

## TITLE VII: TRAFFIC CODE

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### CHAPTER 70: GENERAL PROVISIONS

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#### § 70.01 DEFINITIONS.

The words and phrases used in this title, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Neb. RS Ch. 60, Art. 6, as now existing or hereafter amended. If not defined in the designated statute, or within this Section, the word or phrase shall have its common meaning. (Neb. RS 60-606 through 60-676)

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)

#### § 70.02 EMERGENCY REGULATIONS.

The Chief Law Enforcement Officer is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

#### § 70.03 RESERVED.

**§ 70.04 REFUSAL TO OBEY.**

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a police officer. Penalty, see § 10.99

**§ 70.05 RESERVED.**

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**§ 70.07 RESERVED.**

**CHAPTER 71: TRAFFIC REGULATIONS**

Section

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***GENERAL PROVISIONS***

**§ 71.01 RULES OF THE ROAD; INCORPORATED BY REFERENCE.**

The State Rules of the Road, together with all subsequent amendments thereto, as adopted by this state relating to traffic regulations are incorporated by reference into this section and made a part of this chapter as though spread at large herein, except those provisions in conflict with this chapter when the City Council has the authority to alter those regulations. Three copies of the State Rules of the Road and amendments shall be on file with the Municipal Clerk and shall be available for public inspection at any reasonable time.

***TRAFFIC CONTROL***

**§ 71.15 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. Penalty, see § 10.99

Any person, firm partnership, association, corporation, company, or organization of any kind violating this section shall be deemed guilty of a Class II Misdemeanor as defined by section 131.22 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*)

**§ 71.16 ONE-WAY TRAFFIC.**

The City Council 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 those streets have been so designated by resolution.

**§ 71.17 TRAFFIC LANES; DESIGNATION.**

The City Council may, by resolution, mark lanes for traffic on street pavements at those places as it may deem advisable.

#### **§ 71.18 CROSSWALKS.**

The City Council 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 those other places as it may deem necessary.

#### **§ 71.19 SIGNS; SIGNALS.**

The City Council may, by resolution, provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley for the purpose of regulating or prohibiting traffic thereon. The 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 the sign, signal, standard, or mechanical device shall be placed, and the hours when the regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with the 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. Penalty, see § 10.99

#### **§ 71.20 RESERVED.**

#### **§ 71.21 RESERVED.**

#### **§ 71.22 RESERVED.**

#### **§ 71.23 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.

#### **§ 71.24 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 is 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)*

### **§ 71.25 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.

### **§ 71.26 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.

## ***TRAFFIC RULES***

### **§ 71.35 CARELESS DRIVING.**

Any person who drives any motor vehicle in this municipality carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. (Neb. RS 60-6,212) Penalty, see § 10.99

### **§ 71.36 BACKING.**

It shall be unlawful for any person to back a motor vehicle on the municipal streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where unloading is permitted; provided, a vehicle shall be backed only when that movement can be made in safety, and in no case shall the distance of the backing exceed 1.5 lengths of the vehicle. (Neb. RS 60-6,169 and 60-680) Penalty, see § 10.99

### **§ 71.37 FUNERAL PROCESSIONS.**

No vehicle, except police vehicles, Fire/Rescue Department vehicles, when responding to emergency calls or orders in their several departments, ambulances responding to emergency calls, or vehicles carrying U.S. mails, shall be driven through a funeral procession or cortege except with the permission of a police officer. (Neb. RS 60-6,140 and 60-680) Penalty, see § 10.99

### **§ 71.38 RIDING OUTSIDE VEHICLE.**

No person shall permit any other person to ride on the running board, hood, top, or fenders of any motor vehicle. Nor shall any person ride on the running board, hood, top, or fenders of any motor vehicle. (Neb. RS 60-680) Penalty, see § 10.99

### **§ 71.39 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.

**§ 71.40 RESERVED.**

**§ 71.41 RESERVED.**

**§ 71.42 RESERVED.**

**§ 71.43 HITCHHIKING.**

It shall be unlawful for any person to be found soliciting trucks, automobiles, or other vehicles to stop or slow down for the purpose of asking for a ride, or riding on the vehicle. (Neb. RS 60-6,144) Penalty, see § 10.99

***BICYCLES, SKATES, MOTORCYCLES, MINIBIKES,  
ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES***

**§ 71.70 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*) Penalty, see §10.99

**§ 71.71 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) "Mini truck" 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 mini truck 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 mini truck 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 taillights 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.

(D) Any person operating an all-terrain, utility-type, or mini truck 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 mini truck 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 mini truck vehicles on the City streets or alleys:

(1) until the owner has demonstrated proof of insurance to the City and obtained a license plate for the current year. The City will issue a license plate and/or decal for the current year that must be affixed to the rear of the all-terrain, utility-type, or minitruck vehicles in a conspicuous place. The City will charge a fee of twenty-five (\$25.00) dollars for the issuance of the license certificate and plate. The certificate shall be an annual certificate from January 1 through December 31 of each year. The operator shall have until January 31 of the following year to renew the certificate and plate for an annual fee of ten (\$10.00) dollars. 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 one (\$1.00) dollar per month and a thirteen (\$13.00) dollar administrative fee. Any certificate purchased by a person for the same all-terrain, utility-type, or mini truck vehicles in a subsequent year shall not be prorated. The fee for any replacement plate shall be fifteen (\$15.00) dollars.

- (2) with more passengers on said vehicle than is recommended by the original manufacturer.
- (F) All-terrain, utility-type, or mini truck 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 mini truck 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 mini truck 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 mini truck 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 Mini truck 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 subsection (E)(1) shall be fined twenty-five (\$25.00) dollars. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be twenty dollars (\$20.00).



(2) Any person who violates subsection (E) (2) shall be guilty of a Class II Misdemeanor pursuant to §131.22 of the City Code. *(Added by Ord. 09-15, 12/21/09; amended by Ord. 10-11 8/16/10; Ord. 18-05)*

## § 71.72 GOLF CART VEHICLES.

(A) For purposes of this section:

(1) "Golf cart vehicle" means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, is designed and manufactured for operation on a golf course for sporting and recreational purposes, and is not being operated within the boundaries of a golf course.

(2) "Street" or "highway" means a public way for the purposes of vehicular travel in a city and includes the entire area within the right-of-way; and

(3) "Road" means a public way for the purposes of vehicular travel, including the entire area within the right-of-way.

(B) Golf cart 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) Golf cart vehicles may be operated only between the hours of sunrise and sunset and on streets with a posted speed limit of thirty-five (35) miles per hour or less. The operator shall not operate such vehicle at a speed in excess of twenty (20) miles per hour. When operating a golf cart vehicle as authorized in subsection (B) of this section, the headlights and taillights of the vehicle shall be on (if equipped), turn signals used (if equipped), and the vehicle must be equipped with a safety flag, which extends not less than five (5) feet above the ground and extends at least six (6) inches above the highest point of the vehicle, when attached to the rear of the vehicle in a day-glow color, triangular shape, and at least 30 square inches. A golf cart vehicle shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street only if:

(1) the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place no obstruction prevents a quick and safe crossing;

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

(3) in crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(D) Any person operating a golf cart vehicle as authorized in subsection (B) of this section shall have:

(1) A valid Class O operator's license, and

(2) Liability insurance coverage for the golf cart vehicle 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. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury to or death off two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

(E) It shall be unlawful for any person to operate golf cart vehicles on the City streets or alleys:

(1) until the owner has demonstrated proof of insurance to the City and obtained a license plate for the current year. The City will issue a license plate and/or decal for the current year that must be affixed to the rear of the golf cart in a conspicuous place. The City will charge a fee of twenty-five (\$25.00) dollars for the issuance of the license certificate and plate. The certificate shall be an annual certificate from January 1 through December 31 of each year. The operator shall have until January 31 of the following year to renew the certificate and plate for an annual fee of ten (\$10.00) dollars. 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 one (\$1.00) dollar per month and a thirteen (\$13.00) dollar administrative fee. Any certificate purchased by a person for the same all-terrain, utility- type, or mini truck vehicles in a subsequent year shall not be prorated. The fee for any replacement plate shall be fifteen (\$15.00) dollars.

(2) with more passengers on said vehicle than is recommended by the original manufacturer.

(F) Golf cart 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) Golf cart 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) 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 a golf cart vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. §60-699.

(I) Every Golf Cart Vehicle 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.

(J) Penalty.

- (1) Any person who violates subsection (C) or (E)(1) shall be fined twenty-five (\$25.00) dollars. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be twenty dollars (\$20.00).
- (2) Any person who violates subsection (E) (2) shall be guilty of a Class II Misdemeanor pursuant to §131.22 of the City Code. *(Added by Ord. 15-14, 10/13/15; Amended by Ord. 18-05, 5/8/18; Ord. 23-05, 6/6/2023; Ord. 23-08, 7/25/2023)*

**§ 71.73 WHEELCHAIRS AND OTHER POWER-DRIVEN MOBILITY DEVICES**

(A) For purposes of this section:

- (1) “Wheelchair” shall mean a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of locomotion.
- (2) “Other Power-Driven Mobility Device (“OPDMD”)” means a mobility device powered by batteries, fuel, or other engines, used by an individual with a mobility disability for the purpose of locomotion. A fully enclosed mobility scooter may qualify as an OPDMD provided the standards contained in subsection (B)(2)(a)-(e) are met.

(B) Areas of Operation.

- (1) Wheelchairs may be operated in all public areas open for pedestrian use including, but not limited to, sidewalks, municipal parks and trails.
- (2) Unless otherwise posted, OPDMD may be operated on sidewalks, municipal parks and trails provided that the device meets the following standards:
  - (a) The device may not be operated at speeds in excess of ten (10) miles per hour;
  - (b) The device has an overall width of 41 inches or less;
  - (c) The device is electric-powered or battery-powered and not gas-powered;
  - (d) The device is not an “all-terrain vehicle,” “utility-type vehicle” or “mini truck” as defined in Section 5-210 or a “golf cart vehicle” as defined in Section 5-211.
  - (e) The device shall not be designed for or occupied by more than one person

## CHAPTER 72: PARKING REGULATIONS

Section

### *General Provisions*

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### **GENERAL PROVISIONS**

#### **§ 72.01 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.

#### **§ 72.02 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.

### **§ 72.03 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.

### **§ 72.04 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.

### **§ 72.05 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. 60-680 RS Neb.*)

**§ 72.06 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.

**§ 72.07 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.

**§ 72.08 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.

**§ 72.09 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.

**§ 72.10 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.

**§ 72.11 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.

## **§ 72.12 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*)

## **§ 72.13 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. 60-680 RS Neb.*)

## **§ 72.14 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. 60-680 RS Neb.*)

## **§ 72.15 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.

## **§ 72.16 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.

## **§72.17 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 this Chapter.

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*)

#### **§ 72.18 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.

#### **§ 72.19 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 this section, 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 Section, 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 of each time and date when any declaration is announced to the public by issuing an executive order as soon after the declaration of an emergency as is feasible.

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.

## **§ 72.20 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 Neb. Rev. Stat. § 18-1741.01, and shall be subject to the penalties and procedure set forth in Neb. Rev. Stat. §§ 18-1741.01 et seq. (*Ref. 18-1736 et seq. RS Neb.*)
- E. 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 State of Nebraska Department of Motor Vehicles or paraplegic license plates shall be deemed guilty of a Class II Misdemeanor as defined by 131.22 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 this Code.
- F. 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; Ord. 17-05*)

## § 72.21 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
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		of issuance
<b>§72.14</b>	\$25.00	\$35.00
<b>§72.16</b>	\$25.00	\$50.00
<b>§72.17</b>	\$25.00	\$35.00
<b>§72.19</b>	\$15.00	\$30.00
<b>§72.20</b>	\$10.00	\$20.00
Any § contained within Chap. 72, 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 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
<b>§72.14</b>	\$35.00	\$35.00
<b>§72.16</b>	Not less than \$50.00 nor more than \$100.00	\$75.00
<b>§72.17</b>	\$35.00	\$30.00
<b>§72.19</b>	\$30.00	\$30.00
<b>§72.20</b>	\$20.00	\$20.00
Any § contained within Chap. 72, 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*)

**§ 72.22 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. (*Ord. No. 89-5, 4/17/89*)