

CHAPTER 5 – TRAFFIC REGULATIONS

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CHAPTER 5 – TRAFFIC REGULATIONS

Article 1. General Provisions

§5-101 DEFINITIONS.

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

§5-102 TRUCK ROUTES.

The City Council may by resolution designate certain streets in the City 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. In that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through or about the City. The City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes. (Ref. 60-681 RS Neb.)

§5-103 ONE-WAY TRAFFIC.

The City Council may by resolution provide for one-way travel in any street or alley located in the City and shall provide for appropriate signs and markings when said streets have been so designated by resolution. (Ref. 60-680 RS Neb.)

§5-104 TRAFFIC LANE; DESIGNATION.

The City Council may by resolution mark lanes for traffic on street pavements at such places as it may deem advisable. (Ref. 60-680 RS Neb.)

§5-105 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. 60-6,160, 60-680 RS Neb.)

§5-106 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 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 vehi-

cle to the left. For the purposes of this section, "center of the intersection" shall mean the meeting point of the medial lines of the highways intersecting one another. (Ref. 60-6,159 RS Neb.)

§5-107 CROSSWALKS.

The City Council may by resolution establish and maintain crosswalks by appropriate devices, markers, or lines upon the street at intersections where there is particular danger to pedestrians crossing the street and at such other places as it may deem necessary. (Ref. 60-680 RS Neb.)

§5-108 SIGNS, SIGNALS.

The City Council may by resolution provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the City'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. 60-6,119 through 60-6,121, 60-680 RS Neb.)

Article 2. Prohibitions and Enforcement

§5-201 POLICE; ENFORCEMENT.

The City 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 in the interest of public safety, health, and convenience, temporarily divert or exclude the movement of pedestrian, animal, and vehicular traffic of every kind on streets and bridges and in parks. The driver of any vehicle shall stop upon the signal of any police officer. (Ref. 60-683 RS Neb.)

§5-202 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. (Ref. 60-680 RS Neb.)

§5-203 POLICE; TRAFFIC OFFICERS.

The City Council or the City Police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer, notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection. (Ref. 60-680, 60-683 RS Neb.)

§5-204 TRAFFIC CITATION; FORM AND RECORDS.

The City Clerk shall provide, in appropriate form, traffic citations containing notices to appear. The Clerk 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 City Police. The Clerk shall require and retain a receipt for every book so issued and 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. (Ref. 60-680 RS Neb.)

§5-205 TRAFFIC CITATION; DISPOSITION AND RECORDS.

The City Police, upon issuing a traffic citation to an alleged violator of any provision of this chapter, shall deposit a copy of the traffic citation with the County Attorney, unless the citation is just a warning. Upon the deposit of the citation with the County Attorney, such citation may be disposed of only by trial in court or other official action by the judge of the court, including a forfeiture of bail or by the deposit of sufficient bail with or payment of a fine to the court by the alleged violator. It shall be unlawful for the City Police to dispose of a traffic citation, copies thereof, or of the record of the issuance of the same in a manner other than as required herein. (Ref. 29-422, 29-424 RS Neb.)

§5-206 TRAFFIC CITATION; ILLEGAL CANCELLATION.

Any person who cancel or solicits the cancellation of any traffic citation in any manner other than as provided herein shall be guilty of an offense. (Ref 60-680 RS Neb.)

§5-207 SPEED LIMITS.

No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than 25 miles per hour within the residential district and 20 miles per hour within the business district, unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. (Ref. 60-6,185, 60-6,186, 60-6,188, 60-6,190 RS Neb.)

§5-208 SPEED LIMIT, HIGHWAY 77; WITHIN CORPORATE LIMITS.

No person shall operate a motor vehicle at a speed greater than the speed limit posted by the State Highway Department on Highway 77 within the confines of the corporate limits of the City. In no instance shall a person drive a vehicle on such highway within the corporate limits of the City at a speed greater than is reasonable and prudent under the conditions. (Ref. 60-6,190 RS Neb.)

§5-209 LEFT HAND TURNS INTO PARKING SPACES; PROHIBITED.

It shall be unlawful to make a left hand turn to enter a parking place on Oakland Avenue between 2nd Street and 5th Street in the City. (Ref. 60-680 RS Neb.)

§5-210 NEGLIGENT 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. 60-680 RS Neb.)

§5-211 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. (Ref. 60-6,179, 60-680 RS Neb.)

§5-212 TRUCK-TRACTORS, SEMITRAILERS, OR TRAILERS; OPERATION PROHIBITED ON CERTAIN HIGHWAYS.

It shall be unlawful for any person to operate any combination of truck-tractors, semitrailers, or trailers upon the following highways within the City:

- A. Fifth Street from Osborn Avenue to Logan Avenue;

B. Fourth Street from Osborn Avenue to Logan Avenue; and
C. Third Street from Osborn Avenue to Logan Avenue.
(Ref. Neb. Rev. Stat. §60-681) (Ord. 631, 9/10/07)

§5-213 SEMI-TRACTORS; PROHIBITED NOISES.

It shall be unlawful for any person in any part of the City 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 "jake braking." The City Council shall cause notices to be posted or erect signs indicating such prohibition. (Ref. 60-680 RS Neb.) (Ord. No. 554, 11/8/99)

§5-214 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINITIONS

For purposes of this section:

A. "All-terrain vehicle" means any motorized off-highway vehicle which (1) is fifty inches or less in width, (2) has a dry weight of nine hundred pounds or less, (3) travels on three 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 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. (Neb. Rev. Stat. 60-6,355)

B. "Utility-type vehicle" means any motorized off-highway vehicle which (1) is not less than 48 inches nor more than 74 inches in width, (2) is not more than 135 inches, including the bumper, in length, (3) has a dry weight of not less than 900 pounds nor more than 2,000 pounds, (4) travels on four or more low-pressure tires, and (5) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side. "Utility-type vehicle" does not include golf carts or low-speed vehicles. (Neb Rev. Stat. 60-6,355)

C. "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. (Neb. Rev. Stat. 60-624) (Ord. No. 658, 4/11/11)

§5-215 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PERMIT; INSURANCE AND LICENSE REQUIRED

The City requires that each all-terrain vehicle and utility-type vehicle shall display a permit issued by the city office before operating on city streets.

A. The fee for such permit shall be \$75.00 payable annually, renewing during the month of April.

B. An identifying sticker shall be provided by the City annually after payment of the

fee and shall be displayed prominently on the all-terrain or utility-type vehicle as proof of this permit.

C. Said sticker will be obtained at the city office after annual inspection of the vehicle and the owner's proof of insurance is reviewed annually by the Oakland Police Department.

D. This permit must be acquired by ALL all-terrain or utility-type vehicles operated on Oakland city streets, regardless of the jurisdiction in which the owner resides, whether Burt County or another jurisdiction.

E. A fine for failure to acquire such permit will be \$25.00, in addition to any penalty for any other infraction.

F. Proof of insurance and valid Class O license must be carried with the operator at all times of operation of the vehicle. A fine for failure to provide this documentation during operation will be \$25.00, in addition to any penalty for any other infraction.

(Ord. No. 658, 4/17/11)

§5-216 ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION

A. An all-terrain vehicle and a utility-type vehicle 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.

B. An all-terrain vehicle or a 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 miles per hour or the posted speed limit. When operating an all-terrain vehicle or a utility-type vehicle as authorized in subsection (A) 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 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 square inches and shall be day-glow in color.

C. Any person operating an all-terrain vehicle or a utility-type vehicle as authorized in subsection (A) of this section shall have:

1. A valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. 60-4,126; and

2. Liability insurance coverage for the all-terrain 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 or utility-type vehicle shall provide proof of such insurance to any peace officer requesting such proof within five days of such a request.

D. All-terrain vehicles and utility-type vehicles may be operated without complying with subsections (B) and (C) 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.

E. An all-terrain vehicle or a utility-type vehicle shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (A) through (C) and (F) of this section authorize and apply to operation of an all-terrain vehicle or a utility-type vehicle only on a street or highway other than a controlled access highway with more than two marked traffic lanes.

F. Subject to subsection (E) of this section, the crossing of a street or highway shall be permitted by an all-terrain vehicle or a utility-type vehicle without complying with subsections (B) and (C) of this section only if:

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

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

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

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

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

(Neb. Rev. Stat. 60-6,356) (Ord. No. 658, 4/11/11)

