

Article 3. Parking

§5-301 PARKING; GENERALLY.

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. When parked, vehicles shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway, leaving at least four feet between the vehicle so parked and any other parked vehicles, except where the City Council designates that vehicles shall be parked at an angle so the front right wheel is at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. (Ref. 60-6,167, 60-680 RS Neb)

§5-302 PARKING; DESIGNATION.

The City Council 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 60-6,167, 60-680, RS Neb.)

§5-303 PARKING; LOADING AND UNLOADING; RESTRICTIONS.

A. It shall be unlawful for the operator of any truck, truck-tractor or semi-trailer, except a pickup truck, to stop, park or unload any such vehicle on any street within the City, unless loading or unloading in any alley or off the City street is impossible, in which case said vehicle may stop, stand, or unload for a maximum time of 60 minutes.

B. It shall be unlawful for any farm equipment, implement of husbandry, camper, recreation vehicle, truck, except a pick-up truck, truck-tractor or semi-trailer, or any trailer, regardless of size, to park, stand or stop for more than 60 minutes on any city street or public right-of-way, except for its purpose of loading or unloading the cargo thereof in the ordinary course of business, except in the area or areas designated for such parking by the City Council by resolution, if any.

C. It shall be unlawful for any vehicle to park on Oakland Avenue between Second Street to Sixth Street between the hours of 1:30 A.M. and 5:00 A.M. from November 1 until April 1 each year.
(Amended by Ord. Nos. 564, 12/11/00; 591, 12/15/03)

§5-304 PARKING; OBSTRUCTING ALLEY.

No vehicle while parked shall have any portion thereof projecting into any alley entrance. (Ref. 60-680 RS Neb)

§5-305 PARKING; TIME LIMIT.

The City Council 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. 60-680 RS Neb.)

§5-306 PARKING; MAXIMUM TIME LIMIT.

The parking of a motor vehicle on a public street for over 24 consecutive hours is unlawful, except where a different maximum time limit is posted. (Ref. 60-680 RS Neb.)

§5-307 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ON-STREET PARKING SPACES; DISPLAY OF PERMITS.

A. The City Council may designate parking spaces for the exclusive use of:

1. Handicapped or disabled persons whose vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Section 60-311.14, RS Neb.;

2. Handicapped or disabled persons whose vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state;

3. Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City Council, whose vehicles display the identification specified in Section 5-312 herein; and

4. Such other motor vehicles, as certified by the City Council, 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 so as to be clearly visible through the front windshield.

B. Whenever the City Council so designates a parking space, it shall be indicated by a sign which is in conformance with the most recent edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways* issued by the Federal Highway Administration. 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.

§5-308 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFF-STREET PARKING SPACES.

The City Council and any person in lawful possession of any off-street parking facility may designate stalls or spaces in such facility for the exclusive use of:

A. Handicapped or disabled persons whose vehicles display the distinguishing license plates issued to such individuals pursuant to Section 60-311.14, RS Neb.;

B. Such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the City Council, whose vehicles display the identification specified in Section 5-312; and

C. Such other motor vehicles, as certified by the City Council, which display such identification. Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign which is in conformance with the most recent edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways* issued by the Federal Highway Administration.

§5-309 PARKING; HANDICAPPED OR DISABLED PERSONS; DEFINED.

For the purposes of this article, "handicapped or disabled person" shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than 200 feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device; any individual whose personal mobility is limited as a result of respiratory problems; and any individual who has permanently lost all or substantially all the use of one or more limbs. "Temporarily handicapped or disabled person" shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such a manner for no longer than one year.

§5-310 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE.

A. The City Clerk shall take an application from a handicapped or disabled or temporarily handicapped or disabled person or his/her 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 article. Any person applying for a permit shall complete such forms as are provided to the City Clerk by the Department of Motor Vehicles and shall demonstrate to the satisfaction of the City Clerk that he or she is handicapped or disabled. The City Clerk may require medical certificates and proof of a handicap or disability.

B. The City Clerk shall issue a permit to any approved applicant and before issuing such permit shall enter all information required pursuant to Section 5-312 herein. The City Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of any person receiving a permit pursuant to this section.

§5-311 PARKING; HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT ISSUANCE.

A. The City Clerk shall 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 handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided by this article, if the motor vehicle is used primarily for the transportation of such persons. Such parking permit shall be used only when the motor vehicle

for which it was issued is being used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons.

B. Persons applying for permits pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, completing such forms as are provided by the Department of Motor Vehicles, and shall demonstrate to the City Clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons.

C. The City Clerk shall issue a permit to any approved applicant and before issuing such permit shall enter all information required pursuant to Section 5-312. The City Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons receiving permits pursuant to this section.

§5-312 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS; DUPLICATE PERMITS.

A. The permit to be issued by the City Clerk shall be a card four inches by four inches in size, constructed so that it may be easily and conspicuously displayed from a vehicle's rear-view 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 border six units wide by seven 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.

B. 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 5-314 herein.

C. A duplicate permit may be provided by the City 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.)

§5-313 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL; FEE.

A. All permits authorized under this article for handicapped or disabled parking shall be issued for a period ending January 1 of the fourth year following the date of issuance. All temporarily handicapped or disabled parking permits authorized under this section shall be issued for a period ending 90 days from the date of issuance, but may be renewed for up to three additional 90-day periods. For each additional 90-day renewal period, an additional application with proof of a handicap or disability and the required permit fee shall be submitted.

B. A permit fee of \$3.00 shall be charged for each permit, \$2.50 of which shall be retained by the City Clerk and 50¢ shall be forwarded on a quarterly basis to the Department of Motor Vehicles.

§5-314 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS NONTRANSFERABLE; VIOLATION; SUSPENSION.

Permits issued under this article 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 months. At the expiration of such period, a suspended permit may be renewed upon the payment of the permit fee.

§5-315 PARKING; HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY.

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

B. Anyone parking in any on-street 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 off-street 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.

C. In the case of a privately owned off-street parking facility, the owner or person in lawful possession of such facility shall inform the City of a violation of this section prior to taking any action pursuant to this section.
(Ref. 18-1737 RS Neb.)

§5-316 PARKING; REMOVAL OF ILLEGALLY PARKED VEHICLES.

A. Whenever any Police Officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of this 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.

B. 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. 60-6,165, 60-680 RS Neb.)

§5-317 PARKING; BUREAU OF VIOLATIONS.

There is hereby created the Bureau of Violations within the powers and duties of the office of the City Clerk. A copy of each citation issued for nonmoving traffic violations shall be deposited with the Clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid to him/her. Fines shall be in the amount of \$5.00 for each violation if paid within 30 days from the date of issuance and shall be payable at the office of the City Clerk. Should any such fine not be paid within the 30-day period, the Clerk shall ask the City Attorney to file a complaint in the appropriate court. The fine for any such violation after 30 days or after judgment is entered against the violator shall be \$50.00 plus costs. All money collected by the Clerk under this section shall be transferred to the school district in which the City lies. (Ref. 18-1729 RS Neb.)

Article 4. Snow Emergency Routes

(Article adopted by Ord. No. 655, 12/13/10)

§5-401 DESIGNATION OF ROUTES.

The following-described streets are hereby declared to be snow emergency routes in the City. The Mayor shall, at his or her discretion, place appropriate signs or other traffic control devices indicating the existence of such snow emergency routes. A designation of any street, avenue, road or highway or portion thereof as a snow emergency route shall in no way affect any previous designation of that street, avenue, road or highway for any other purposes. The snow emergency routes are as follows:

- A. Oakland Avenue from Fulton Avenue to 9th Street
- B. Second Street from Parson Avenue to Anderson Avenue
- C. Third Street from Charde Avenue to Anderson Avenue
- D. Engdahl Avenue from Third Street to the Oakland Heights Nursing Home
- E. Ninth Street from Oakland Avenue to Highway 77
- F. First Avenue from Engdahl Avenue to Jan Scheree Drive
- G. Anderson Avenue from Third Street to First Avenue

§5-402 DECLARATION OF EMERGENCY.

Whenever the Mayor or his or her designated representative shall find, on the basis of falling snow, sleet, or freezing rain or on the basis of an official forecast of snow, sleet, or freezing rain by the U.S. Weather Bureau, that weather conditions will make it necessary for motor vehicle traffic to be expedited and that parking on city snow emergency routes be prohibited or restricted for snow plowing and other purposes, the Mayor or his or her designated representative may place into effect a parking prohibition on all snow emergency routes by declaring that emergency conditions exist. In such declaration of emergency conditions, the Mayor or his or her designated representative shall state the time that said emergency shall be in effect. After the time so designated, all parking of vehicles on snow emergency routes shall be prohibited. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route. Once in effect, the parking prohibition imposed under this section shall remain in effect until terminated by declaration of the Mayor or his or her designated representative. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

§5-403 PARKING PROHIBITION.

Whenever the Mayor or his or her representative shall find, on the basis of accumulated snow, falling snow, sleet or freezing rain or on the basis of an official forecast of snow, sleet or freezing rain by the U.S. Weather Bureau, that conditions make it necessary that parking on local residential streets be prohibited or restricted for snow plowing and other purposes, he may put into effect a parking prohibition on part or all local and residential streets by declaring that parking be prohibited on one side of the local and residential streets, designating ei-

ther the odd- or even-numbered addresses at his or her discretion. In such declaration, the Mayor or his or her designated representative shall state the date and time on which such parking prohibition shall take effect. The prohibition shall remain in effect until terminated by announcement of the Mayor or his or her designated representative, who may then declare that there shall be in effect a parking prohibition on the opposite side of those local and residential streets designated above, which prohibition shall remain in effect until terminated by announcement of the Mayor or his or her designated representative. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any side of a street whereon parking is prohibited.

§5-404 OPERATION OF VEHICLES.

A. Whenever an emergency has been declared pursuant to Section 5-402 of this article, no person operating a motor vehicle on a snow emergency route shall allow such vehicle to become stalled or stuck.

B. No person operating a motor vehicle on a snow emergency route during the declaration of emergency snow conditions shall allow such vehicle to become stalled because the motor fuel supply is exhausted or the battery has become inoperative.

C. Whenever a motor vehicle becomes stalled for any reason, whether or not in violation of this article, on any snow emergency route on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have it towed or pushed off the roadway of such snow emergency route, either onto the nearest cross street which is not a snow emergency route or other appropriate location. No person shall abandon or leave his or her vehicle in the roadway of a snow emergency route, except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay.

§5-405 DECLARATION BROADCAST.

A. The Mayor or his or her designated representative shall cause each declaration of a snow emergency made by him, pursuant to this article, to be publicly announced by means of broadcast or telecast from broadcasting stations with a normal operating range covering the City, and he may cause the said declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the Mayor or his or her designated representative, including the time it became or will become effective, and shall specify the streets or areas affected. The Mayor or his or her designated representative shall make or cause to be made a record of each time and date when any declaration is announced to the public by issuing an executive order as soon as is feasible after the declaration of an emergency.

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

§5-406 CONFLICTING PROVISIONS.

Any provision of this article which becomes effective by declaration of the Mayor or his or her designated representative upon the occurrence of a snow emergency takes precedence, while temporarily in effect, over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions of a police officer.

§5-407 STALLED OR PARKED VEHICLES.

A. Members of the Police Department are hereby authorized to remove or have removed a vehicle from a street to another place or location on a street or to a lot, garage, storage yard, or other similar facility designated by the Police Department when:

1. The vehicle is parked on a snow emergency route on which a parking prohibition is in effect.

2. The vehicle is stalled on a snow emergency route on which there is a parking prohibition in effect and the person who is operating said vehicle does not appear to be removing it in accordance with the provisions of this article.

3. The vehicle is parked on any street in violation of any parking prohibition or provision of law contained in this article and is interfering or about to interfere with snow removal operations.

B. Such vehicle removal may be made by towing to the city automobile pound, or the Police Department may cause such vehicle to be removed to a private lot, garage, storage yard or other similar facility. Any such vehicle shall not be released therefrom except upon payment by the owner of the vehicle to the person or persons in charge of the lot, garage, storage yard or other similar facility for the costs of towing and storage. A receipt for such fees shall be issued to the owner of the vehicle.

C. It shall be the duty of the person or persons in charge of the lot, garage, storage yard or other similar facility designated by the Police Department to keep a record of the names of the owners of all vehicles towed in under the provisions hereof, together with the registration number of each vehicle, the nature and circumstances of each violation and the amount of fees collected hereunder. A report of each day's transactions shall be delivered to the Chief of Police not later than one day after the record is made.

§5-408 VIOLATION; PENALTY.

Any person who violates any of the prohibitions or any provision of any article or section of this chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular article or section for which the person stands convicted of violating, the penalty for such violation shall be in any amount not to exceed \$100.00 in the discretion of the court.



Article 5. Penal Provision

§5-501 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 an offense and upon conviction thereof shall be fined not more than \$100.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

ORDINANCE NO. 1096

AN ORDINANCE OF THE CITY OF OAKLAND, NEBRASKA, TO AMEND CITY CODE SECTION 5-317, INCREASING THE FINE FOR PARKING VIOLATIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OAKLAND, BURT COUNTY, NEBRASKA:

Section 1. Section 5-317 of the Oakland Municipal Code is hereby amended to now provide as follows:

Section 5-317: PARKING; BUREAU OF VIOLATIONS

There is hereby created the Bureau of Violations within the powers and duties of the office of the City Clerk. A copy of each citation issued for nonmoving traffic violations shall deposited with the Clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid to him/her. Fines shall be in the amount of \$25.00 for each violation if paid within 30 days from the date of issuance and shall be payable at the office of the City Clerk. Should any such fine not be paid within the 30-day period, the Clerk shall ask the City Attorney to file a complaint in the appropriate court. The fine for any such violation after 30 days or after judgment is entered against the violator shall be \$50.00, plus costs. All money collected by the Clerk under this section shall be transferred to the school district in which the City lies. (Neb. Rev. Stat. § 18-1729).

Section 2. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law; publication may be in pamphlet format.

Passed and approved this 21st day of December, 2015.

COPY

Mayor

(SEAL)

City Clerk

©COPY

ORDINANCE NO. 701

AN ORDINANCE OF THE CITY OF OAKLAND, NEBRASKA, TO REGULATE PARKING; TO ESTABLISH PENALTIES FOR VIOLATIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OAKLAND, BURT COUNTY, NEBRASKA:

Section 1. Section 5-318 of the Oakland Municipal Code is hereby created as follows:

SECTION 5-318: PARKING; PRIVATE PROPERTY

A. No person shall park or permit to be parked a registered, unregistered, operable, or inoperable motor vehicle, water craft, non-motorized camper, motorcycle, heavy duty motorized equipment, or any trailer designed to either be pulled by a motor vehicle or to carry a water craft, camper or motor vehicle at any time on any portion of his or her yard, except on an area that is an "improved" parking area, is paved, or is a driveway. This prohibition shall be in effect unless the current state is deemed an emergency such that any vehicle listed above is required to be placed on said yard, or unless the property is in a commercially zoned area and is used for purposes of a commercial business.

B. For purposes of this section, "improved" shall mean surfaced with asphalt, concrete, brick or other suitable pavers. Gravel or crushed stone may be used if gravel is at least two inches deep throughout the vehicular use area, and the vehicular use area has a visible and definable edge made of landscape timbers, metal edging, vegetation such as low shrubs or decorative grasses or similar technique to distinguish the vehicular use area.

C. Any person violating this section shall be deemed guilty of an offense and upon conviction shall be fined \$25.00 for a first offense, \$50.00 for a second offense, and \$100.00 for any third and subsequent offense. Nothing in this section shall prevent the City from pursuing other proceedings against the person violating this section, in addition to the penalties provided herein, to include removal of the vehicle from the property.

Section 2. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions are repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this 15th day of August, 2016.

Mayor

(SEAL)

Clerk

