehicle from a street, alley, or public way, to another place or location on a street, alley, or public way, or to a lot, garage, or other similar facility designated by the Governing Body of the Municipality of the City Clerk when:
1. The vehicle is parked on a Snow Emergency Route on which a parking prohibition is in effect.
 2. The vehicle is stalled on a Snow Emergency Route on which there is a parking prohibition in effect and the person, partnership, corporation, or other entity who is operating said vehicle does not appear to be removing it in accordance with the provisions of this Section.
 3. The vehicle is parked on any street or other public area in violation of any parking prohibition or provision of law contained in this Section or is interfering or about to interfere with snow removal operation.

The cost of towing of any vehicle pursuant to the provisions of this Section, plus the applicable parking fine shall be collected from the owner of such vehicle before any such vehicle shall be returned to the possession of the owner.

§5-421 PARKING; RESERVED FOR HANDICAPPED PERSONS.

- A. Parking Spaces Designated. The Governing Body of the City may, by Resolution, designate parking spaces for the exclusive use of paraplegics whose vehicles display the distinguishing license plates to paraplegics pursuant to State law, and such other handicapped persons whose vehicles display a handicapped identification card issued by the Municipal Clerk.
- B. Specially Marked Spaces. Parking spaces for the handicapped shall be designated by a sign visible from such stall or space which is in substantial conformity with the latest edition of the Federal Highway Administration's Manual on Uniform Traffic Control Devices and

may be further identified by blue paint on the curb or edge of the paved portion of the street.

- C. Off-Street Parking Spaces Designated. Any person, partnership, corporation, or other entity in lawful possession of an off-street parking facility may designate stalls or spaces of the exclusive use of paraplegics whose vehicles display the distinguishing license plates issued to such individuals pursuant to State law, and such other handicapped persons, as certified by the City of Waverly, whose vehicles display the identification as determined by the Municipal Clerk. Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign which is in substantial conformity with the latest edition of the Federal Highway Administration's Manual on Uniform Traffic Control Devices.
- D. Off-Street Tow-In. The owner or person in lawful possession of an off-street parking facility, after notifying the Police or Sheriff's Department, as the case may be, and the Municipality when providing on-street parking or owning, operating, or providing an off-street parking facility, may cause the removal, from a stall or space designated exclusively for paraplegics or other handicapped persons of any vehicle not displaying proper identification or one of the distinguishing license plates specified in this Section if there is posted immediately adjacent to and visible from such designated handicapped parking stall or space a sign which clearly and conspicuously states that area so designated as a tow-in zone. Anyone parking in an on-street parking space which has been designated for handicapped persons, or in any so designated parking space in any off-street parking facility owned or operated by the Municipality without properly displaying the proper identification, shall be guilty of a traffic infraction as defined in Section 39-602 RS Neb., and shall be subject to the penalties and procedure set forth in Section 39-6,122 RS Neb. (*Ref. 18-1736 through 18-1742 RS Neb.*)
- E. Issuance of Handicapped Parking Permit; Definitions. The Municipal Clerk may issue a handicapped parking permit to eligible handicapped persons who have reached five (5) years of age and to persons who drive a motor vehicle for a visually handicapped person which will entitle the holder thereof to park in those spaces provided for in this Section.
- For the purpose of this Section, physically handicapped persons shall mean those physically handicapped persons using crutches, canes, walkers, wheelchairs, or having definite walking problems, included but not limited to amputees, and those persons who have respiratory problems which incapacitate their walking. Persons applying for this permit shall complete such forms as are provided to the Municipal Clerk by the Department of Motor Vehicles and shall demonstrate to the satisfaction of the Municipal Clerk that he or she is handicapped to such an extent that walking is impractical, impossible, extremely painful, or generally detrimental to one's health. The Municipal Clerk may require such medical certificates as are necessary as proof of a handicapped condition. Visually handicapped persons shall mean those persons using the white cane or dog guide.
- F. Permit; Identification Card. Permits issued to any handicapped person shall contain the letter "H" and identifying number on the front of the card, and the expiration date of the card. The name, address, phone number, date of birth, and age of the party to whom issued shall appear on the reverse side. No permit shall be issued to any person if any valid handicapped parking permit has been issued to such person or if such permit has been suspended pursuant to this Section. All permits authorized under this Section shall be issued for a period ending January One (1) of the fourth (4th) year following the date of

- G. issuance. A permit fee of one dollar (\$1.00) shall be charged for each permit. When in use, such permit shall be displayed on the passenger side of the dash of any vehicle in such a manner that it is conspicuously visible from the outside of such vehicle. All such permits issued under this Section shall be non-transferable and will be valid until revocation or expiration but may be freely transferred to any vehicle utilized by the permit holder either as driver or passenger.
- H. Revocation of Permit. Permits issued under this Section are intended only for the use of handicapped persons to whom they are originally issued, and any misuse or abuse of such privilege including use by any other party will result in the revocation of such permit by the
- I. Municipal Clerk for a period of six (6) months. At the expiration of such six (6) month period, the suspended permit may be renewed upon payment of the one dollar (\$1.00) permit fee.
- H. Violation and Penalty. The operator or owner of any vehicle or person in whose name such vehicle is registered, which is parked in a handicapped parking space without displaying a duly authorized permit from the Municipal Clerk or paraplegic license plates shall be deemed guilty of a Class II Misdemeanor as defined by §6-501 of this Code and be subject to a parking fine as provided for in this Article and/or may be towed at the discretion of any law enforcement personnel. Any non-permit holder person using the vehicle or card of a handicapped person and who shall park any motor vehicle in a space reserved for handicapped parking when he or she is not, in fact, providing transportation for such handicapped person shall be deemed guilty of a Class II Misdemeanor as defined by §6-501 of this Code.
- I. Applicable Law. The issuance of a handicapped permit shall in no manner waive or impair the application of any ordinance of the City of Waverly, including parking regulations established by the Governing Body of the Municipality. *(Amended by Ord. 07-05, 5/7/07)*

§5-422 PARKING; BUREAU OF VIOLATIONS. There is hereby created the Bureau of Violations within the powers and duties of the office of the Municipal Clerk. A copy of each citation issued for non-moving traffic violations shall be deposited with the Municipal clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid to him or her. Fines shall be payable at the office of the Clerk. Such fines shall be in accordance with the following schedule:

Violation of:	Fine, if paid within five days of issuance	Fine if not paid within five days of issuance but within ten days of issuance
§5-417	\$25.00	\$50.00
§5-418	\$25.00	\$35.00
§5-420	\$15.00	\$30.00
§5-421	\$10.00	\$20.00

Any § contained
within Chap. 5,
Art. 4, not

listed above \$ 5.00 \$10.00

Should any such fine not be paid within ten (10) days of the date of issuance, the Municipal Clerk shall ask the Municipal Attorney to file a complaint in the appropriate court. Persons who fail to pay the fine for any such violation within ten (10) days or of the date of issuance or after judgment is entered against the violator shall be fined in accordance with the following schedule:

Violation of:	FINE: More than ten days after issuance	FINE: When paid pursuant to waiver and plea of guilty
§5-417	Not less than \$50.00 nor more than \$100.00	\$75.00
§5-418	\$35.00	\$30.00
§5-420	\$30.00	\$30.00
§5-421	\$20.00	\$20.00

Any § contained
within Chap. 5,
Art. 4, not listed
above

Not less than
\$10.00 nor more
than \$100.00

plus applicable court costs. All money collected by the Municipal Clerk under this Section shall be transferred to the school district in which the Municipality lies. *(Ref. 18-1729 RS Neb., Constitution of the State of Nebraska Article VII, 5.) (Amended by Ord. 07-05, 5/7/07)*

§5-423 PARKING; PROHIBITED IN FRONT OF MAILBOXES. It shall be unlawful for any person to park any vehicle in front of, or obstruct access to, any receptacle used for the deposit of mail by the United States Postal Service except on days when there is no mail delivery. *(Ref. 39-697 RS Neb. 1988) (Ord. No. 89-5, 4/17/89)*