

## **ORDINANCE NO. 4435**

**AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO REPEAL THE EXISITING CHAPTER 15 OF THE OFFICIAL CITY CODE DEALING WITH MOTOR VEHICLES AND TRAFFIC AND TO ENACT A NEW CHAPTER 15 TO REPLACE IT DEALING WITH MOTOR VEHICLES AND TRAFFIC; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:**

**SECTION 1.** That the current Chapter 15 of the Official City Code dealing with Motor Vehicles and Traffic be and the same is hereby repealed.

**SECTION 2.** That a new Chapter 15 to the Official City Code dealing with Motor Vehicles and Traffic be and the same is hereby enacted to read as follows:

### **CHAPTER 15**

#### **MOTOR VEHICLES AND TRAFFIC.**

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- 15-102. Enforcement of chapter; authority of police and Street Commissioner.
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## **Article I. In General.**

### **15-101. Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**Alley.** The entire width between the property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for vehicular traffic, when the entire width between property lines of such way or place does not exceed twenty feet.

**Alley entrance.** The extension of the alley from the lot line to the street curb line.

**Arterial street.** A street designated as such by resolution duly adopted by the City Council.

**Authorized emergency vehicle.** Vehicles of the Fire Department and of the Police Department of the City, and ambulances.

Automatic traffic signals. Any signal electrically or mechanically controlled, by which traffic is alternately directed to stop and proceed.

Crosswalk. That portion of a roadway included within the prolongation or connection of the lateral lines of sidewalks at intersections.

Curb. The lateral boundaries of that portion of a street designated for the use of vehicles whether marked by curb stones or not so marked.

Driver. Every person who drives or is in actual physical control of a vehicle.

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.

Intersection or street intersection. The space occupied by two streets at the point where they cross each other, bounded by the lot lines extended and shall include the sidewalk space as well as the roadway.

Motorcycles. Every vehicle designed to travel on not more than three wheels in contact with the ground.

Motor vehicle. Every vehicle which is self-propelled.

Official traffic signs. All signs, markings and devices, other than signals, not inconsistent with this Chapter, placed or erected by authority of the City Council, or a public body having jurisdiction for the purpose of building, directing, warning or regulating traffic.

Owner. As defined by Section 39-602(61), Revised Statutes of Nebraska, 1943 or any successor statute thereto.

Park or Parking. To stand a vehicle, whether occupied or not, upon a street or alley, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations, signs or signals.

Private driveway. Every road or driveway not open to the use of the public for purposes of vehicular travel, including driveways into gasoline filling stations and public garages.

Railroad crossing. That part of any street at which the tracks of a railroad shall cross the street and to include that part of the street within twenty-five feet of the outside of such track.

Residential district. That portion of the City not included within a Business District as defined in 15-501, or a school zone as described in Section 15-311 hereof.

Right-of-way. The privilege of the immediate use of the roadway.

Sidewalk or sidewalk space. That portion of a street between the curb lines and the adjacent property lines.

Stop. To cause complete cessation of movement of a vehicle which is occupied by at least one person.

Stop signs. Any object placed in any street at or near a street intersection with the word "stop" written or inscribed thereon.

Street or highway. The entire width between property lines of every way or place of whatever nature, when any part thereof is open to use of the public as a matter of right for purposes of vehicular traffic.

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street, alley or public way for purposes of travel.

Truck. A motor vehicle equipped or used to transport anything other than persons.

Vehicle. Every device in, upon or by which any person or property is, or may be transported or drawn upon a street, and shall be deemed to include wagons, trucks, carts, cabs, carriages, horses, whether led, driven or ridden, stages, omnibuses, motors, automobiles, locomobiles, motorcycles, bicycles, tricycles, sleighs, steam or gasoline tractors, motor buses, motor scooters and all other conveyances for persons or property, except railway trains running upon their own rails or tracks.

Watchman. Any person stationed upon a railway crossing for the purpose of directing traffic, whether employed by the city or by the railway company as a crossing watchman.  
(Code 1973, 21-1)

#### **15-102. Enforcement of chapter; authority of police and street superintendent.**

The Police Department and the Street Superintendent, in the manner directed in this Chapter 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 and 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 in this City; provided, that the driver of any vehicle shall stop upon signal from any police officer of the City.  
(Code 1973, 21-2)

#### **15-103. Direction of traffic by police officers.**

All police officers of this City are hereby authorized and empowered to direct all traffic within the City in accordance with the provisions of this Chapter, or, in emergencies or in the event of traffic blockades, as public safety or convenience may require, even though not in accordance with the provisions of this Chapter, and it shall be unlawful for any person to fail or

refuse to comply with any lawful order or direction of any such police officer.  
(Code 1973, 21-4)

**15-104. Obedience to police officers.**

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer.  
(Code 1973, 21-5)

**15-105. Temporary emergency regulations.**

The Chief of Police is hereby empowered to make and enforce temporary regulations to cover emergencies.  
(Code 1973, 21-6)

**15-106. Destroying, disregarding, etc., traffic summons prohibited.**

It shall be unlawful for any person to tear up or destroy any parking tag placed upon any vehicle by any police officer of this City, or to disregard the summons contained on such tag and fail to appear in court as directed by such tag.  
(Code 1973, 21-7)

**15-107. Garage keepers -- Report of damaged vehicles.**

The person in charge of any garage or repair shop in this City to which is brought any vehicle which shows evidence of having been struck by a bullet, shall report to the Police Department of this City, as soon as such vehicle is received, giving the engine number, manufacturer's serial number, registration plate number and the name and address of the owner or operator of such vehicle.  
(Code 1973, 21-8)

Reference: For similar state law, see Neb. Rev. Stat. §60-6,100.

**15-108. Garage keepers -- Report of abandoned vehicles.**

The person in charge of any garage or repair shop at which has been left a motor vehicle of unknown ownership for a period of fifteen consecutive days without being removed by its owner or any other person duly authorized to remove the same, shall report to the Police Department of this City, giving the name, engine number, manufacturer's serial number, registration plate number and the name and address of the person abandoning same, if known.  
(Code 1973, 21-9)

**Article II. Traffic-Control Devices.**

Reference: For state law authorizing City to regulate traffic by signal devices, see Neb. Rev. Stat. §60-6,121.

**15-201. Regulation of traffic or parking.**

The regulation of traffic or parking as authorized and set forth in this Chapter, may be exercised by the Mayor and City Council by ordinance, resolution or motion.  
(Code 1973, 21-27; Ord. Nos. 1751, 2673, and 2807)

**15-202. Placing traffic control devices.**

The City Council may provide for the placing of traffic control devices for the purpose of regulating, directing, prohibiting, warning or guiding traffic and the parking of vehicles upon the streets, alleys and public ways of the City. The placing of such traffic control devices shall be considered as establishing precepts extending the provisions of this Chapter. For the purposes of this Chapter, traffic control device shall mean any sign, signal, marking, or other device placed or erected by authority of the City Council for the purpose of regulating, directing, prohibiting, warning or guiding traffic and the parking of vehicles upon the streets, alleys and public ways of the City.  
(Code 1973, 21-27.1; Ord. No. 2807)

**15-203. One-way streets.**

The City Council may designate any street or alley as a one-way street or alley and upon the erection of signs giving notice thereof, vehicular traffic shall move only in the indicated direction, and movement of traffic in the opposite direction is hereby prohibited.  
(Code 1973, 21-27.2; Ord. No. 2807)

**15-204. Traffic lanes.**

The Mayor and City Council may authorize and direct the marking of traffic lanes upon the roadway of any street or highway where the regular alignment of traffic is necessary.

**15-205. Designation of crosswalks.**

The City Council may establish, designate and maintain or cause to be maintained, by appropriate devices, markers or lines upon the surface of the street, crosswalks at intersections where there is particular danger to pedestrians crossing the street and at such other places as it may deem necessary.  
(Code 1973, 21-32)

**15-206. Defacing or interfering with prohibited.**

It shall be unlawful for any person willfully to deface, injure, remove, obstruct or interfere with an official traffic sign or signal.  
(Code 1973, 21-33)

#### **15-207. Painting of curbs.**

It shall be the duty of the City Engineer, as Street Superintendant, to cause the curb space to be painted and keep the same painted, as provided in this Article. No person 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 Chapter. 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 City through its proper officers, at the direction of the Mayor and City Council.  
(Code 1973, 21-35)

### **Article III. Operation of Vehicle.**

#### **15-301. Driving in sidewalk space.**

The driver of any vehicle shall not drive within any sidewalk space, except as a permanent or temporary driveway. Provided that this section shall not apply to the operation of any motorized chair, wheelchair, or other conveyance designed for the transportation of handicapped and/or disabled persons when used by such persons.  
(Code 1973, 21-38; Ord. No. 3121-4/89)

#### **15-302. Driving over fire hose.**

No vehicle shall be driven over any unprotected hose of the Fire Department when laid on any street or private roadway, to be used at any fire or alarm of fire.  
(Code 1973, 21-39)

#### **15-303. Excessive, unusual and unnecessary noise prohibited.**

It shall be unlawful to operate a motor vehicle within this City so as to create any excessive or unusual noise, or in a manner so as to make any noise which is unnecessary in the normal operation of the vehicle.  
(Code 1973, 21-40; Ord. Nos. 1751 and 1887)

#### **15-304. Engine braking; prohibited.**

It shall be unlawful within the City limits for any operator of a motor vehicle with a total gross vehicle weight rating of seven thousand pounds or more, including its towed unit or units, to attempt to retard the forward movement of said vehicle by initiating a device commonly known as jake brakes to contain the engine's compression, thus rapidly slowing the engine's revolutions per minute.  
(Ord. No. 3699-7/99)



**15-305. Right of Way -- Stop required before crossing sidewalk or emerging from garage, etc.**

All vehicles, before crossing a sidewalk or emerging from a garage, alley, filling station or other place, shall come to a complete stop, and after giving sufficient warning, shall proceed slowly and with extreme caution while crossing such sidewalk, or leaving such garage, alley, filling station or other place. The term "slowly" shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and the condition of the street and the traffic thereon.

(Code 1973, 21-52)

**15-306. Truck routes.**

The City Council may 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 by such resolution 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 City. The council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes.

(Code 1973, 21-56)

**15-307. Dragging rope, chain, etc.**

No person shall permit any rope, strap, chain or other Article to drag behind any vehicle while in use on the streets, except persons operating vehicles transporting gasoline, benzene or other inflammable materials.

(Code 1973, 21-113)

**15-308. 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 at any intersection included within the business district, as defined in Section 15-501.

(Code 1973, 21-63)

**15-309. Speed Limitations - Generally.**

No person shall operate a motor vehicle on any street, alley or other place within the City at a rate of speed greater than is reasonable and proper, having regard for the traffic and roadway and the condition of the street or at such speed as to endanger the life, limb or property of any person, and under no circumstances in excess of twenty-five miles per hour on all streets in the residential district including arterial highways except in the business district where the maximum speed is hereby fixed at twenty miles per hour.

(Code 1973, 21-64)

### 15-310. Speed limits in certain zones.

It is hereby determined upon the basis of engineering and traffic investigations that the speed permitted by Section 15-327 upon the following streets is less than is necessary for safe operation of vehicles thereon by reason of the designation and sign posting of such streets as through streets, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

(1) Burlington Avenue:

- |   |           |
|---|-----------|
| (a) "J" Street north to "C" Street                                | 35 m.p.h. |
| (b) "C" Street north to Chicago, Burlington and Quincy Viaduct    | 30 m.p.h. |
| (c) Chicago, Burlington and Quincy Viaduct north to Fourth Street | 25 m.p.h. |
| (d) Fourth Street north to Eighth Street                          | 30 m.p.h. |
| (e) Eighth Street north to Eighteenth Street                      | 35 m.p.h. |

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|---|-----------|
| (2) Second Street from Baltimore Avenue, west to the corporate limits of the City | 35 m.p.h. |
|---|-----------|

(3) Route of U.S. Highways No. 34 and 281, within the corporate limits of the City:

- |   |           |
|---|-----------|
| (a) Eighteenth Street north to 1200 feet north of 42 <sup>nd</sup> Street   | 45 m.p.h. |
| (b) 1200 feet north of 42 <sup>nd</sup> Street to Lochland Road             | 55 m.p.h. |
| (c) Lochland Road 1476 feet north to City Limits                            | 65 m.p.h. |
| (d) "M" Street north to the intersection of "J" Street and Baltimore Avenue | 40 m.p.h. |

(4) Route of U.S. Highway No. 6 within the corporate limits of the City:

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|---|-----------|
| (a) The west corporate limits of the City east to Baltimore Avenue                  | 45 m.p.h. |
| (b) Baltimore Avenue east and then continuing north to 300 feet south of "D" Street | 40 m.p.h. |
| (c) 300 feet south of "D" Street north and then continuing east to Second Avenue    | 35 m.p.h. |
| (d) Second Avenue east to the east corporate limit of the City                      | 40 m.p.h. |

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| (5) Route of U.S. Highways No. 34 and 281 northeast bypass from Old U.S. Highway No. 281 east to Second Avenue | 50 m.p.h. |
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(6) 12th Street:

- |  |           |
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| (a) The west corporate limits of the City east to Brentwood Avenue | 45 m.p.h. |
| (b) Brentwood Avenue east to Marian Road                           | 35 m.p.h. |
| (c) Marian Road east to Burlington Avenue                          | 30 m.p.h. |

(d) Burlington Avenue east to Elm Avenue	25 m.p.h.
(e) Elm Avenue east to 698 feet east of Elm Avenue	35 m.p.h.
(f) 698 feet east of Elm Avenue east to the east corporate limits of the City	45 m.p.h.
(7) Osborne Drive East from 26th Street north to 42nd Street	35 m.p.h.
(8) 42nd Street from U.S. Highway 281 and 34 east to 1450 feet east of U.S. Highway 281 and 34	35 m.p.h.
(9) Wabash Avenue from U.S. Highway 6, south to the corporate limits of the City	40 m.p.h.
(10) "A" Street from Baltimore to Woodland	30 m.p.h.
(11) Adams Central Road, north of 12 <sup>th</sup> Street to the limits of the City	45 m.p.h.
(12) State Spur S-1C (Highland Road) from 728' south of 2 <sup>nd</sup> Street to 2 <sup>nd</sup> Street	40 m.p.h.

(Code 1973, 21-66; Ord. Nos. 1823, 2383, 2770, 2893, 2944, 3041-11/87, 3074-8/88, 3112-1/89, 3430-9/94, 3470-3/95, 3497-9/95, 3518-1/96, 3581-3/97, 3621-2/98, 3993-1/2005, 4068-2/2006 and 4235-11/2009)

#### **15-311. School zones.**

(1) No person shall drive or operate any vehicle at a rate of speed in excess of twenty (20) miles per hour upon, over or through any street or highway designated hereinafter as the Senior High School or Middle School Zone.

(2) No person shall drive or operate any vehicle at a rate of speed in excess of fifteen (15) miles per hour upon, over or through any street or highway designated hereinafter as a school zone other than the Senior High School or Middle School Zone.

(3) The foregoing speed limits shall apply when children are present.

(4) The City Engineer shall post speed limit signs along the public right-of-way at and within the boundaries of the school zones.

(5) The school zones within the City of Hastings are hereby designated as follows:

##### Alcott Elementary School Zone

Cedar Avenue	Commencing in the northbound lane one hundred seventy eight feet (178') south of the south curblineline of East 3 <sup>rd</sup> Street, and ending
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in the northbound lane at north curblineline of East 4<sup>th</sup> Street.

Cedar Avenue Commencing in the southbound lane one hundred twenty feet (120') north of the north curblineline of East 4<sup>th</sup> Street, and ending in the southbound lane at south curblineline of East 3<sup>rd</sup> Street.

California Avenue Commencing in the northbound lane two hundred twenty feet (220') south of the south curblineline of East 3<sup>rd</sup> Street, and ending in the northbound lane at north curblineline of East 4<sup>th</sup> Street.

California Avenue Commencing in the southbound lane one hundred fifty feet (150') south of the south curblineline of East 5<sup>th</sup> Street, and ending in the southbound lane at south curblineline of East 3<sup>rd</sup> Street.

East 3<sup>rd</sup> Street Commencing in the eastbound lane ninety four feet (94') west of the west curblineline of North California Avenue, and ending in the eastbound lane at east curblineline of North Cedar Avenue.

East 3<sup>rd</sup> Street Commencing in the westbound lane seventy two feet (72') west of the west curblineline of North Delaware Avenue, and ending in the westbound lane at west curblineline of North California Avenue.

East 4<sup>th</sup> Street Commencing in the eastbound lane fifty five feet (55') east of the east curblineline of North California Avenue, and ending in the eastbound lane at east curblineline of North Cedar Avenue.

East 4<sup>th</sup> Street Commencing in the westbound lane one hundred thirty four feet (134') east of the east curblineline of North Cedar Avenue, and ending in the westbound lane at west curblineline of North California Avenue.

#### Hawthorne Elementary School Zone

Laird Avenue Commencing in the northbound lane one hundred forty eight feet (148') south of the south curblineline of West 9<sup>th</sup> Street, and ending in the northbound lane at north curblineline of West 11<sup>th</sup> Street.

Laird Avenue Commencing in the southbound lane one hundred forty five feet (145') north of the north curblineline of West 11<sup>th</sup> Street, and ending in the southbound lane at south curblineline of West 9<sup>th</sup> Street.

Crane Avenue Commencing in the northbound lane one hundred eighty five feet (185') south of the south curblineline of West 9<sup>th</sup> Street, and ending in the northbound lane at north curblineline of West 11<sup>th</sup> Street.

Crane Avenue Commencing in the southbound lane one hundred fifty feet (150') north of the north curblineline of West 11<sup>th</sup> Street, and ending in the

southbound lane at south curbline of West 9<sup>th</sup> Street.

West 9<sup>th</sup> Street                      Commencing in the eastbound lane two hundred twenty feet (220') west of the west curbline of North Laird Avenue, and ending in the eastbound lane at east curbline of North Crane Avenue.

West 9<sup>th</sup> Street                      Commencing in the westbound lane two hundred twenty seven feet (227') east of the east curbline of North Crane Avenue, and ending in the westbound lane at west curbline of North Laird Avenue.

Lincoln Elementary School Zone

Franklin Avenue                      Commencing in the northbound lane seventy five feet (75') south of the south curbline of West F Street, and ending in the northbound lane at north curbline of West E Street.

Franklin Avenue                      Commencing in the southbound lane sixty seven feet (67') south of the south curbline of West E Street, and ending in the southbound lane at south curbline of West F Street.

West E Street                          Commencing in the eastbound lane thirty five feet (35') west of the west curbline of South New York Avenue, and ending in the eastbound lane at east curbline of Chicago Avenue.

West E Street                          Commencing in the westbound lane ninety two feet (92') east of the east curbline of Chicago Avenue, and ending in the westbound lane at west curbline of South New York Avenue.

Morton Elementary School Zone

North Baltimore Avenue              Commencing in the northbound lane eighty four feet (84') north of the north curbline of West 7<sup>th</sup> Street, and ending in the northbound lane at north curbline of West 8<sup>th</sup> Street.

North Baltimore Avenue              Commencing in the southbound lane fifty feet (50') south of the south curbline of Boyce Street, and ending in the southbound lane at north curbline of West 7<sup>th</sup> Street.

St. Cecilia's School Zone

North Kansas Avenue                  Commencing in the northbound lane sixty feet (60') north of the north curbline of West 5<sup>th</sup> Street, and ending in the northbound lane at south curbline of West 7<sup>th</sup> Street.

Longfellow Elementary School Zone

West 9<sup>th</sup> Street                      Commencing in the eastbound lane forty five feet (45') east of the east curbline of North Lincoln Avenue, and ending in the eastbound lane at east curbline of North Denver Avenue.

West 9<sup>th</sup> Street                      Commencing in the westbound lane fifty two feet (52') west of the west curbline of North St. Joseph Avenue, and ending in the westbound lane at west curbline of North Hastings Avenue.

Senior High School Zone

West 14<sup>th</sup> Street                      Commencing in the eastbound lanes one hundred forty five feet (145') east of the east curbline of North Briggs Avenue, and ending in the eastbound lane at west curbline of North Burlington Avenue.

West 14<sup>th</sup> Street                      Commencing in the westbound lanes one hundred fifteen feet (115') west of the west curbline of North Burlington Avenue, and ending in the westbound lane at east curbline of North Briggs Avenue.

Watson Elementary School Zone

North Crane Avenue                      Commencing in the northbound lane one hundred thirty two feet (132') north of the north curbline of West 14<sup>th</sup> Street, and ending in the northbound lane at north curbline of West 18<sup>th</sup> Street.

North Crane Avenue                      Commencing in the southbound lane at the north curbline of West 18<sup>th</sup> Street, and ending in the southbound lane at north curbline of West 14<sup>th</sup> Street.

St. Michael's Elementary School Zone

7<sup>th</sup> Street                              Commencing at the eastern edge of the Oakmont Avenue right-of-way, to the west edge of the Glenwood Avenue right-of-way. This shall include both eastbound and westbound lanes of traffic.

Creighton Avenue                      Commencing at the north edge of the 7<sup>th</sup> Street right-of-way, to south edge of the Paradise Drive right-of-way. This shall include both northbound and southbound lanes of traffic.

(Code 1973, 21-67 and Ord. No. 3758-8/2000 and 4201-10/2008)

**Article IV. Stopping, Standing and Parking.**

**Division 1. Generally.**

**15-401. Applicability of Article to government vehicles.**

The provisions of this Article shall apply to the driver of any vehicle owned by the United States in the service of the United States Government, State, County, City or school district of the City. It shall be unlawful for any of such drivers to violate any of the provisions of this Article, except as otherwise permitted herein.  
(Code 1973, 21-70)

**15-402. Exemption from article for authorized emergency vehicles.**

The provisions of this Article regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this Chapter, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.  
(Code 1973, 21-71)

**15-403. Designation of parking areas.**

The Council may set aside any street, alley or public way, or portion thereof, wherein no vehicle shall be parked, and may also set aside any street, alley or public way, or portion thereof for the parking of any particular kind or class of vehicle, and when the parking of vehicles in any street, alley or public way or portion thereof, has been prohibited by resolution, no vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of the street, alley or public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers.  
(Code 1973, 21-72)

**15-404. Parking prohibited in spaces designated for disabled or handicapped persons.**

(1) It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for physically handicapped or disabled persons if, immediately adjacent to and visible from such stall or space, there is posted a sign identifying said stall or space as a parking space for vehicles driven by handicapped or disabled persons, unless the driver of the vehicle is handicapped or disabled and the vehicle displays the distinguishing license plates issued to handicapped or disabled persons by the State of Nebraska or by another state or a handicapped or disabled vehicle identification issued by the City and displayed as authorized under Nebraska law.

(2) Stalls or spaces restricted to the parking of vehicles driven by handicapped or disabled persons upon the streets, alleys, public ways or public or private parking facilities in the City may be designated by resolution of the City Council, by action of the Chief or Police of the City or, as to private parking facilities, by the owner thereof. Any such designation shall be designed and placed in accordance with Nebraska law.

(3) This Section shall apply to all public streets, off-street parking facilities owned or operated by the City and any privately owned or operated parking facility, with the consent of the owner thereof.

(4) If any permit issued by the City to a handicapped or disabled person shall be used by any other person, for any other motor vehicle, or for any purpose other than that for which it was originally issued, the permit may be suspended for 6 months.

(5) In addition to the punishment provided in (4) above, violation of Subsections (1) through (4) of this Section shall be punishable by a fine in an amount set forth in the most recent Council Fee Resolution.  
(Ord. No. 3195-11/90)

#### **15-405. Establishment of parking time limits.**

The City Council may entirely prohibit or fix a time limit for the parking and stopping of vehicles in any designated street, streets or districts and the parking or stopping of any vehicle in any such street, streets or district for a period of time longer than fixed in the ordinance, resolution or motion authorizing the same shall constitute a violation of this Article.  
(Code 1973, 21-73)

#### **15-406. Continuing violation.**

On those streets which have been posted or designated as limited time parking zones all vehicles parked in excess to the designated time limitation shall be cited for violation of said time limitation and said violation shall be continuous and each additional parking in excess of the applicable time period from the time of the last citation shall constitute a new violation and an additional citation shall be issued therefore.  
(Code 1973, 21-73.1; Ord. No. 2717)

#### **15-407. Manner of parking generally; obstructing private driveways or fire station entrances prohibited.**

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. The City Council may designate any street or portion thereof within the Business District where vehicles shall be parked parallel with and adjacent to the curb so as to have both right wheels within six (6") inches of the curb or where vehicles shall be parked at an angle of about forty-five (45) degrees; and all vehicles when parked at such angle on any such street or portion thereof shall be parked with the right front wheel of such vehicle at the curb. Where stalls are designated either on the curb or pavement in the Business District, vehicles shall be parked within such stalls. On all other streets outside the Business District, vehicles when parked shall stand parallel with and adjacent to the curb in such manner as to have both right wheels within twelve (12") inches of the curb and so as to leave at least four (4') feet between the vehicle so parked and any other parked vehicle. No person shall park a vehicle so as



to obstruct a private driveway or drive for any period of time. No person shall park a vehicle or permit it to stand within fifteen (15') feet in either direction from the entrance to any fire station. (Code 1973, 21-74)

**15-408. Parking in alleys.**

No vehicle shall be parked in any alley or alley entrance, or overhanging an alley or alley entrance, except for the purpose of loading or unloading, and then such vehicle shall only be parked during the time necessary to load or unload, which shall not exceed the maximum limit of one half (1/2) hour; provided, that this Section shall not apply to merchants' delivery trucks parked in alleys immediately at the rear of their respective places of business, if such trucks shall be parked so as not to obstruct the passing of moving cars therein. Every vehicle while loading or unloading in any alley shall be parked in such a manner as will cause the least obstruction possible to traffic in such alley. (Code 1973, 21-75)

**15-409. Restrictions on parking trucks; exceptions.**

It shall be unlawful for the operator of any truck, trailer, truck-tractor or semitrailer of an overall length of twenty (20') feet including load, to stop or park such vehicle on any street, whether or not such street is marked for angle or parallel parking. Such vehicles may stop, stand or park for such time as is necessary, in no case longer than one half (1/2) hour, to expeditiously load or unload their contents in alleys where such stopping is possible; provided, that it shall be lawful for such vehicle to stop or park elsewhere on highways if stopping for loading or unloading in alleys is impossible. It shall also be unlawful for the operator of any such truck, truck- tractor or semitrailer regardless of the length of the same, to park such vehicle with the end-gate of same down and extended beyond the body of such vehicle; nor shall such vehicle stop, stand or park within a street intersection, on a crosswalk, in front of a private driveway or on a sidewalk. The Mayor and City Council may provide truck parking lots for parking purposes. No such truck, including any oil tanker, shall park or stop for any period of time within the limits of any street during the night or day save and except for the purpose of loading or unloading the cargo thereof in the ordinary course of business; provided, however, the City Council may by resolution designate portions of any street as available for truck parking, and so long as any such resolution is in effect for any particular street, it shall be lawful to park trucks there, subject to any restrictions contained in the resolution. Violators of this section shall be punishable by a fine in an amount set forth in the most recent Council Fee Resolution. (Code 1973, 21-76; Ord. No. 3058-4/88)

**15-410. Backing freight vehicles to curb.**

Vehicles of an overall length of less than twenty (20') feet including load, while discharging freight may back to the curb and shall occupy as little of the street as possible. (Code 1973, 21-77)

#### **15-411. Bus stops.**

All motor buses shall stop at the curb for the purpose of receiving and discharging passengers, at such locations as the City Council shall, by appropriate sign or standard, designate.

(Code 1973, 21-78)

#### **15-412. Taxicab stands.**

The City Council may designate special parking places for licensed taxicabs which may be indicated by suitable signs or standards set in place by the Police Department. When any such parking place shall have been designated and a sign or standard, as herein provided, shall have been set in place, no vehicle other than a licensed taxicab shall be parked therein.

(Code 1973, 21-79)

#### **15-413. Uses prohibited in or on public right-of-way.**

(1) It shall be unlawful for any person to park any vehicle upon public right-of-way, public parking lot or other publicly owned place for more than 12 consecutive hours within any area for which the City Council has established time limits for parking.

(2) It shall be unlawful for a person to park a vehicle upon public right-of-way, public parking lot or other publicly owned place within the City for more than 72 consecutive hours. Upon finding that a violation of this subsection exists, the Police Department may affix to the vehicle a red tag or other type of notice reasonably calculated to make known the Police Department's plan or intention to have the vehicle towed or otherwise removed. If 12 hours shall pass after the Police Department has affixed said tag or notice without said vehicle being removed from the place where it has been parked in violation of this subsection, the vehicle may be towed away at the Police Department's direction and placed in the City Impound and remain there until all fines and expenses are paid pursuant to this Chapter.

(3) No person shall adjust or repair any vehicle, automobile, motorcycle or trailer or race the motor of same, while standing on the public streets, City owned parking lots or alleys of this City, except in case of breakdown or other emergency requiring the same, and no person or employee connected with a garage or repair shop shall use sidewalks, streets or alleys for the purpose of working on or upon automobiles or motor driven vehicles of any description.

(4) No person shall park or store any inoperable vehicle, garbage, junk or refuse on public right-of-way. Upon determining that a violation of this subsection has existed for more than six hours, the City may tow or otherwise haul away such items as it deems necessary and dispose of the items according to Neb. Rev. Stat. §18-1720, §60-1901 et. seq. or by Order of a Court of Law.

(5) For purposes of this section, inoperable vehicle shall include by example, but not be limited to any unlicensed, unregistered, wrecked, or partially dismantled car, truck, motorcycle, trailer, motor home, snowmobile, boat, jet ski, stock car, race car, demolition derby car, bus, van,

airplane, farm machinery, or any other item used to propel an individual by means of combustion engine or other mechanical means, as well as any part or parts of such vehicle.

(6) For the definition of garbage, junk and refuse, refer to Hastings City Code Section 18-120.

(Code 1973, 21-80; Ord. Nos. 2465, 2629, 3159-2/1990, 3234-11/91 and 4234-11/2009)

#### **15-414. Towing parked vehicles.**

Members of the Police Department are hereby authorized to remove or have removed a vehicle from the street and place it in the City Impound and remain there until all fines and expenses are paid pursuant to this Chapter, for any of the following reasons:

- (1) Violation of any Section of this Chapter;
- (2) Upon determination by the Police Department that three (3) or more unsatisfied and outstanding citations exist upon any such motor vehicle; or
- (3) Upon a finding by the Police Department that an outstanding warrant exists for the arrest of the owner of any such vehicle.
- (4) Failure to appear for arraignment on any citation filed by the City Attorney.

#### **15-415. License plates on parked vehicles -- Owner of vehicle responsible for parking.**

Every vehicle parked or left standing upon any street, alley, public way or parking facility, or other public property shall have license plates attached thereto which are current and issued for the vehicle to which said license plates are attached and are registered in the name of the owner of the vehicle in accordance with the laws of the State of Nebraska, or of the state wherein the license is issued.

#### **15-416. Owner prima facie responsible**

If any vehicle is found upon any street, alley, public way or parking facility or other public property, or privately owned property which is available for public parking either in a restricted or unrestricted manner, in violation of any of the provisions of this Article regulating the stopping, standing or parking of vehicles and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

(Code 1973, 21-80.3; Ord. No. 2629 and 3527-3/96)

#### **15-417. Parking near fire hydrants.**

No vehicle shall be parked or left standing within fifteen (15') feet in either direction of any fire hydrant for any period of time whatsoever and the curb space within such area of fifteen

(15") feet in either direction of such fire hydrant may be painted yellow to indicate such prohibitions.  
(Code 1973, 21-81)

**15-418. Parking -- Vehicles overhanging adjacent property or parked in sidewalk space.**

It shall be unlawful for any person to park or place or cause to be parked or placed (1) any vehicle on any private property in such a manner that the vehicle overhangs the streets, including that space between the curb line and the lot line, or in such a manner that the vehicle overhangs adjacent property, or (2) any vehicle upon any part of the sidewalk space or that space between the curb line and the lot line, unless the owner or occupant of the real estate abutting such space shall have obtained a permit from the City Engineer to use that area for parking purposes.  
(Code 1973, 80-82; Ord. No. 2630)

**15-419. Parking – Dumpsters and roll-off containers**

No person shall place or cause to be placed a dumpster or any roll-off container along any street in the City without first obtaining a permit from Development Services. No such permit shall be issued until a fee has been paid, as set forth in the most recent Council Fee Resolution, and is in conformity in every aspect with all the provisions of City Code. There shall be a separate permit for each dumpster or container. A permit may be revoked by the Building Inspector at any time, when found not in conformity with the permit.

**15-420. Obstructing traffic.**

It shall be unlawful to stop a motor vehicle, or to allow it to stand or be parked upon any street of the City of Hastings unless so permitted by any provision of this Chapter or in obedience to any traffic control device or order of any police officer of the City.  
(Code 1973, 21-85; Ord. No. 2887)

**15-421. Vehicle not to be parked with left side to curb; preventing parked vehicle from moving.**

Except on one-way streets when permitted by law, no vehicle shall stop on any street with its left side to the curb. A vehicle shall not be left at the curb in such a position as to prevent another vehicle already parked at the curb from moving away.  
(Code 1973, 21-86)

**15-422. Parking on private property.**

It shall be unlawful for any person to park or leave standing outside of an enclosed structure upon property owned or controlled by said person, or upon property which is not owned or controlled by said person if it is available for public parking either in a restricted or unrestricted manner, any motor vehicle which does not have a valid current state motor vehicle license affixed thereto in the place where said license is required to be affixed pursuant to

Nebraska law, including Section 60-323 thereof.  
(Ord. No. 3527-3/96)

## **Division 2. Penalties.**

### **15-423. Designation of police department as violations bureau.**

The Police Department of the City of Hastings is hereby designated as the Violations Bureau for the City for all parking violations. It shall be the duty of the police officers of the City to accept penalties and fees herein designated from violators desiring to plead guilty or no contest in accordance with the proceedings set forth.  
(Code 1973, 21-88; Ord. No. 2658)

### **15-424. Notification of violations.**

Violators of the provisions of Chapter 15, Article IV of the City Code may be given notice in the form of an official police tag attached to the offending motor vehicle, which notice shall require violators to appear forthwith at the police station. Such official police tag may contain a statement that a complaint and warrant of arrest shall be issued to the violator if such notice of violation is disregarded for a period of ten (10) days.  
(Code 1973, 21-89; Ord. Nos. 2658 and 2788)

### **15-425. Presumption.**

If any prosecution charging a violation of the provisions of Chapter 15, Article IV of the City Code, proof that the particular vehicle described in the Complaint was parked in violation of any of the said provisions, together with proof that the defendant named in the complaint was at the time of said parking the registered owner of said vehicle, shall constitute a prima facie rebuttable presumption that the first registered owner of said vehicle was the person who parked or placed said vehicle at the place where, and for the period during which, said violation occurred.  
(Code 1973, 21-90; Ord. No. 2658)

### **15-426. Penalties and fees.**

Any violator of the provisions of Chapter 15, Article IV of the City Code appearing at the Police Department and desiring to plead guilty or no contest and waive court appearance shall present the official police tag and pay the Police Department a penalty in an amount as set forth in the most recent Council Fee Resolution. The violator shall have this privilege until ten (10) days have elapsed after the issuance of the ticket.

If the violator fails to pay the appropriate fine within ten (10) days after issuance of the parking ticket, the City Attorney may then offer diversion to the violator in an amount of fifteen dollars (\$15) plus a fine of twenty five dollars (\$25) per ticket in order to waive appearance in court. If the violator has not paid the fine(s) plus diversion fee within 10 days, the City Attorney will file a Complaint against said violator in County Court. The City Attorney shall notify the

violator of the filing of the Complaint by serving a copy upon the violator by mailing, or any other means reasonably calculated to give the violator notice.  
(Code 1973, 21-91; Ord. Nos. 2658 and 2788)

**15-427. Disposition of penalties and fees collected.**

The Police Department shall make a record of all violators showing the name of each violator, the time and date of each violation, the disposition of the case and the penalty assessed. Such record shall be given to the Police Chief. All money collected by the Police Department under this division shall be paid to the City Treasurer to be accounted for according to law.  
(Code 1973, 21-92; Ord. No. 2658)

**15-428. Notification by mail.**

In the event such violator fails to respond to the notification provided for in Section 15-424 for at least ten (10) days the Attorney for the City may notify the violator by mail of (1) the violation, (2) the presumption provided for in Section 15-425, (3) that should the violator fail to make payment of the penalty as set forth in the most recent Council Fee Resolution plus the diversion fee, or show cause why the City Attorney should not proceed further on the matter within ten (10) days from the date of the letter, a Complaint will be filed with the County Court against the violator and (4) that from the date of filing the Complaint the violator may appear in County Court and pay the penalty as set forth in the most recent Council Fee Resolution plus court costs and if the violator should fail to do so, a warrant may be issued for arrest and vehicle be subject to tow.  
(Code 1973, 21-93; Ord. Nos. 2658 and 2788)

**Article V. Snow Emergency Routes.**

**15-501. Defined.**

(1) The term "snow emergency routes," as used in this Article, shall mean those streets established as such in accordance with the provisions of this Article.

(2) The term "Mayor" shall mean the person elected as Mayor of the City of Hastings, or in his or her absence, the President of the Hastings City Council, and shall also mean any person designated by the Mayor to perform any of the acts of the Mayor described in this Article.  
(Code 1973, 21-99; Ord. No. 2366 and 3443-11/94)

(3) "Business District" shall be the area designated as follows: from 5<sup>th</sup> Street south to South Street, and from Burlington Avenue east to Minnesota Avenue.

**15-502. Established.**

The following streets in the City of Hastings are hereby designated as snow emergency routes:

## EAST/WEST ROUTES

Street	From	To
Lochland Road	Baltimore Avenue	East City Limits
Madden Road	Baltimore Avenue	Tom Osborne Express
42 <sup>nd</sup> Street	West City Limits	East City Limits
33rd Street	Osborne Drive East	Lakepark Lane
North Shore Drive	Baltimore Avenue	Osborne Drive East
South Shore Drive	North Shore Drive	Osborne Drive West
26 <sup>th</sup> Street	Osborne Drive East	Second Avenue
16th Street	Burlington Avenue	19th Street
14th Street	Westridge Drive	Elm Avenue
12th Street	West City Limits	Showboat Boulevard
Park Lane Drive	Sycamore Avenue	Marion Road
9th Street	Marion Road	North 6th Avenue
8th Street	Denver Avenue	St. Joseph Avenue
7th Street	Hickory Avenue	East City Limits
4th Street	Lexington Avenue	Minnesota Avenue
3rd Street	Lexington Avenue	Minnesota Avenue
2nd Street	Highland Road	North 6th Avenue
1st Street	Lexington Avenue	Colorado Avenue
South Street	Laird Avenue	Woodland Avenue
South Street	Burlington Avenue	East City Limits
A Street	Woodland Avenue	Burlington Avenue
D Street	Pine Avenue	Elm Avenue
D Street	Woodland Avenue	Baltimore Avenue
E Street	Baltimore Avenue	Pine Avenue
F Street	Franklin Avenue	Wabash Avenue
H Street	Franklin Avenue	Wabash Avenue

## NORTH/SOUTH ROUTES

Street	From	To
Adams Central Road	250' S of 12 <sup>th</sup> Street	North City Limits
Highland Road	BNRR Tracks	North City Limits of 12th Street
Sycamore Avenue	12th Street	7th Street
Brentwood Avenue	12th Street	Park Lane Drive
Marion Road	BNRR Tracks	12th Street
Westridge Drive	14th Street	12th Street
Laird Avenue	South Street	14th Street
Crane Avenue	12th Street	18th Street
Woodland Avenue	South Street	D Street
Baltimore Avenue	Lochland Road	2nd Street
Baltimore Avenue	A Street	Highway 6

Franklin Avenue	E Street	Highway 6
Lexington Avenue	5th Street	1st Street
Osborne Drive West	Kansas Avenue	North City Limits
Burlington Avenue	UPRR Overpass	M Street
Highway 281	UPRR Overpass	North City Limits
Osborne Drive East	42nd Street	19th Street
Lincoln Avenue	5th Street	South Street
Hastings Avenue	14th Street	12th Street
Hastings Avenue	5th Street	South Street
Hastings Avenue	H Street	Highway 6
Denver Avenue	9th Street	7th Street
Denver Avenue	4th Street	South Street
St. Joseph Avenue	9th Street	8th Street
St. Joseph Avenue	5th Street	1st Street
Kansas Avenue	5th Street	1st Street
Kansas Avenue	7th Street	9th Street
Colorado Avenue	5th Street	South Street
Minnesota Avenue	5th Street	2nd Street
Wabash Avenue	E Street	South City Limits
East Side Boulevard	14th Street	2nd Street
Pine Avenue	D Street	E Street
Turner Avenue	9th Street	7th Street
Elm Avenue	26 <sup>th</sup> Street	9th Street
Elm Avenue	7th Street	D Street
6th Avenue	12th Street	2nd Street
Lakepark Lane	North Shore Drive	33rd Street

The City Engineer shall place appropriate signs, marks, lines, signals or other traffic control devices indicating the existence of such snow emergency routes. The designation of any street, highway or portion thereof as a snow emergency route shall in no way affect any previous designation of that street or highway as an arterial or other road designation. A map of the City showing which streets or roads are currently designated as snow emergency routes shall be kept and maintained in the office of the City Engineer available for public inspection.

(Code 1973, 21-100; Ord. No. 2366, 3443-11/94, 3609-11/97, 3835-10/2001, 3985-11/2004 and 4234-11/2009)

### **15-503. Announcement and termination of snow emergencies.**

(1) The Mayor shall cause each declaration of a snow emergency made 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 such declaration may be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the Mayor, including the time it became or will become effective, and shall specify the streets or areas affected.

(2) Whenever the Mayor 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 or she may declare the prohibition terminated in whole or in part, effective immediately upon an announcement or at a later specified time.

(Code 1973, 21-101; Ord. No. 2366 and 3443-11/94)

#### **15-504. Prohibition of parking on snow emergency routes.**

Whenever the Mayor shall find, on the basis of falling snow, sleet or freezing rain, or on the basis of an official forecast by the U.S. Weather Bureau of snow, sleet or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City snow emergency routes be prohibited or restricted for snow plowing and other purposes, the Mayor 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 shall state the time that the emergency shall be in effect and from 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 Mayor. 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.

(Code 1973, 21-102; Ord. No. 2366 and 3443-11/94)

#### **15-505. Prohibition of parking on residential streets.**

Whenever the Mayor shall find on the basis of accumulated snow that conditions make it necessary that parking on residential streets be prohibited or restricted for snow plowing and other purposes, he or she may put into effect a parking prohibition on parts of or on all residential streets by declaring that parking be prohibited on one side of the residential streets, designating either the odd or even address numbered side, at the Mayor's discretion. In such declaration, the Mayor 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, who may then declare that there shall be in effect a parking prohibition on the opposite side of those residential streets designated above, which prohibition shall remain in effect until terminated by announcement of the Mayor.

(Code 1973, 21-103; Ord. No. 2366 and 3443-11/94)

#### **15-506. Prohibition of parking in the Business District**

Whenever the Mayor shall find on the basis of accumulated snow that conditions make it necessary that parking in the Business District be prohibited or restricted for snow plowing and other purposes, he or she may put into effect a parking prohibition at the Mayor's discretion. In such declaration, the Mayor 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.

**15-507. Operation of motor vehicles generally.**

Whenever an emergency has been declared pursuant to Section 15-503, no person operating a motor vehicle on a snow emergency route shall allow such vehicle to become stalled or stuck.

(Code 1973, 21-104; Ord. No. 2366)

**15-508. Stalled vehicle on snow emergency route.**

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 the vehicle 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 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.

(Code 1973, 21-105; Ord. No. 2366)

**15-509. Effect of article on chapter.**

Any provision of this Article which becomes effective by declaration of the Mayor upon the occurrence of a snow emergency, while temporarily in effect, shall take precedence 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 by a police officer.

(Code 1973, 21-106; Ord. No. 2366 and 3443-11/94)

**15-510. Removal of stalled or parked vehicles.**

Members of the Police Department are hereby authorized to remove or have removed a vehicle from a street 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 the vehicle does not appear to be removing it in accordance with the provisions of this Chapter.

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

(Code 1973, 21-107; Ord. No. 2366 and 3443-11/94)

## **15-511. Penalties.**

Any violator of the provisions of Chapter 15, Article V of the City Code appearing at the Police Department and desiring to plead guilty or no contest and waive court appearance shall present the official police tag and pay the Police Department a penalty in an amount as set forth in the most recent Council Fee Resolution. The violator shall have this privilege until ten (10) days have elapsed after the issuance of the ticket. If the violator fails to pay the appropriate fine within ten (10) days after issuance of the parking ticket, the City Attorney may then file a Complaint against said violator in County Court. The City Attorney shall notify the violator of the filing of the complaint by serving a copy upon the violator by mailing, or any other means reasonably calculated to give the violator notice. Any such fine shall be in addition to any costs incurred by such person in connection with having had his or her vehicle towed or otherwise removed under the authority of the provisions of this Article.  
(Ord. No. 3443-11/94)

## **Article VI. Automobile Impound.**

### **15-601. Impounding vehicles -- Fee for release.**

Whenever any vehicle is found by a Police Officer parked or left standing in the streets, alleys, City owned parking lots, public ways or parking facilities or other public places of the City, and which vehicle has previously been in violation of, or which is at present in violation of, the ordinances of the City, the Police Officer may then cause said vehicle to be removed and conveyed by means of towing, or otherwise, to an appropriate place of storage, as designated by the Chief of Police. Thereupon the vehicle shall not be discharged or removed from the place of storage except upon payment by the owner, driver or operator of the vehicle to the person storing the vehicle, of a fee as set forth in the most recent Council Fee Resolution, plus a storage fee as set forth in the most recent Council Fee Resolution, commencing twenty-four (24) hours after the vehicle has been in storage. Upon request, it shall be the duty of the Chief of Police or his authorized representative to inform the owner or driver of the nature and circumstances of the violation on account of which a vehicle was impounded. In case the owner or driver of any vehicle so impounded executes an affidavit denying the facts upon which the impounding of the vehicle has been based, and protesting the payment of the impounding and storage fee, there shall be given him by the Chief of Police or his authorized representative, a receipt for the same marked "Paid Under Protest"; but in such case, it shall thereupon be the duty of the Chief of Police to forthwith make complaint in conformity with the City Code. If such person is found not guilty by the court upon such charges, it shall be the duty of the person in charge of the pound to refund to such person the fees so paid under protest.  
(Code 1973, 21-122; Ord. Nos. 2629 and 2793)

**SECTION 3.** This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form, said effective date being the 13<sup>TH</sup> day of MAY, 2015, and this ordinance shall be included in the Official Hastings City Code Book.

**PASSED AND APPROVED** by the Mayor and City Council of the City of Hastings,  
Nebraska, this 27<sup>th</sup> day of APRIL, 2015.

Wm. J. Pallas  
Mayor

ATTEST:

Kimberly S. Jacobitz  
City Clerk

(SEAL)

APPROVED TO FORM:

Paul D. Dab  
City Attorney

