

TRAFFIC REGULATIONS

Article 1. Rules of the Road

§5-101 RULES OF THE ROAD; INCORPORATED BY REFERENCE. The Nebraska Rules of the Road, together with all subsequent amendments thereto, as adopted by the State of Nebraska relating to traffic regulations are incorporated by reference into this section and made a part of this Article as though spread at large herein, except those provisions in conflict with this Article when the Governing Body has the authority to alter such regulations. Three (3) copies of the Nebraska 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.

§5-102 TRUCK ROUTES. The Governing Body may, by resolution, designate certain streets in the Municipality that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through, or about the Municipality. The Governing Body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. (*Ref. 39-6,189 RS Neb.*)

§5-103 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.*)

§5-104 TRAFFIC LANES; DESIGNATION. *The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as they may deem advisable. (Ref. 39-697 RS Neb.)*

§5-105 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.)*

§5-106 TURNING; "U" TURNS. *No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation, or where a sign is posted indicating that U-turns are prohibited. (Ref. 39-651, 39-697 RS Neb.)*

§5-107 CROSSWALKS. *The Governing Body may, by resolution, establish and maintain, by appropriate devices, markers, or lines upon the street, crosswalks, at intersections where there is particular danger to pedestrians crossing the street, and at such other places as they may deem necessary. (Ref. 39-697 RS Neb.)*

§5-108 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. (Ref. 39-609 through 39-611, 39-697 RS Neb.)*

UPDATING BELOW

§5-109 EMERGENCY REGULATIONS. *The Chief of Police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. (Ref. 60-435 RS Neb.)*

§5-110 PARKING; CONGESTED DISTRICT DESIGNATION. *The following streets and alleys shall constitute the Congested District:*

On Main Street from the south line of Fifth (5th) Street to the north line of First (1st) Street.

§5-111 EXHIBITION DRIVING. *Any person who operates a motor vehicle, meaning any self-propelled vehicle, upon the streets or alleys within the City limits of the City, or upon property owned by the City, in such a manner as to cause or create unnecessary engine noise, squealing of tires, rearing, skidding, sliding or swaying of such motor vehicle, shall be guilty of exhibition driving, and, upon conviction thereof, shall for each offense, be fined in any sum not exceeding one hundred dollars (\$100.00).*

§5-112 SPEED LIMITS. *No person shall operate a motor vehicle on any street, alley or other place within the City at a rate of speed greater than is reasonable and proper, having regard for the traffic in the roadway and the condition of the streets or at a speed as to endanger the life, limb or property of another person; under no circumstances in excess of twenty-five (25) miles per hour on any street within the corporate limits of said City, which speed is hereby declared to be lawful, except in the congested area described in Section 5-110 of this Article, where no speed in excess of fifteen (15) miles per hour shall be deemed or considered as lawful and on State Highway 35 where the speed limit shall be thirty-five (35) miles per hour from 250 feet South of 8th Street to a point 1,000 feet North of Third Street and forty-five (45) miles per hour from said point North to the North City Limits and from 250 feet South of 8th Street to 300 feet South of 10th Street. Speed limits shall be plainly indicated by appropriate signs or standards on all main traveled highways or streets at or near the approach to the corporate limits and elsewhere about the City of Wakefield as may be appropriate. (Amended by Ord. Nos. 321, 3/4/87; 363, 2/3/93; 406, 12/11/96)*

§5-113 MOTOR VEHICLES PROHIBITED ON SIDEWALKS

AND IN PARKS. No motor vehicle shall be operated upon the sidewalks of the Municipality or within the Municipal Parks, except on the streets therein.

Motor vehicle shall mean every self-propelled land vehicle not operated upon rails, except self-propelled invalid chairs.

§5-114SEMI-TRACTORS; PROHIBITED NOISES. It shall be unlawful for any person within the corporate limits of the Municipality of Wakefield, Nebraska, to make, or cause to be made, loud or disturbing noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, commonly referred to as jakebraking. The City Council shall cause notices to be posted, or erect signs indicating such prohibition. Any person convicted as having violated this section shall be punished as provided by Section 5-601 of the Wakefield Municipal Code. (*Ord. No. 398, 4/3/96*)

Article 2. Operator and Vehicle Qualifications

§5-201 REGISTRATION; OPERATOR AND VEHICLE LICENSE. No person shall operate a motor vehicle upon any street, or public highway without having first registered the same, and without first having obtained a motor vehicle operator's license as provided by the laws of the State of Nebraska, and such vehicle shall have the registration number plates, furnished by the State or County, displayed upon said vehicle in the manner and place provided by the laws of the State of Nebraska. It shall be unlawful for any person to operate a motor vehicle upon any street or alley during the period that his operator's license has been revoked or canceled. (Ref. 39-669.30, 39-6,106.01, 60-302 RS Neb.)

§5-202 REGISTRATION; TRAILER. When any trailer shall be attached to any motor vehicle in use upon the Municipal streets, such trailer shall carry a registration number and rear lights as required of any other motor vehicle. (Ref. 60-302 RS Neb.)

§5-203 LICENSE PLATES. The license plates, required on every motor vehicle by laws of the State of Nebraska, or by laws of any other state while such vehicle is operated within the corporate limits, shall be kept clear and free from grease, dust, or other blurring matter so they will be plainly visible at all times, and shall be attached in such manner as to be clearly readable at a distance of one hundred (100') feet and under no circumstances shall they be obstructed by any portion of the vehicle. (Ref. 60-324, 60-325 RS Neb.)

Article 3. Bicycles

§5-301 BICYCLES; RIDING IN CONGESTED DISTRICT. It shall be unlawful for any person to ride a bicycle upon the sidewalks of the Municipality within the Congested District defined in section 5-110.

§5-302 BICYCLE RACKS. The Mayor and Council may, by resolution, provide for and designate on streets or sidewalks within the Congested District, the location of a sufficient number of bicycle racks in the interest of public safety.

§5-303 PARKING BICYCLES. No person shall park a bicycle upon any sidewalk, street or roadway of the City, except in racks or stalls, if and when provided for that purpose.

Article 4. Parking

§5-401 PARKING; DESIGNATION. The Governing Body may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. (*Ref. 39-673, 39-697 RS Neb.*)

§5-402 PARKING; AREAS. The Governing Body may, by resolution, set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers. (*Ref. 39-697 RS Neb.*)

§5-402.01 PARKING; TRUCK PARKING REGULATIONS.

(1) No truck parking area. It shall be unlawful for the operator of any truck, truck-tractor or semi-trailer or for the operator of any automobile with attached trailer of an over-all length of eighteen feet (18'), including load, to stop or park such vehicle for any period of time on streets in the no truck parking area, described as follows: On Main Street from the south line of 8th Street to the north line of 1st Street.

(2) Loading or unloading. Such vehicles may stop, stand or park for such time as is necessary, but in no event longer than one-half hour, expeditiously to load or unload their contents in alleys where such stopping is possible; provided, it shall be lawful for such vehicle to stop or park elsewhere on the streets in said no truck parking area if stopping for loading or unloading in alleys is impossible, only after the operator of the designated vehicle shall have obtained a written permit from the Chief of Police to do so.

(3) Truck end-gates up; miscellaneous parking rules. It shall also be unlawful for the operator of any such truck, truck-tractor or

semi-trailer, regardless of the length of the same, to park such vehicle with the end-gate of same down and extending beyond the body of such vehicle; nor shall such vehicle stop, stand or park within a street intersection, on a crosswalk, in front of a private driveway or on a sidewalk.

(4) Truck parking lots. The Mayor and Council may provide truck parking lots adjoining or adjacent to the no truck parking area; and when such truck parking lots are so provided, it shall be the duty of the truck operators to use such lots for parking purposes.

(5) Carriers; night parking. No motor carrier, private carrier, common carrier or contract carrier of property, as defined in Neb. Rev. Stat. §75-302, existing or as hereafter amended, shall stop or park in any street or alley within the residential district between the hours of five o'clock (5:00) P.M. of any one day and nine o'clock (9:00) A.M. of the succeeding day; and no such carrier shall use or employ any portion of the parking space in said residential district for any commercial purpose.

(6) Oil tankers; gasoline transports. No oil tanker, gasoline transport or tank truck transporting inflammable liquids shall park or stop for any period of time within the limits of any street or alley of the City except to load or unload its cargo in a safe and expeditious manner; provided, drivers of said oil tankers, gasoline transports or tank trucks may stop or park said vehicles one time while en route through the City on arterial streets or highways therein, except on that portion of Main Street designated at the no truck parking area in subsection (1) of this section, for a period of time not to exceed thirty (30) minutes for rest and meals; and provided further, in case of breakdown or stalling on account of exhaustion of its motor fuel on any of said streets, the stopping of the disabled vehicle for the reasonable time necessary to remove the same to the next point where repairs can be made or to meet the emergency shall not be a violation of this section. No oil tanker, gasoline transport or tank truck, whether containing any inflammable materials or not, shall park or stop for any period of time on any private premises within the corporate limits of the City, save and except for the purpose of loading or unloading, or

in the case of breakdowns, unless said private premises be situated outside the fire limits and be used and employed exclusively for the conduct of the wholesale or retail petroleum business with ample facilities for parking oil tankers and gasoline transports or tank trucks.

(7) Signs. The no truck parking area, as described in subsection (1) of this section, shall be plainly indicated by appropriate signs or standards placed at or near each means of approach to said area by order of the Council. (*Ord No. 373, 2/2/94*)

§5-402.02 PARKING; OTHER RESTRICTED VEHICLES.

(1) It shall be unlawful for any person to park or leave standing any recreational vehicle, including but not limited to, camper, motor home, boat, or similar recreational equipment; any trailer, flat bed, utility trailer, or other non-motorized equipment used for transport; or any construction or agricultural equipment, straight truck or step van upon any street or terrace within the City between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M., except on those streets designated for such parking or on those terraces improved for parking purposes with the consent of the City, without a temporary parking permit as provided for in § 5-402.03.

(2) Each day a vehicle or other equipment set forth in paragraph (1) above is illegally parked shall constitute a separate violation of this section.

(3) Violations of this section are subject to towing as set forth in § 5-408 and the fines set forth in § 5-412. (*Ord. No. 2-1008, 3/12/08*)

§5-402.03 PARKING; TEMPORARY PARKING PERMIT.

A temporary parking permit may be obtained from the office of the City Clerk, for the purpose of temporarily parking vehicles prohibited from parking on the streets or terraces of the City by § 5-402.01(5) or § 5-402.02. Said permit may be issued for the purpose of construction, demolition, moving, loading, or other business or domestic purposes, for a period not to exceed ten (10) days. Said parking permit may be renewed for an additional ten (10) day period. Further extensions shall require the consent of the City Council. (*Ord. No. 2-1008, 3/12/08*)

§5-403 PARKING; CURBS, PAINTED. It shall be the duty of the Street Superintendent to cause the curb space to be painted and keep the same painted as provided in this Article. No person, firm, or corporation 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 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 done only by the Municipality through its proper officers, at the direction of the Governing Body. *(Ref. 39-697 RS Neb.)*

§5-404 PARKING; TIME LIMIT. The Governing Body may, by resolution, entirely prohibit, or fix a time limit for, the parking and stopping of vehicles on any street, streets, or district designated by such resolution, and the parking, or stopping, of any vehicle in any such street, streets, or district, for a period of time longer than fixed in such resolution shall constitute a violation of this Article. *(Ref. 39-697 RS Neb.)*

§5-405 PARKING; MAXIMUM TIME LIMIT. The parking of a motor vehicle on a public street for over twenty-four (24) consecutive hours is unlawful, except where a different maximum time limit is posted. *(Ref. 39-697 RS Neb.)*

§5-406 PARKING; SNOW REMOVAL. (1) All vehicles parked within the Congested District must be removed immediately following a snowfall of sufficient amount to require snow removal until the street is cleared.

(2) Prior to an anticipated snowfall of two (2) inches or more, parking shall be restricted on all City streets outside of the Congested District as follows:

(a) Unless designated as a "No Parking Zone", parking shall be allowed only on the side of the street with even numbered street addresses until the snow has been plowed.

(b) On those streets where "No Parking" signs are posted, the no parking restrictions shall apply.

(c) No parking will be allowed within the circle of any cul-de-sac.

(3) These parking restrictions shall take effect upon public notification of the anticipated snowfall for the Wakefield area through radio, television, and/or other electronic media pronouncements.

(4) Violations of these provisions shall be punishable as set forth in Sections 5-412 and 5-601 of the Municipal Code of the City of Wakefield. In addition, vehicles parked in violation of these rules shall be subject to towing at the owner's expense. (*Amended by Ord. No. 10-2016, 12/14/16*)

§5-407 PARKING; RESERVED FOR HANDICAPPED. The Governing Body and any person in lawful possession of any off-street

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parking facility may designate parking spaces for the exclusive use of disabled persons whose vehicles display the distinguishing license plates issued to such individuals pursuant to section 60-311.14 RS Neb., such other handicapped persons, as certified by the Governing Body, whose vehicles display the identification as determined by the Department of Motor Vehicles, and such other motor vehicles, as certified by the Governing Body, which display such identification. Whenever the Governing Body so designates a parking space, it shall be indicated by a sign which is in conformance with the nineteenth (19th) edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices for Streets and Highways. In addition to such sign the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space.

The Municipal Clerk shall take an application from physically handicapped persons or their parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by this section. For the purpose of this section, physically handicapped persons shall mean visually handicapped persons and those permanently physically handicapped persons who have definite walking problems to such an extent that walking is impractical, impossible, extremely painful, or generally detrimental to one's health, including those persons who have respiratory problems which incapacitate their walking, and disabled persons as defined in section 60-311.14 RS Neb. Visually handicapped persons shall mean those persons using the white cane or guide dog. Persons applying for a 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. The Municipal Clerk may require medical certificates and proof of a handicapped condition. Such application shall be forwarded to the Department of Motor Vehicles.

The Municipal Clerk may take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of

transporting physically handicapped persons to park in those spaces provided for by this section, if the motor vehicle is used primarily for the transportation of physically handicapped person. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of physically handicapped persons. Persons applying for permits [pursuant to this section], shall apply for a permit for each motor vehicle used for the transportation of physically handicapped persons and shall complete such forms as are provided to the Municipal Clerk by the Department of Motor Vehicles and shall demonstrate to the Clerk that each such motor vehicle is used primarily for the transportation of physically handicapped persons. Such applications shall be forwarded to the Department of Motor Vehicles.

The permit shall be a card to be issued by the Department of Motor Vehicles, containing the letter "H" and an identifying number on the front of the card. The name, address, phone number, date of birth, and age of the physically handicapped person to whom issued shall appear on the reverse side, and if the permit is issued for a motor vehicle used primarily for the transportation of physically handicapped persons, the name, address, and phone number of the party to whom issued and the license plate number of the motor vehicle for which the permit is issued shall appear on the reverse side of the permit. No permit shall be issued to any person for any motor vehicle if any valid handicapped parking permit has been issued to such person or for such motor vehicle if such permit has been suspended pursuant to this section.

A duplicate permit may be provided by the Department of Motor Vehicles without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be valid for the remainder of the period for which the original permit was issued.

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 issuance. A permit fee of two (\$2.00) dollars shall be charged for each permit, one (\$1.00) dollar of which shall be retained by the Municipal Clerk and one (\$1.00) dollar which shall be forwarded to the Department of Motor Vehicles.

Permits issued under this section shall not be transferable, and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. Use by any other person, for any other motor vehicle, or for any other purpose shall be cause for suspension of such permit for a period of six (6) months. At the expiration of such period, a suspended permit may be renewed upon the payment of the permit fee.

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 disabled persons, other handicapped persons, or motor vehicles for the transportation of physically 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 stall or space a sign which clearly and conspicuously states the area so designated as a tow-in zone. Anyone parking in an on-street parking space which has been designated exclusively for handicapped persons or motor vehicles for the transportation of 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, Reissue Revised Statutes of Nebraska, 1943, and shall be subject to the penalties and procedure set forth in section 39-6,122, Revised Statutes Supplement, 1978. (Ref. 18-1736 through 18-1742 RS Neb.)

§5-408 PARKING; TOWING. The Chief of Police and every police officer is hereby vested with authority to tow to the police station, or to any place provided by the Police Department for such purpose, any vehicle which shall be found unlawfully standing or parked in any street, highway, or alley or which shall be abandoned by the owner of driver thereof. (Ord. No. 326, 5/4/88)

§5-409 PARKING; SNOW REMOVAL AND STREET CLEANING. The Street Superintendent, or any member of the Street Department, and/or the Chief of Police, or any member of the Police Department, shall have the authority to move

parked vehicles whenever such vehicles interfere with snow removal or street cleaning operations on the streets of the City of Wakefield. (*Ord. No. 326, 5/4/88*)

§5-410 PARKING; TOWING CHARGES. Any owner of a vehicle towed by the Police Department as provided in this Article shall pay the cost of towing the vehicle. No person shall move any vehicle towed by the Police Department or by any person under the direction of the Police Department before paying the towing and storage fees and providing satisfactory evidence of such payment to the Police Department. (*Ord. No. 326, 5/4/88*)

§5-411 TOWING; UNLAWFUL PARKING. The fact that a vehicle is towed away by the Police Department and a fee paid for towing and storage of the vehicle shall not be considered a defense in the prosecution for unlawful parking under any of the provisions of this Chapter. (*Ord. No. 326, 5/4/88*)

§5-411.01 PARKING; PROHIBITED ON CITY TERRACES AND FRONT YARDS OF RESIDENTIAL PROPERTY.

(1) It shall be unlawful for any person to park, or leave standing, any motor vehicle, boat, camper, or trailer in or upon any front yard area of any private residential property which has not been improved for parking as set forth in section 5-411.02(2) of the Municipal Code. The parking of motor vehicles, boats, campers, or trailers on City owned terrace property which has not been so improved for parking purposes is also prohibited.

(2) Lots which are adjacent to City streets on both the front and back sides of the lot (sometimes referred to as "through lots") shall be considered to have frontages on both streets.

(3) For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FRONT YARD shall mean an area extending across the front of a lot between the side lot lines and lying between the terrace and the front of the residence.

SIDE YARD shall mean an area extending from the front yard to the back of the lot and lying between the City terrace, or street curb if

there is no terrace, and the side of the residence. Said side yard shall extend from the front yard to the back of the lot following the line established by the side of the house adjacent to the City street.

MOTOR VEHICLE shall mean any vehicle propelled by any power other than muscular power.

TERRACE PARKING shall mean the use of any portion of the right-of-way of any street for the parking of motor vehicles, boats, campers, or trailers. Such parked vehicles shall not extend over any sidewalk and shall not present a traffic hazard. (*Ord. No. 6B-2013, 1/8/14*)

§5-411.02 PARKING; AREA LIMITATION ON PARKING; IMPROVEMENTS REQUIRED FOR PARKING ON CITY TERRACES AND FRONT YARDS OF RESIDENTIAL PROPERTY.

(1) All residential type dwellings shall use no more than fifty percent (50%) of the front yard nor more than fifty percent (50%) of the terrace area adjoining the front yard for parking. All residential type dwellings shall use no more than fifty percent (50%) of the terrace area adjoining the side yard for parking; provided, however, that up to one hundred percent (100%) of the terrace area adjoining the side yard of multiple family dwellings may be used for parking upon application to and approval by the City Council. The front yard on corner lots shall be determined by street address. Existing hard surfaced parking areas exceeding the restrictions herein on January 8, 2014 shall be exempt from the area limitation;

(2) Parking and driveway surfaces on the city terrace or front yards in all residential zoning districts of the City shall be concrete or hot mix asphalt, placed over a minimum of two (2) inches of compacted sand or gravel material base;

(3) The minimum size of a parking stall surface shall be an eight foot by twenty foot (8' x 20') rectangle;

(4) The parking or driveway surface shall be a minimum of five and a half (5-1/2) inches thick and shall include the intersecting sidewalk to the same depth;

(5) Parking or driveway surfaces shall have the curb ground or sawed out the entire parking or driveway width; provided, however, that this shall not be required if the proposed parking is parallel to the

curb and there are two (2) approach or driveway curb inlet and outlet ramps;

(6) Parking or driveway surfaces shall be so located as to avoid undue interference with public use of streets, alleys, and walkways;

(7) Terrace parking shall not interfere with the intersection site triangle of this code;

(8) Terrace parking and driveway surfaces shall be excavated a minimum of four (4) inches deeper than the surrounding terrain or unpaved surface;

(9) Parking or driveway surfaces at the back of the curb line shall be excavated to the same depth as the abutting street depth; and

(10) A building permit and curb grind authorization must be obtained from the City Clerk prior to making improvements to the City terrace and front or side yards for parking purposes. Diggers Hotline notification shall also be required. (*Ord. No. 6B-2013, 1/8/14*)

§5-411.03 PARKING; INTERIOR OF THE LOT. Parking of motor vehicles on the interior of a lot, i.e., other than a front yard as defined in section 5-411.01, shall be allowed; provided, that access thereto does not cross a front or side yard unless over an improved surface of concrete pavement, asphalt, rock or gravel. (*Ord. No. 6B-2013, 1/8/14*)

§5-412 PARKING; VIOLATION BUREAU. (A) There is hereby established a Violations Bureau for the collection of fines for parking violations. Such violations shall not be subject to prosecution in the courts, except when payment of the fine is not made within the time prescribed by this section. When payment is not made within such time, the violations shall be prosecuted in the same manner as other violations of this Code.

(B) The Violations Bureau shall collect and account for all monies paid pursuant to this section, issue receipts therefore, and keep records of all violators, showing the name, time, and date of violation and disposition. All monies collected shall be disbursed by the City as provided by law.

(C) Whenever any motor vehicle, with or without a driver, is found parked, standing, or stopped in violation of Chapter 5, Article 4, of this Code or any statute of the State of Nebraska relating to

parking, all of which shall be referred to in this section as "parking violations", the officer finding such vehicle shall take the registration number of the vehicle and may take any other information displayed on the vehicle which may identify its owner or operator, and shall conspicuously affix to such vehicle a traffic citation on a form provided for such purpose, which form shall require the owner or operator to answer to the charge against him in accordance with this section.

(D) All citations for parking violations shall contain, in addition to any other information required by law, the following information:

- (1) The amount of the fine if paid within seven (7) days;
- (2) The amount of the fine if paid within eight (8) to twenty-five (25) days;
- (3) The location where the payment of the fine may be made; and
- (4) A statement that a complaint will be filed after twenty-five (25) days if the fine is not paid in that time.

(E) The fines for parking violations shall be \$10.00 for each violation if paid within seven (7) days and \$20.00 for each violation if paid within eight to twenty-five (25) days.

(F) Any person charged with a parking violation may enter a plea of guilty by payment of the appropriate fine as established above. Payment may be made by dropping off the parking citation with the appropriate fine at the City Clerk's Office or by mailing same to the City of Wakefield at the address on the reverse side of the citation.

(G) Any person may request a court hearing within five (5) days of the issuance of the citation by notifying the City Clerk's Office in writing, of his or her intention to appeal/contest the citation. Upon receipt thereof, the City Clerk, or his or her designee, shall cause the original citation to be delivered to the City Attorney for possible prosecution. If the City Attorney proceeds with prosecution of the citation, the person requesting the hearing shall be notified of the scheduled time and place of the Court hearing. Notice shall be sufficient if mailed by regular, U.S. mail, postage prepaid, to the address of the person who received the citation at his or her address as it appears on his or her motor vehicle registration, or such other address as provided to the City Clerk.

(H) The officer issuing the parking violation shall cause a complaint to be filed against any person who has failed to dispose of a parking violation within twenty-five (25) days. Such person, upon conviction of such violation, shall be punished pursuant to section 5-601 of this Code. (*Ord. No. 327, 5/4/88*) (*Amended by Ord. Nos. 00-9, 12/6/00; 11-2006, 10/11/06*)

§5-413 PARKING; PRESUMPTION OF VIOLATION. In any prosecution charging a violation of any ordinance or regulation governing the parking of a motor vehicle, proof that the particular vehicle described in the complaint was parked in violation of such law or regulation, together with proof that the defendant named in the complaint was at the time the vehicle was found parked, standing, or stopped, the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who committed or authorized such violation. This section shall apply only when the procedure prescribed in section 5-408 of this Code has been followed. (*Ord. No. 327, 5/4/88*)

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Article 5. Minibikes, Snowmobiles and All-Terrain Vehicles

§5-501 MINIBIKES; UNLAWFUL OPERATION. It shall be unlawful for any minibike or similar two, three, or four-wheeled miniature vehicle whose visibility, power, and equipment are inadequate for mixing with normal vehicular traffic upon the streets and highways to be operated on any such street or highway. For purposes of this section, "minibike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen (14") inches or an engine rated capacity of less than forty-five (45) cubic centimeters displacement or a seat height of less than twenty-five (25") inches from the ground or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. *(Ref. 60-2101.01, 60-2107 RS Neb.) (Ord. No. 312, 1/4/84)*

§5-502 MINIBIKES; TRAFFIC LAWS INAPPLICABLE. The provisions of Chapter 60, Articles 1, 3, 4, 5, and 17 of the Nebraska Statutes shall not be applicable to the owners and operators of any minibike. *(Ref. 60-2101.01 RS Neb.) (Ord. No. 312, 1/4/84)*

§5-503 SNOWMOBILES; EQUIPMENT. Every snowmobile operated within the Municipality shall be registered with the State of Nebraska, as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one head lamp, one tail lamp, reflector material of a minimum area of sixteen (16) square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the Director of Motor Vehicles. All laws applying to the operation of other motor vehicles shall apply to snowmobiles, except those relating to required equipment and those which, by their nature, have no application. *(Ref. 60-2002, 60-2013 RS Neb.) (Ord. No. 312, 1/4/84)*

§5-504 SNOWMOBILES; UNLAWFUL ACTS. It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by him, to be operated:

1. Within the congested area of the Municipality unless weather conditions are such that it provides the only practicable method of safe vehicular travel, or said snowmobile is engaged in responding to an emergency.
 2. At a rate of speed greater than reasonable or proper under the surrounding circumstances.
 3. In a careless, reckless or negligent manner so as to endanger person or property.
 4. Without a lighted headlight and tail light when such would be required by conditions.
 5. In any tree nursery or planting in a manner which damages or destroys growing stock.
 6. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.
- (Ref. 60-2013, 60-2015 RS Neb.) (Ord. No. 312, 1/4/84)*

§5-505 SNOWMOBILES; ON PUBLIC LANDS. Snowmobiles may be operated upon public lands owned by the Municipality; provided, such operation is done in a manner which does not endanger others using the lands, and the snow covering the land is of such depth and consistency so as to make reasonably certain vegetation will not be destroyed or damaged by such operation. *(Ref. 60-2016 RS Neb.) (Ord. No. 312, 1/4/84)*

§5-506 SNOWMOBILES; ENFORCEMENT; PENALTY. Any peace officer, including a conservation officer, may enforce the provisions relating to snowmobiles. Any person convicted of violating any rule or regulation dealing with snowmobiles shall be punished by a fine of not more than one hundred (\$100.00) dollars. *(Ref. 60-2021 RS Neb.) (Ord. No. 312, 1/4/84)*

§5-507 ALL-TERRAIN, UTILITY-TYPE, AND LOW-SPEED VEHICLES; DEFINITIONS. For purposes of this section:

ALL-TERRAIN VEHICLE means:

- (a) Any motorized off- highway vehicle which:
 1. Is fifty (50) inches or less in width,

2. Has a dry weight of nine hundred (900) pounds or less,
3. Travels on three (3) or more low-pressure tires,
4. Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one (1) passenger,
5. Has a seat or saddle designed to be straddled by the operator, and
6. Has handlebars or any other steering assembly for steering control.

(b) Golf carts, riding lawn mowers, and motorized wheel chairs are not all-terrain vehicles as defined in this section.

LOW-SPEED VEHICLE means a vehicle that:

- (a) Cannot travel more than twenty-five (25) miles per hour on a paved, level surface,
- (b) Complies with 49 C.F.R. 571, as such part existed on January 1, 2007, or
- (c) Is designated by the manufacturer as an off-road or low-speed vehicle.

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.

UTILITY-TYPE VEHICLE means:

- (a) Any motorized off-highway vehicle which:
 1. Is not less than forty-eight (48) inches nor more than seventy-four (74) inches in width,
 2. Is not more than one hundred thirty-five (135) inches, including the bumper, in length,
 3. Has a dry weight of not less than nine hundred (900) pounds nor more than two thousand (2,000) pounds,
 4. Travels on four (4) or more low-pressure tires, and
 5. Is equipped with a steering wheel and bench or bucket-type seating designed for at least two (2) people to sit side-by-side.

(b) UTILITY-TYPE VEHICLE does not include golf carts or low-speed vehicles. (*Ord. No. 4-2009, 8/12/09*) (*Amended by Ord. No. 8-2012, 8/8/12*)

§5-508 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; REGULATIONS. All-terrain and utility-type 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.

(1) All-terrain and utility-type vehicles may be operated only between the hours of six o'clock (6:00) A.M. and ten 'clock (10:00) P.M., and shall not be operated at a speed in excess of twenty (20) miles per hour. When operating an all-terrain vehicle or a utility-type vehicle as authorized by these provisions, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five (5) feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be day-glow in color.

(2) It shall be unlawful for any person to operate, or be in actual physical control of any all-terrain vehicle or utility-type vehicle upon the traveled portion of any public roadway with the corporate limits of the City except as provided in section 60-6,356 RS Neb. or as specifically authorized and permitted under the terms of this section.

(3) Any person operating an all-terrain vehicle or a utility-type vehicle as authorized herein shall:

(a) Be eighteen (18) years of age or older and have a valid Class O operator's license issued by the State of Nebraska; and

(b) Have a permit issued by the City Clerk of the City of Wakefield permitting the operation of an all-terrain or utility-type vehicle within the corporate limits of the City.

(c) Have liability insurance coverage for the all-terrain or utility-type vehicle while operating the all-terrain or utility-type vehicle on a street or highway. The person operating the all-terrain or utility-type vehicle shall provide proof of such insurance coverage to any law enforcement officer requesting such proof within five (5) days of such a request.

(4) (a) In order to obtain a permit to operate an all-terrain or utility-type vehicle within the corporate limits of the City, an applicant must make an annual application therefor at the office of the City Clerk and provide the following information:

1. Name and address of the applicant;
2. Proof of insurance for the all-terrain or utility-type vehicle(s) to be operated within the City by the applicant;
3. Valid Class O operator's license issued by the State of Nebraska; and
4. Year, make, model, color, engine size, and vehicle identification number (VIN) of the all-terrain or utility-type vehicle to be operated within the City by the applicant.

(b) In addition, the all-terrain or utility-type vehicle must pass inspection by a person designated by the City to insure that the all-terrain or utility-type vehicle meets the following requirements:

1. At least one (1) working headlight and taillight;
2. A bicycle safety flag in compliance with subsection (1) above;
3. A brake system maintained in good operating condition;
4. An adequate muffler system in good working condition properly attached to the all-terrain or utility-type vehicle which reduces the noise of operation of the motor to the minimum necessary for operation. The muffler shall not be audible for a distance of more than five hundred (500) feet. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on an all-terrain or utility-type vehicle; and
5. A United States Forest Service qualified spark arrester.

(c) Upon compliance with subsections 4(a) and (b) herein, and payment of an application fee of twenty-five (\$25.00) dollars, which fee may be amended from time to time by resolution of the City Council, the City Clerk shall issue the applicant a permit to operate the designated all-terrain or utility-type vehicle(s) within the corporate limits of the City and a permit sticker to attach to the all-terrain or utility-type vehicle.

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

(e) The permit sticker shall be prominently displayed on the rear fender or similar component of the operator's all-terrain or utility-type vehicle. (*Ord. No. 4-2009, 8/12/09*) (*Amended by Ord. No. 8-2012, 8/8/12*)

§5-509 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PARADES. All-terrain and utility-type vehicles may be operated without complying with these provisions on streets and highways within the corporate limits of the City in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the State. All-terrain or utility-type vehicles used by governmental agencies in the pursuit of their duties shall be exempt from the provisions of this section. (*Ord. No. 4-2009, 8/12/09*) (*Amended by Ord. No. 8-2012, 8/8/12*)

§5-510 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PROHIBITIONS; PARKING. (1) An all-terrain or utility-type vehicle shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted.

(2) The parking of all-terrain or utility-type vehicles on Main Street between the intersections of First Avenue and 5th Street is prohibited.

(3) All-terrain and utility-type vehicles are prohibited from being operated on the sidewalks of the City unless it is for the sole purpose of snow-removal. (*Ord. No. 4-2009, 8/12/09*) (*Amended by Ord. No. 8-2012, 8/8/12*)

§5-511 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; COMPLIANCE. The operator of an all-terrain or utility-type vehicle within the corporate limits of the City shall comply with, and is

subject to, all traffic regulations of the City and the State of Nebraska, including but not limited to, those laws, ordinances, or regulations pertaining to the operation or being in actual physical control of a motor vehicle while under the influence of alcoholic liquor or of any drug. When making turns within the roadways and at intersections, the operator shall use the appropriate hand-signals as designated by the State of Nebraska Rules of the Road. (*Ord. No. 4-2009, 8/12/09*) (*Amended by Ord. No. 8-2012, 8/8/12*)

§5-512 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; HELMETS. All passengers under eighteen (18) years of age riding on an all-terrain or utility-type vehicle within the corporate limits of the City shall wear a protective helmet, properly secured on his or her head by a chin strap while the vehicle is in motion, which helmet meets the requirements of sections 6-6,279 and 60-6,280 RS Neb. as now in effect and as hereafter amended. (*Ord. No. 4-2009, 8/12/09*) (*Amended by Ord. No. 8-2012, 8/8/12*)

§5-513 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; VIOLATIONS. Violations of these provisions shall be punishable as set forth in § 5-601 of the Wakefield City Code. In addition, any person receiving two (2) or more citations within a twelve (12) month period shall, upon conviction of the third or subsequent offense, have his or her permit to operate an all-terrain or utility-type vehicle within the City limits revoked for a period of one (1) year from the date of conviction. Upon completion of the revocation period, said person must reapply for a permit in order to operate an all-terrain or utility-type vehicle within the City limits. (*Ord. No. 4-2009, 8/12/09*) (*Amended by Ord. No. 8-2012, 8/8/12*)

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Article 6. Penal Provision

§5-601 VIOLATION; PENALTY. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction, thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense, recoverable with costs. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Ref 17-505 RS Neb) (Amended by Ord. No. 7-2009, 11/11/09)*

Wakefield Code