

## **CHAPTER 5: TRAFFIC**

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## ARTICLE 1: DEFINITIONS

### § 5-101 DEFINITIONS.

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



## **ARTICLE 2: MUNICIPAL TRAFFIC REGULATIONS**

### **§ 5-201 PEDESTRIANS; RIGHT-OF-WAY.**

The operator of any vehicle shall stop when a pedestrian is crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of the block, and shall remain stopped until such time as such pedestrian shall have completed the crossing of such roadway, except at intersections where the movement of traffic is being regulated by a police officer or traffic control signal. Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the roadway, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass such stopped vehicle. Every pedestrian crossing a roadway at a point other than a marked or unmarked crosswalk shall yield the right-of-way to vehicles upon the roadway; Provided, that this provision shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of pedestrians.

### **§ 5-202 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.)

### **§ 5-203 ONE-WAY TRAFFIC.**

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

### **§ 5-204 TRAFFIC LANE; DESIGNATION.**

The Chief of Police may, with the consent of the Governing Body, mark lanes for traffic on street pavements at such places as it may deem advisable. (Ref. 39-697 RS Neb.)

**§ 5-205 ARTERIAL STREETS; DESIGNATION.**

The Chief of Police, with the consent of the Governing Body, may designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated. (*Ref. 39-697 RS Neb.*)

**§ 5-206 TURNING; "U" TURNS.**

No vehicle shall be turned so as to proceed in the opposite direction, or to park on the opposite side of the street from the direction in which such vehicle is traveling, 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. U-turns are prohibited at the intersections of the following streets:

First Street and Elm Street,  
First Street and Maple Street,  
First Street and Walnut Street,  
First Street and A Street,  
First Street and B Street,  
First Street and C Street,  
First Street and D Street,  
First Street and E Street, and  
First Street and F Street.

(*Ref. 39-651, 39-697 RS Neb.*)

**§ 5-207 TURNING; GENERALLY.**

Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right hand side of the highway and must turn the corner as near the right hand curb as possible to keep between the curb to the right and the center of the intersection of the two (2) streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway, and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, the center of the intersection shall mean the meeting point of the medial lines of the highways intersecting one another. (*Ref. 39-650 RS Neb.*)

**§ 5-208 TURNING; CAUTIOUS.**

The operator of a vehicle shall, before stopping, turning, or changing the course of such vehicle, see that there is sufficient space to make such movement in safety. If any pedestrian might be affected by such movement, the operator shall give a clearly audible signal by sounding the horn, and whenever

the operation of any other vehicle may be affected by such movement, he shall give some unmistakable signal to the driver of all other vehicles of his intention to make such movement. (*Ref. 39-644, 39-652, 39-697 RS Neb.*)

**§ 5-209 RIGHT-OF-WAY; GENERALLY.**

When two (2) vehicles approach, or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a Municipal Policeman stationed at the intersection. The driver of a vehicle intending to turn to the left within an intersection, or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver of a vehicle on any street shall yield the right-of-way to a pedestrian crossing such street within any clearly marked crosswalk, or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than a pedestrian crossing, crosswalk, or intersection shall yield the right-of-way to vehicles upon the street. The driver of a vehicle entering a Municipal street from a private road, or drive shall yield the right-of-way to all vehicles approaching on such streets. The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals. (*Ref. 39-635 through 39-643 RS Neb.*)

**§ 5-210 RIGHT-OF-WAY; OVERTAKING VEHICLES.**

The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle. (*Ref. 39-622 RS Neb.*)

**§ 5-211 RIGHT-OF-WAY; EMERGENCY VEHICLES.**

Upon the approach of any authorized emergency vehicle, every vehicle within one (1) block of the route of such emergency vehicle shall immediately stop, except at the time they are on or crossing a street intersection, in which event, such vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right hand curb as possible and remain there until such authorized emergency vehicle or vehicles have passed; Provided, said vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals. (*Ref. 39-640 RS Neb.*)

**§ 5-212 POSITION OF VEHICLE ON HIGHWAY; GENERALLY.**

Upon all highways of sufficient width, one-way streets excepted, the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least one half (1/2) of the main traveled portion of the roadway. (Ref. 39-620 RS Neb.)

**§ 5-213 POSITION OF VEHICLE ON HIGHWAY; PASSING.**

A vehicle shall not be driven to the left of the center line of the highway in overtaking or passing another vehicle proceeding in the same direction, unless such left side is clearly visible and free from oncoming traffic for a sufficient distance to permit such overtaking and passing to be made in safety. (Ref. 39-625 RS Neb.)

**§ 5-214 BACKING.**

Before backing, ample warning shall be given and while backing, unceasing vigilance must be exercised not to injure those behind. The driver of a parked vehicle about to back shall give moving vehicles the right-of-way. (Ref. 39-675, 39-697 RS Neb.)

**§ 5-215 CROSSWALKS.**

The Chief of Police may, with the consent of the Governing Body, 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.)

**§ 5-216 SIGNS, SIGNALS.**

The Chief of Police may, with the consent of the Governing Body 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. (Ref. 39-697 RS Neb.)

**§ 5-217 PREFERENTIAL RIGHT-OF-WAY STOP AND YIELD SIGNS.**

(A) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the

driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard if such driver moved across or into such intersection.

(B) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection, or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection. *(Amended by Ord. No. 789, 4/3/07)*



## **ARTICLE 3: PROHIBITIONS AND ENFORCEMENT**

### **§ 5-301 LITTERING.**

(A) Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:

(1) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or

(2) The litter is placed in a receptacle or container installed on such property for such purpose.

(B) The word litter as used in this section shall mean all waste material susceptible of being dropped, deposited, discarded, or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing. Waste material as used in this subsection shall mean any material appearing in a place or in a context not associated with that material's function or origin, including animal waste.

(C) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, watercraft or animal in violation of this section, the operator of such motor vehicle, watercraft or person who the animal is under his or her control commits the offense of littering.

(D) A person who commits the offense of littering shall be guilty of a misdemeanor. A person convicted of the offense of littering first offense will be subject to a fine of one hundred dollars (\$100.00). Second or subsequent convictions a person will be subject to a fine of not less than two hundred fifty dollars (\$250.00). (*Ord. No. 874, 6/4/13*)

### **§ 5-302 SIGNS; DEFACING OR INTERFERING WITH.**

It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal. (*Ref. 39-619, 39-714.04 RS Neb.*)

### **§ 5-303 SPEED LIMITS.**

(A) (1) No person shall operate a motor vehicle on any street at a rate of speed greater than is reasonable and prudent under the conditions then existing and except when a special hazard exists that requires lower speed, the limits specified in this paragraph or established as hereinafter authorized in this paragraph shall be maximum lawful speeds, and it shall be unlawful for the driver of any vehicle on any street within the City to drive such vehicle at a speed in excess of such maximum limits unless a different rate of speed is specifically permitted by ordinance or resolution:

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- a. Fifteen (15) miles per hour in alley;
- b. Twenty (20) miles per hour within the business district;
- c. Fifteen (15) miles per hour on "D" Street from U.S. Highway 6 to Eighth (8th) Street from June 1 each year through September 1 of each year;
- d. Fifteen (15) miles per hour when flashing yellow lights are activated, 25 miles per hour when not flashing on First (1st) Street from "F" Street to Welch Park Road;
- e. Fifteen (15) miles per hour when flashing yellow lights are activated, twenty-five (25) miles per hour when not flashing on State Street from Highway 6 to the south City limits;
- f. Twenty-five (25) miles per hour on all other streets.

(2) In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions.

(B) Any person who violates any maximum speed limit established pursuant to this section for any street within the City shall be deemed guilty of a traffic infraction and upon conviction shall be punished by a fine as follows, recoverable with costs:

(1) 1 - 5 mph over authorized limit. . . . .	\$10.00
(2) Over 5 mph but not over 10 mph. . . . .	\$25.00
(3) Over 10 mph but not over 15 mph. . . . .	\$75.00
(4) Over 15 mph but not over 20 mph. . . . .	\$125.00
(5) Over 20 mph but not over 35 mph. . . . .	\$200.00
(6) Over 35 mph of authorized limit. . . . .	\$300.00

(C) The fines prescribed in this section shall be doubled if the violation occurs within a maintenance, repair or construction zone. Signs shall be placed within or in advance of maintenance, repair or construction zones which provide information that the fines for exceeding the speed limit in such zones are doubled.

(D) The fines prescribed in this section shall be doubled if the violation occurs within a school crossing zone.

(E) The Chief of Police, with the consent of the Governing Body shall designate, by flashing yellow lights, reduced speed zones for such distances as deemed proper by the Chief of Police on arterial streets adjacent to a public or private elementary school or school crossings, provided that the Chief of Police may exempt from the requirements of this section those potential reduced speed zones which:

- (1) Have fewer than four (4) lanes to cross and are not adjacent to a school building; or
- (2) Are crossed by more than fifty (50) students per day.

(F) Notwithstanding the provisions of subsections (A)(1)d. and e., it shall be unlawful for any person to drive a vehicle in a reduced speed zone as herein designated at a speed in excess of fifteen (15) miles per hour at such time as the flashing yellow lights are in operation. Daily operating time of said flashing lights shall be determined by the Chief of Police. (*Ref. 39-662, 39-663 RS Neb.*) (*Amended by Ord. Nos. 401, 4/6/76; 590, 12/3/91; 775, 8/2/05; 838, 12/7/10*)

**§ 5-303.01 SPEED LIMITS; U.S. HIGHWAY NO. 6 WITHIN CORPORATE LIMITS.**

No person shall operate a motor vehicle at a rate of speed greater than forty-five (45) miles per hour on U.S. Highway No. 6 from Welch Park Road to "F" Street; or a rate of speed in excess of thirty-five (35) miles per hour on U.S. Highway No. 6 from "F" Street to Park Avenue; or at a rate of speed in excess of forty-five (45) miles per hour on U.S. Highway No. 6 from Park Avenue to Grover Road. (*Ord. No. 1991-580, 1/8/91*)

**§ 5-304 SPEED; ELECTRONIC DETECTION.**

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

- A. The measuring device was in proper working order at the time of conducting the measurement;
- B. The measuring device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;
- C. The person operating such device and interpreting such measurement was qualified by training and experience to properly test and operate the device; and
- D. The operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, and the measuring device was found to be in proper working order.

The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his or her badge of authority; Provided, that such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves, or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded, and must include a description of the vehicle and the recorded speed. *(Ref. 39-664 RS Neb.) (Amended by Ord. No. 503, 10/4/83)*

**§ 5-305 DRUNKEN DRIVING; PENALTY.**

It shall be unlawful for any person to operate, or be in actual physical control of, any motor vehicle while under the influence of alcoholic liquor, or of any drug. Any person who shall operate or be in actual physical control of any motor vehicle while under the influence of alcoholic liquor, or of any drug, shall be deemed guilty of a crime, and upon conviction thereof, such person shall be punished as provided by State law. For purposes of this section the determination of whether an individual is under the influence of either alcohol or drugs shall be as prescribed in the Statutes of Nebraska. *(Ref. 39-669.07 through 39-669.13 RS Neb.)*

**§ 5-306 RECKLESS DRIVING.**

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving, and as such shall be punished as provided by statute. *(Ref. 39-669.01, 39-669.02, 39-669.26 RS Neb.)*

**§ 5-307 RECKLESS DRIVING; WILLFUL.**

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons, or property shall be deemed to be guilty of willful, reckless driving, and shall be punished as provided by statute. *(Ref. 39-669.03 through 39-669.06 RS Neb.)*

**§ 5-307.01 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. *(Ref. 39-669 RS Neb.) (Ord. No. 453, 10/2/79)*

**§ 5-308 NEGLIGENCE DRIVING.**

Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving. *(Ref. 39-669.26 RS Neb.)*

**§ 5-309 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 such unloading is permitted; Provided, a vehicle shall be backed only when such movement can be made in safety and in no case shall the distance of the backing exceed one and one-half (1½) lengths of the vehicle.

**§ 5-310 UNNECESSARY STOPPING.**

It shall be unlawful for any person to stop any vehicle on any public street or alley, other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right-of-way to pedestrians or to other vehicles.

**§ 5-311 PASSING; INTERSECTIONS.**

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction, while traversing a street intersection, if such passing requires such overtaking vehicle to drive to the left of the center of the street. *(Ref. 39-625 RS Neb.)*

**§ 5-312 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.

**§ 5-313 VEHICLE; MUFFLER.**

Every motor vehicle operated within this Municipality shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; Provided, the provisions of this section shall not apply to authorized emergency vehicles. *(Ref. 39-6,137, 60-2209 RS Neb.)*

**§ 5-314 TOYS PROHIBITED.**

It shall be unlawful for any person upon roller skates or riding in or by means of any coaster toy vehicle, or similar device to go upon any roadway except while necessarily crossing the street at a crosswalk or street intersection.

**§ 5-315 EMERGENCY REGULATIONS.**

The Chief of Police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. *(Ref. 60-435 RS Neb.) (Amended by Ord. No. 395, 12/16/75)*

**§ 5-316 POLICE; ENFORCEMENT.**

The Municipal Police are hereby authorized, empowered, and ordered to exercise all powers, and duties, with relation to the management of street traffic and to direct, control, stop, restrict, regulate, and, when necessary, temporarily divert, or exclude, in the interest of public safety, health, and convenience the movement of pedestrian, animal, and vehicular traffic of every kind in streets, parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. *(Ref. 39-6,192 RS Neb.)*

**§ 5-317 POLICE; REFUSAL TO OBEY.**

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

**§ 5-318 ANIMALS AND BICYCLES; APPLICABILITY.**

Every person propelling any push cart or riding a bicycle or an animal upon a roadway, and every person driving any animal, shall be subject to the provisions of this Chapter applicable to the operator of any vehicle, except those provisions with reference to the equipment of vehicles and those which by their very nature can have no application.

**§ 5-319 TRAFFIC CITATIONS; FORM.**

The Police Commissioner shall provide, in appropriate form, traffic citations containing notice to appear which shall be issued in books with citations in quadruplicate.

The Police Commissioner shall be responsible for the issuance of such books, and shall maintain a record of every such book, and each citation number therein issued to the Municipal Police. The Commissioner shall require and retain a receipt for every book so issued.

**§ 5-320 TRAFFIC CITATIONS; DISPOSITION AND RECORDS.**

The Municipal Police upon issuing a copy of the traffic citation to an alleged violator of any provision of this Chapter shall deposit a copy of the traffic citation with the Municipal Attorney, unless the citation is just a warning.

It shall be unlawful for the Municipal Police to dispose of a traffic citation, or copies thereof, or of the record of the issuance of the same in a manner other than as required herein.

The Police Commissioner shall require the return of all copies of every traffic citation which has been spoiled, or upon which any entry has been made, and not issued to an alleged violator.

**§ 5-321 TRAFFIC CITATION; ILLEGAL CANCELLATION.**

Any person who cancels, or solicits the cancellation of any traffic citation in any manner other than as provided herein, shall be guilty of a misdemeanor.

**§ 5-322 SUMMONS; DESTRUCTION.**

It shall be unlawful for any person to tear up or destroy a parking tag placed upon any vehicle by the Municipal Police, or to disregard the summons contained on such tag, and fail to appear in court as directed by said tag.

**§ 5-323 UNNECESSARY NOISE.**

It shall be unlawful for any person to operate a motor vehicle in such a manner as to cause unnecessary noise, spinning or squealing of tires, skids, slides, abrupt turns or sways, or in any other manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances. (*Ord. No. 452, 10/2/79*)

**§ 5-324 ENGINE AND/OR EXHAUST BRAKES.**

It shall be unlawful to use or operate engine brakes and/or exhaust brakes installed on any motor vehicle, within the City, or within a one (1) mile radius of said City. Any person found guilty of violating this section shall be fined in an amount not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). (*Ord. No. 839, 3/1/11*)

## **ARTICLE 4: BICYCLES, MINIBIKES AND MOPEDS**

### **§ 5-401 BICYCLE; LICENSE.**

Anyone wishing to operate a bicycle within the corporate limits shall make an application to the Municipal Police on, or before, the first (1st) day of May of each year. A license shall then be issued by the Municipal Police upon the payment of a fee set by resolution of the Governing Body to the Police Chief. Said License shall then be attached to the frame of the bicycle in a substantial manner. The removal of such tag, except by the proper authorities, shall be unlawful. The registration may be transferred whenever the ownership of the bicycle is transferred, but a fee of twenty-five (\$.25) cents shall be charged for each such transfer thereof. No registration shall be transferred if the metal tag has been removed from the bicycle. Replacement of lost or destroyed tags shall be twenty-five (\$.25) cents each. All registration fees under this Article shall be paid into the General Fund. (*Ref. 39-690, 39-697(h) RS Neb.*)

### **§ 5-402 BICYCLE; LICENSE TAGS.**

The Chief of Police shall provide each year metallic tags and seals, having registered numbers stamped thereon in numerical order beginning with number one (1), and indicating the year for which the same is issued and the words "Milford-Bicycle Registration" suitable for attachment upon the frame of each bicycle. It shall be the duty of the Chief of Police to attach one (1) of such metallic tags to the frame of each bicycle upon the payment of the registration fee and such tags shall at all times remain as attached during the existence of such registration. He shall also keep a record of the date of issue of each registration, to whom made, the number thereof, and the make and serial number of the bicycle.

### **§ 5-403 BICYCLE; OPERATION.**

No person shall ride or propel a bicycle on a street or other public highway of this Municipality with another person on the handlebars or in any position in front of the operator.

No bicycle shall be ridden faster than is reasonable and proper, but every bicycle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and public highways.

Persons riding bicycles shall observe all traffic signs and stop at all stop signs.

No bicycle shall be permitted on any street or other public highway from one half (1/2) hour after

sunset and one half (1/2) hour before sunrise without a headlight, visible under normal atmospheric conditions, from the front thereof for not less than five hundred (500) feet indicating the approach or presence of the bicycle, firmly attached to such bicycle, and properly lighted, or without a yellow, or red light reflector attached to, and visible five hundred (500) feet from the rear thereof. The said headlight shall give a clear, white light.

No person shall ride or propel a bicycle upon any street or other public highway abreast of more than one other person riding or propelling a bicycle.

Every person riding or propelling a bicycle upon any street or other public highway shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right-hand side of the street or highway, pass to the left when passing overtaken vehicles and individuals that are slower moving, and shall pass vehicles to the right when meeting. (*Ref. 39-688, 39-690, 39-691 RS Neb.*)

#### **§ 5-404 CLINGING TO MOTOR VEHICLE.**

No person riding upon any bicycle or roller skates shall attach the same or himself to any moving vehicle upon any roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person traveling upon any bicycle or roller skates to cling to or attach himself or his bicycle, or roller skates, to such vehicle so driven and operated by him. (*Ref. 39-689 RS Neb.*)

#### **§ 5-405 MINIBIKES; UNLAWFUL OPERATION.**

It is unlawful for any minibike or similar two-, three-, or four-wheeled miniature vehicle (except golf carts as provided in sections 5-412 and 5-413), 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 inches (14") or an engine rated capacity of less than forty-five (45) cubic centimeters displacement or a seat height less than twenty-five inches (25") from the ground or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. Except as otherwise permitted, it shall be unlawful to operate any minibike in any park or other public area owned or operated by the Municipality. (*Ref. 60-2101.01, 60-2107 RS Neb.*) (*Amended by Ord. No. 609, 4/6/93*)

#### **§ 5-406 MOPEDS; DEFINED.**

For the purposes of this Article, moped shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50cc) cubic centimeters, which produces no more than two (2) brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty miles per hour (30 m.p.h.) on level ground. Mopeds, their owners, and their operators, shall be subject to Chapter 60,

Article 4, R.R.S. of Nebraska, 1943, and amendments thereto, but shall be exempt from the requirements of Chapter 60, Articles 1, 3, 5, and 17, R.R.S. of Nebraska, 1943 and amendments thereto. *(Ref. 39-6,196 RS Neb.) (Ord. No. 457, 10/2/79)*

**§ 5-407 MOPEDS; OPERATOR'S LICENSE REQUIRED.**

No person shall operate a moped upon the streets, alleys, or public highways of the Municipality unless such person has a valid motor vehicle operator's license or a valid school or learner's permit. *(Ref. 39-6,197 RS Neb.) (Ord. No. 457, 10/2/79)*

**§ 5-408 MOPEDS; TRAFFIC REGULATIONS APPLICABLE.**

(1) Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under Chapter 5 of this Code and sections 39-601 to 39-612 R.R.S. of Nebraska, 1943, and amendments thereto, except for those provisions of such sections which by their nature can have no application. Such regulations applicable to mopeds shall apply whenever a moped shall be operated upon any street, alley, or public highway within the Municipality or upon any path set aside by the Department of Roads or local authority for the use of mopeds. Notwithstanding any established maximum speed limits in excess of twenty-five miles per hour (25 m.p.h.), no person shall operate any moped at a speed in excess of thirty miles per hour (30 m.p.h.). *(Ref. 39-6,198 RS Neb.) (Ord. No. 457, 10/2/79)*

(2) Mopeds, their owners and their operators shall be subject to the Motor Vehicle Operator's License Act, but shall be exempt from the requirements of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Motor Vehicle Safety Responsibility Act. *(Ref. 60-6,309 RS Neb.)*

**§ 5-409 MOPEDS; OPERATION.**

Any person who operates a moped shall ride only upon a permanent and regular seat attached thereto, and shall not carry any other person nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one (1) person.

Any person shall ride a moped only while sitting astride the seat, facing forward. Further, no person shall operate a moped while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars. No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the moped or the view of the operator. No person who rides upon a moped shall attach him or her self or the moped to any other vehicle on a roadway. *(Ref. 39-6,199 RS Neb.) (Ord. No. 457, 10/2/79)*

**§ 5-410 MOPEDS; USE OF TRAFFIC LANES.**

A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of forty-five miles per hour (45 m.p.h.) or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane. This section shall not apply to mopeds or motorcycles operated two (2) abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. Mopeds shall not be operated more than two (2) abreast in a single lane. Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five miles per hour (45 m.p.h.) shall ride as near to the right side of the roadway as practicable, and shall not ride more than single file. (*Ref. 39-6,200 RS Neb.*) (*Ord. No. 457, 10/2/79*)

**§ 5-411 MOPEDS; EQUIPMENT.**

Any moped which carries a passenger shall be equipped with footrests for such passenger. No person shall operate any moped with handlebars more than fifteen inches (15") above the mounting point of the handlebars. (*Ref. 39-6,203 RS Neb.*) (*Ord. No. 457, 10/2/79*)

**§ 5-412 GOLF CARTS; OPERATION.**

It shall be unlawful to operate a golf cart upon any public street, alley or right-of-way, EXCEPT under the following circumstances:

(A) Operation shall be between the hours of sunrise and sunset, between March 1st and November 30th.

(B) Operator shall be at least twenty (20) years of age or older and possess a valid driver's license.

(C) Golf cart shall be operated as near to the right side of the roadway as possible, and if two (2) or more are traveling together they shall be in single file. Golf carts are to be driven in the street and not on the sidewalks.

(D) Golf cart must be equipped with a bicycle safety flag which extends to a height of not less than six (6) feet above the ground, attached to the rear of the cart. The flag shall be triangular in shape, not less than thirty (30) square inches in size, and shall be "Day-glow" in color.

(E) No golf cart shall travel upon or cross Highway #6 within the corporate limits of the City, EXCEPT that golf carts shall be permitted to cross Highway #6 at the intersection of D Street and Highway #6, or at the Highway #6 crossing at F Street and Fairway Drive.

(F) No golf cart shall be operated on 1st Street between C and Walnut Streets, or on B Street between 1st and 2nd Street, nor shall they cross 1st and B Streets anywhere within the aforesaid area.

(G) Operation of golf carts within the City shall be limited to travel from place of residence or storage to and from the Thornridge Golf Course only.

(H) Operators shall obey traffic regulations which govern the movement of vehicles on a public roadway, and shall yield right-of-way to all motor vehicles.

(I) While in motion on a public roadway or on any Municipal park property, all occupants of the golf cart shall remain seated. The maximum number of occupants each cart may transport shall be equal in number to the number of factory designed seats installed on the cart.

*(Ord. No. 609, 4/6/93) (Amended by Ord. No. 825, 6/2/09)*

**§ 5-413 GOLF CARTS; PERMIT.**

No golf cart shall be operated upon the public streets without first obtaining a golf cart permit from the City Clerk's office, upon payment of an annual permit fee of fifteen dollars (\$15.00). The Clerk shall issue a golf cart tag which shall be affixed to the right rear of the golf cart. Such golf cart permit shall be valid for the remainder of the year. *(Ord. No. 609, 4/6/93)*

***Cross reference:***

*Fee Schedule, see § 1-820*

**§ 5-414 GOLF CARTS; PENALTIES.**

Any person who violates any provision of Article 5, Chapter 4, sections 5-413 and 5-414 shall be subject to a fine of one hundred dollars (\$100.00) plus court costs, for a first offense. For any subsequent violation of the ordinance, in addition to the fine and costs, the City reserves the right to rescind the permit. *(Ord. No. 609, 4/6/93)*

**§ 5-415 ALL TERRAIN AND UTILITY TYPE VEHICLES.**

(1) Definitions. For purposes of this section:

**ALL-TERRAIN VEHICLE (ATV).** Any motorized off-highway vehicle which: (a) is fifty (50) inches or less in width; (b) has a dry weight of nine hundred (900) pounds or less; (c) travels on four (4) or more low-pressure tires; (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one (1) 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.

**STREET OR HIGHWAY.** 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. *(Ref. 60-624, 60-6, 355 RS Neb.)*

**UTILITY TYPE VEHICLE (UTV).** Any motorized off-highway vehicle which (a) is not less than forty-eight (48) inches nor more than seventy-four (74) inches in width; (b) is not more than one hundred thirty-five (135) inches, including the bumper in length; (c) has a dry weight of not less nine hundred (900) pounds nor more than two thousand (2,000) pounds; (d) travels on four (4) or more low pressure tires; and (e) is equipped with a steering wheel and bench or bucket type seating designed for at least two (2) people to sit side by side. Golf carts, riding lawn mowers, and motorized wheel chairs are not utility type vehicles as defined in this article.

(2) Operation.

(a) An all-terrain vehicle or utility type vehicle may be operated on streets within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

(b) An all-terrain vehicle or utility type vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of thirty (30) miles per hour. When operating an all-terrain vehicle or utility type vehicle as authorized in subsection (b) of this section, 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.

(c) It shall be unlawful for any person to operate, or be in actual physical control of any all-terrain or utility type vehicle upon the traveled portion of any public roadway within the corporate limits of the city except as specifically authorized and permitted under the terms of this article.

(d) Any person operating an all-terrain or utility type vehicle as authorized in subsection (b) of this section shall have:

1. A valid class O operator's license and be twenty-one (21) years of age or older.
2. Have a permit issued by the City Clerk permitting operation within the corporate limits of the City;
3. Liability insurance coverage for the all-terrain vehicle or utility type vehicle while operating the all-terrain vehicle or utility type vehicle on a street or highway. The person operating the all-terrain vehicle or utility type vehicle shall maintain proof of such insurance with the vehicle and shall provide proof of insurance coverage to any peace officer requesting the same; and
4. The operator and passenger of utility-type vehicle must wear safety restraint system.
5. All-terrain and utility type vehicles may be operated without complying with subsections (a) and (b) of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the State.

6. Except as provided in this subsection, a utility type vehicle shall not be operated within the corporate limits on U.S. Highway 6 (5th St.) between F Street / Fairway Drive and 1st Street.

7. 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 (2) marked traffic lanes shall not be permitted. Subsections 1. through 5. and 7. of this section authorize and apply to operation of an all-terrain or utility type vehicle only on a street or highway other than a controlled-access highway with more than two (2) marked traffic lanes.

8. Subject to subsection 6. of this section, the crossing of a street or highway shall be permitted by an all-terrain or utility type vehicle without complying with subsections 1. and 6. of this section only if:

a. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

b. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

c. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

e. Both the headlight and taillight of the vehicle are on when the crossing is made.

f. That operator will allow no more than one (1) passenger who must be seated in the area specifically designed by the manufacturer for a passenger. No passenger may be less than seven (7) years of age.

9. 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 at the office of the City Clerk and provide the following information:

a. Name and address of the applicant;

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

c. Be twenty-one (21) years of age or older;

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d. Valid class O operator's license issued by the State of Nebraska; and

e. Year, make, model, color, engine size, and vehicle identification number (VIN) of the all-terrain vehicle(s) (ATV's) or utility type vehicle(s) (UTV's) to be operated within the City by the applicant.

f. The issued permit shall be prominently displayed and plainly visible from the rear of the operator's all-terrain or utility type vehicle. All letters, numbers, printing, writing and other identification marks upon such permits shall be kept clear and distinct and free from grease, dust, or other blurring matter, so that they shall be plainly visible at all times during daylight and under artificial light in the nighttime.

g. No person shall attach to or display on such ATV/UTV any:

(1) Permit or registration certificate other than as assigned to it for the current registration period;

(2) Fictitious or altered permit or registration certificate;

(3) Permit or registration certificate that has been cancelled by the City of Milford; or

(4) Permits lacking current validation decals.

h. In addition, the all-terrain or utility type vehicle must meet the following requirements: pass inspection by a personnel designated by the City to insure that the vehicle:

(1) At least one (1) working headlight and taillight;

(2) A working brake light;

(3) At least one (1) rearview mirror;

(4) Working safety restraint system on utility type vehicles;

(5) UTV's shall be equipped with a manufacturer's original equipment roll bar designed and manufactured to prevent injuries in the event of a roll over;

(6) A bicycle safety flag in compliance with section (2)(b) of this article;

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

(8) A 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 vehicle or utility type vehicle; and

(9) A United States Forest Service qualified spark arrester. (*Ref. 60-6, 356(7) RS Neb.*)

(3) All-terrain vehicles; accident report. If an accident results in the death of any person or, in the injury of any person which requires treatment by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner as provided in § 60-505 RS Neb. (*Ref. 60-6, 361 RS Neb.*)

(4) Revocation of operation privilege. Violations of these provisions shall be punishable as set forth in Chapter 12 of the Milford City Code. In addition, any person receiving three (3) or more citations within a twelve (12) month period shall, upon conviction of the third or subsequent offense, have his or her privilege 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. Persons operating an ATV/UTV while their privileges are revoked are subject to a fine of two hundred fifty dollars (\$250.00) for a first offense and five hundred dollars (\$500.00) for subsequent offenses.

(5) Upon compliance with subsections (2)(a) and (b) herein, and payment of an application fee of fifty dollars (\$50.00), (which fee may be amended from time to time by resolution of the City Council), permits to operate a ATV/UTV shall be valid from the date of issuance until midnight on the 31st day of March of the following year for which the permit is issued.

(6) Penalty. Any person who violates this article shall be punished as provided in Chapter 12 of the Municipal Code. (*Ord. No, 879, 3/4/14; 879, as amended, 1/5/16*)

***Cross reference:***

*Fee Schedule, see § 1-820*



## **ARTICLE 5: PARKING**

### **§ 5-501 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 (12) inches of the curb, 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. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. *(Ref. 39-697 RS Neb.)*

### **§ 5-502 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. 39-697 RS Neb.)*

### **§ 5-503 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.)*

### **§ 5-504 PARKING; STOPPING, STANDING, OR PARKING OF VEHICLES PROHIBITED; EXCEPTIONS.**

(1) Except where necessary to avoid conflict with other traffic or when in compliance with law or at the direction of a police officer or traffic control device, no person shall:

- (a) Stop, stand, or park any vehicle:
  - 1. On a sidewalk;
  - 2. On a crosswalk;

3. Within an intersection;
4. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
5. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking of such vehicle would obstruct traffic;
6. Upon any bridge;
7. On any railroad track, or
8. At any place where official signs prohibit stopping.

(b) Stop, stand or park a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading of merchandise or passengers:

1. In front of an alley, public or private driveway;
2. Within twenty (20) feet of a crosswalk at an intersection;
3. Within thirty (30) feet of any flashing signal, stop sign, yield sign, or other traffic control device located at the side of a roadway;
4. Within fifty (50) feet of the nearest rail of a railroad crossing; or
5. At any place where official signs prohibit parking.

(2) No person shall move any vehicle, whether lawfully or not lawfully under his or her control, into any area prohibited under section one hereof, or away from a curb such a distance as shall be unlawful. (*Amended by Ord. No. 681, 2/3/98*)

#### **§ 5-505 VEHICLE WEIGHT LIMITATIONS.**

No vehicle over ten (10) tons in weight shall operate, load or unload upon any street in the Municipality except the following:

A Street and Walnut Street from First Street to Park Avenue  
 Elm Street from First Street to Park Avenue  
 First Street  
 Park Avenue from Walnut to U.S. Highway 6  
 B Street from First Street to U.S. Highway 6  
 State Street south of U.S. Highway 6  
 F Street from Sixth Street to Fifth Street

Occasional deliveries to residences  
(Amended by Ord. Nos. 403, 6/1/76; 448, 5/1/79)

**§ 5-506 PARKING; FIRE HYDRANTS AND STATIONS.**

No vehicle shall be parked within fifteen (15') feet in either direction of any fire hydrant nor within twenty (20') feet of the driveway entrance to any fire station. The curb space within such area of fifteen (15') feet in either direction of such fire hydrant shall be painted red to indicate such prohibition. (Ref. 39-672 RS Neb.)

**§ 5-507 PARKING; OBSTRUCTING TRAFFIC.**

No person shall, except in case of an accident or emergency, stop any vehicle in any location where such stopping will obstruct any street, intersection, or entrance to an alley or public or private drive. (Ref. 39-697 RS Neb.)

**§ 5-508 PARKING; CURBS, PAINTED.**

It shall be the duty of the Street Commissioner 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.)

**§ 5-509 PARKING; DISPLAY OR REPAIR.**

It shall be unlawful for any person to park upon any street, alley, or public place within this Municipality any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this Municipality, excepting in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Ref. 39-697 RS Neb.)

**§ 5-510 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.)

**§ 5-511 PARKING; MAXIMUM TIME LIMIT.**

The parking of a motor vehicle on a public street for over forty-eight (48) consecutive hours is unlawful, except where a different maximum time limit is posted. (*Ref. 39-697 RS Neb.*)

**§ 5-512 PARKING; SNOW REMOVAL AND MAINTENANCE; EMERGENCY SNOW ROUTES.**

After a snowfall of three inches (3") has occurred within a twenty-four (24) hour period a snow emergency shall exist within the Municipality. Except on snow emergency routes, commencing four (4) hours after commencement of a snow emergency all vehicles shall be parked on the even numbered side of the street on even numbered days and the odd numbered side of the street on odd numbered days, and this parking restriction shall remain in effect until the snow has stopped and the snow has been removed from the street.

On any street that has been designated as an emergency snow route, parking on both sides of the street shall be prohibited immediately upon the commencement of a snow emergency and shall remain in effect until the snow has stopped and the snow has been removed from the street. The following street is hereby declared to be an emergency snow route: C Street between First Street and 5th Street. The snow emergency routes may be enlarged or changed by Resolution of the Governing Body.

The Municipal Police may order any street or alley, or portion thereof, vacated for weather emergencies and/or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley, or by appropriate signs along such street or alley posted at least four (4) hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this section or failing to remove a vehicle from the area to be vacated, shall be subject to the penalties provided in this Chapter, and such vehicle may be removed and parked, under the supervision of the Municipal Police to a nearby public storage lot, garage or other location until the owner or other person lawfully entitled to the possession of such vehicle shall have paid the reasonable cost of such removal and storage. Any such towing or storage fee shall become a security interest in the vehicle prior to all other claims. (*Ref. 17-557 RS Neb.*) (*Amended by Ord. Nos. 411, 12/21/76; 870, 3/5/13*)

**§ 5-513 PARKING; VEHICLES.**

The provisions of this Article regulating the movement, parking, and standing of vehicles shall not apply authorized emergency vehicles, as defined in this Article, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. (*Ref. 39-608 RS Neb.*)

**§ 5-514 PARKING; VIOLATIONS BUREAU.**

There is hereby created the Violations Bureau within the powers and duties of the office of Municipal Clerk. A copy of each Municipal 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. Fines shall be payable in person or by mail to the office of the Clerk. Such fines shall be in the amount of ten dollars (\$10.00) for each violation if paid within five (5) days from the date of issuance. Should any fine not be paid within the five (5)-day period the fine amount due will increase to fifteen dollars (\$15.00). If the fifteen dollar (\$15.00) fine is not paid within the next fifteen (15) days the Clerk shall send to the owner of the motor vehicle to which the citation was issued a written notice informing them of the violation and warning that they will be held responsible for the fine. This notice will also inform the owner of the vehicle that if the fifteen dollar (\$15.00) fine is not paid within fifteen (15) days the Clerk will forward the matter to the Chief of Police requesting that a complaint and warrant be issued. All money collected by the Municipal Clerk under this section shall be transferred to the Milford Public School District at the end of each month. *(Ref. 18-1729 RS Neb.) (Amended by Ord. Nos. 402, 4/20/76; 596, 6/2/92; 669, 8/5/97868, 12/4/12)*

**§ 5-515 PARKING; RESERVED FOR HANDICAPPED.**

The Governing Body and any person in lawful possession of any off-street 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 60-3,113 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. All such permits shall be displayed in the operator's area in a conspicuous location upon the vehicle's dashboard or its equivalent. 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.

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 three dollars (\$3.00) shall be charged for each permit, two dollars and fifty cents of (\$2.50) which shall be retained by the Municipal Clerk and fifty cents (50¢) 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. (*Ref. 18-1736 through 18-1742 RS Neb.*) (*Amended by Ord. Nos. 464, 11/20/79; 518, 10/2/84; 567, 12/5/89; 613 & 614, 5/4/93*)

#### **§ 5-515.01 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS, DUPLICATE PERMITS.**

The permit to be issued by the Municipal Clerk shall be a card four inches (4") by four inches (4") in size constructed so that it may be easily and conspicuously displayed from a vehicle's rearview mirror and on which is prominently displayed the date of expiration, the internationally accepted wheelchair symbol, which symbol is a representation of a person seated in a wheelchair surrounded by a boarder six (6) units wide by seven (7) units high, and an identifying number on the front of the card. The color of the permit issued to handicapped or disabled persons or for the transportation of such persons shall be white on blue. The permit issued to temporarily handicapped or disabled persons or for the transportation of such persons shall be a special distinguishing color as determined by the Department of Motor Vehicles. The name, address, phone number, date of birth, and age of the handicapped or disabled or temporarily handicapped or disabled person to whom issued shall appear on the reverse side. 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 if such permit is issued for a motor vehicle used primarily for the transportation of handicapped or disabled or temporarily handicapped or disabled persons.

No permit shall be issued to any person or for any motor vehicle if any valid parking permit has been issued to such person or for such motor vehicle if such permit has been suspended pursuant to section 5-515.

A duplicate permit may be provided by the Municipal Clerk without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be issued in the same manner as the original permit and shall be valid for the remainder of the period for which the original permit was issued. (*Ref. 18-1739 RS Neb.*) (*Ord. No. 614, 5/4/93*)

**§ 5-515.02 PARKING; HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY.**

The owner or person in lawful possession of an offstreet parking facility, after notifying the police or sheriff's department, and the Municipality providing onstreet parking or owning, operating, or providing an offstreet parking facility, may cause the removal, from a stall or space designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicles not displaying proper identification or the distinguishing license plates specified in this Article if there is posted immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously state the area so designated as a tow-in zone.

Anyone parking in any onstreet parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons, or in any so exclusively designated parking space in any offstreet parking facility, without properly displaying the proper identification or when the handicapped or disabled person to whom or for whom the license plate or permit is issued is not being transported shall be guilty of a traffic infraction as defined in section 39-602, RS Neb., and shall be subject to the penalties and procedures set forth in section 39-6,112, RS Neb. If the identity of the person who parked the vehicle in violation of the section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this section.

In the case of a privately owned offstreet parking facility, the owner or person in lawful possession of such facility shall inform the Municipality of a violation of this section prior to taking any action pursuant to this section. (*Ref. 18-1737 RS Neb.*) (*Ord. No. 613, 5/4/93*)

**§ 5-515.03 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF SPACES.**

The following parking spaces are hereby designated for handicapped persons, as provided in sections 5-503 and 5-515 of this Code and appropriate signs shall be erected at such locations.

(1) First parking space south of First Street on the west side of "B" Street.

(2) First one and one half (1½) parking spaces east of the Milford Senior Center Drive on the south side of First Street.

- (3) First parking space east of "B" Street, on the north side of First Street.
- (4) First parking space east of "B" Street, on the south side of First Street.
- (5) First parking space south of Second Street, on the east side of "C" Street.
- (6) First parking space east of "C" Street, on the south side of Second Street.

(7) The second one and one-half (1½) parking spaces located in the Swimming Pool Parking Lot, south of Fairway Drive, along the east curb.

(8) Three (3) parking stalls in the 600 block of State Street, on the west side of State Street.

(9) Three (3) parking stalls in the 200 block of South "F" Street, on the west side of 218 South "F" Street.

*(Ord. No. 704, 6/6/00) (Amended by Ord. Nos. 708, 10/3/00; 764, 6/7/05; 888, 1/6/15)*

#### **§ 5-516 PARKING; REMOVAL OF ILLEGALLY PARKED VEHICLES.**

Whenever any Police Officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of the Article, such individual may remove or have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle, to a position off the roadway of such street or alley or from such street or alley.

The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles. *(Ref. 39-671, 39-697 RS Neb.) (Ord. No. 1988-561, 10/4/88)*

#### **§ 5-517 PARKING; LOADING OR UNLOADING ZONES.**

It shall be unlawful for the driver of any vehicle to stop, park or stand such vehicle in any designated loading or unloading zone for a period of time longer than is necessary for the expeditious loading or unloading of merchandise or materials, and in no event shall the operator of a vehicle into of from which merchandise or material is being loaded or unloaded, stop, park or stand such vehicle in any loading zone for a period longer than thirty (30) minutes, nor shall the operator of any vehicle which is loading or unloading passengers, stop, park or stand such vehicle in any loading zone for a period of time longer than five (5) minutes. Designated loading or unloading zones will be plainly marked with signs which are in conformity with the 1988 edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices for Streets and Highways.

*(Ord. No. 721, 1/7/02)*

**§ 5-518 PARKING; TRUCKS.**

It shall be unlawful for the operator of any truck other than a pickup or passenger size panel truck to park such vehicle on any street within the corporate limits of the Municipality, except in the following designated areas:

- (1) Park Avenue 200 block along the south curb area;
- (2) Walnut Avenue between First Street and Park Avenue;
- (3) "A" Street between First Street and Park Avenue;
- (4) At such other locations designated by resolution of the Governing Body.

Provided, such prohibited vehicles may park for purposes of loading or unloading after obtaining permission from the Municipal Police. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload, but in no case longer than fifteen (15) minutes during the hours between 9:00 a.m. and 5:00 p.m., unless the operator of such truck has obtained permission from the Municipal Police to stop for a longer period of time. It shall be unlawful for the operator of any truck, regardless of length to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway or on a sidewalk. The Governing Body by resolution may designate other truck-parking areas, and if such parking areas are provided, truck operators to use such parking areas for parking purposes. *(Ref. 60-680 RS Neb.) (Ord. No. 720, 12/4/01) (Amended by Ord. No. 752, 2/3/04)*

**§ 5-519 PARKING; DRIVEWAYS.**

It shall be unlawful for the owner or occupant of any residential property within the City, or their guests or invitees, to park any motor vehicle on said residential property in a location other than a paved, graveled, or rocked driveway located on said residential property. It shall not be a violation of this section if the motor vehicle is parked in a location other than a paved, graveled, or rocked driveway but is in the process of being washed or said vehicle is in the process of being loaded or unloaded or is parked in the backyard of the property. *(Ord. No. 776, 2/7/06)*



**ARTICLE 6: PENAL PROVISION**

**§ 5-601 VIOLATION; PENALTY.**

*(Repealed by Ord. No. 703, 4/4/00)*

*For penalty provisions, see section 12-101 of Chapter 12.*

