

## CHAPTER 5

### TRAFFIC

#### ARTICLE 3. PARKING

**5-301 PARKING; VEHICLES; UNATTENDED.** No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon and when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of the street. The driver of a motor vehicle when traveling upon a down grade upon any street, shall not coast with the gears of the vehicle in neutral. (Ref. 60-6,168 RS Neb.)

**5-302 PARKING; DESIGNATION.** The Governing Body may by resolution designate any street or portion thereof where vehicles shall be parked parallel with and adjacent to the curb or at an angle, so as to have the right front wheel at the curb. (Ref. 60-680 RS Neb.)

**5-303 PARKING; AREAS.** The Governing Body may by resolution set aside any street, alley, public way or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way or portion thereof longer than a period of time necessary to load and unload freight or passengers. (Ref. 60-680 RS Neb.)

**5-304 PARKING; OBSTRUCTION OF ALLEY.** No vehicle while parked, shall have any portion thereof projecting into any alley entrance. (Ref. 60-680 RS Neb.)

**5-305 PARKING; STREET INTERSECTION.** Except to compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose except momentarily to load or discharge passengers within twenty-five (25) feet of the intersection of curb lines or if none, then within fifteen (15) feet of the intersection of property lines. (Ref. 60-6,166 RS Neb.)

**5-306 PARKING; OBSTRUCTING TRAFFIC.** No person shall, except in case of an accident or emergency, stop any vehicle in any location where such stopping will obstruct any street, intersection or entrance to an alley or public or private drive. (Ref. 60-6,166 RS Neb.)

**5-307 PARKING; DISPLAY OF REPAIR.** It shall be unlawful for any person to park upon any street, alley or public place within this Municipality any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle or race the motor of same while standing on the public streets or alleys of this Municipality, excepting in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Ref. 60-680 RS Neb.)

**5-308 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ON-STREET PARKING SPACES; DISPLAY OF PERMIT.** The Governing Body may by resolution designate parking spaces for the exclusive use of (a) handicapped or disabled persons whose vehicles display the distinguishing license plates issued pursuant to section 60-311.14, RS NE., (b) handicapped or disabled persons whose vehicles display the distinguishing license plates issued to a handicapped or disabled person by another state, (c) such other handicapped or disabled person as certified by the Governing Body, whose vehicles display the identification specified in this article, and (d) such other motor vehicles, as certified by the Governing Body, which display such identification. All such permits shall be displayed in the operator's area in a conspicuous location upon the vehicle's dashboard or its equivalent so as to be clearly visible through the front windshield. Whenever the Governing Body so designates a parking space or parking spaces, it shall be indicated by a sign which is in conformance with the nineteenth (19) edition, and all subsequent editions, 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.

**5-309 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFF-STREET PARKING SPACES.** The Governing Body 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 pursuant to section 60-311.14, RS NE., (b) handicapped or disabled persons or temporarily handicapped or disabled persons as certified by the Governing Body, and (c) such other motor vehicles, as certified by the Governing Body, 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 nineteenth (19) edition, and all subsequent editions, of the Manual on Uniform Traffic Control Devices for Streets and Highways issued by the Federal Highway Administration.

**5-310 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 two hundred (200) feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistance 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.

**5-311 PARKING; HANDICAPPED OR DISABLED PERSON; PERMIT ISSUANCE.** The Municipal Clerk shall take an application from handicapped or disabled or temporarily handicapped or disabled persons or their parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by this article. Persons applying for a permit shall complete such forms as are provided to the Municipal Clerk by the Department of Motor Vehicles and shall

demonstrate to the satisfaction of the Municipal Clerk that he or she is handicapped or disabled. The Municipal Clerk may require medical certification and proof of a handicap or disability.

The Municipal Clerk shall issue a permit to approved applicants, and before issuing such permit, shall enter all information required pursuant to this article. The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons receiving a permit pursuant to this article.

**5-312 PARKING; HANDICAPPED OR DISABLED PERSON; MOTOR VEHICLE PERMIT ISSUANCE.** The municipal 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 to park in those spaces provided by this article, if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons.

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

The Municipal Clerk shall issue a permit to approved applicants, and before issuing such permit, shall enter all information required pursuant to this article. The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons receiving a permit pursuant to this article.

**5-313 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS, DUPLICATE PERMITS.** The permit to be issued by the Municipal Clerk shall be a card four inches (4") in size constructed so that it may be easily and conspicuously displayed from a vehicle's rearview mirror and on which is prominently displayed the date of expiration, the internationally accepted wheelchair symbol, which symbol is a representation of a person seated in a wheelchair surrounded by a border six (6) units wide by seven (7) units high, and an identifying number on the front of the card. The color of the permit issued to handicapped or disabled persons or for the transportation of such persons shall be white on blue. The permit issued to temporarily handicapped or disabled persons or for the transportation of such persons shall be a special distinguishing color as determined by the Department of Motor Vehicles. The name, address, phone number, date of birth, and age of the handicapped or disabled or temporarily handicapped or disabled person to whom issued shall appear on the reverse side. The name, address, and phone number of the party to whom issued and the license plate number of the motor vehicle for which the permit is issued shall appear on the reverse side of the permit if such permit is issued for a motor vehicle used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons.

No permit shall be issued to any person or for any motor vehicle if any valid parking permit has been issued to such person or for such motor vehicle if such permit has been suspended pursuant to this article.

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

**5-313 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL; FEE.** 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 article shall be issued for a period ending ninety (90) days from the date of issuance but may be renewed for up to three (3) additional ninety-day (90) periods. For each additional ninety-day (90) renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee.

A permit fee of three dollars (\$3.00) shall be charged for each permit, two dollars and fifty cents (\$2.50) of which shall be retained by the Municipal Clerk and fifty cents (\$.50) shall be forwarded on a quarterly basis to the Department of Motor Vehicles.

**5-314 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS NON-TRANSFERABLE; 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.** The owner or person in lawful possession of an off-street parking facility, after notifying the police or sheriff's department, and the Municipality providing on-street parking or owning, operating or providing an off-street parking facility, may cause the removal, from a stall or space designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicles not displaying proper identification or the distinguishing license plates specified in this article if there is posted immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously state the area so designated as a tow-in zone.

Anyone parking in any on-street parking space which has been designated exclusively for handicapped or disabled persons temporarily handicapped 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 60-672, RS NE., and shall be subject to the penalties and procedures set forth in Section 60-689, RS NE.

In the case of a privately owned off-street parking facility, the owner or person in lawful possession of such facility shall inform the Municipality of a violation of this article prior to taking any action pursuant to this article. (Ref. 18-1736 through 18-1741, RS NE.)

**5-317 PARKING; CURRENT LICENSE.** It shall be unlawful to park or place on the streets, alleys or other public property any motor vehicle without first securing a current license as provided by law. (Ref. 60-323 RS Neb.)

**5-318 PARKING; TIME LIMIT.** The Governing Body may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets or district designated by such resolution and the parking or stopping of any vehicle in any such street, streets or district for a period of time longer than fixed in such resolution shall constitute a violation of this Article. (Ref. 60-680 RS Neb.)

**5-319 PARKING; MAXIMUM TIME LIMIT.** The parking of a motor vehicle on a public street for over forty-eight (48) consecutive hours is unlawful except where a different maximum time limit is posted. (Ref. 60-680 RS Neb.)

**5-320 PARKING; MAINTENANCE.** The Utilities Superintendent may order any street or alley or portion thereof vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley or by posting appropriate signs along such streets or alleys. Such signs shall be posted not less than four (4) hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this Section shall be subject to the penalties provided in this Code and such vehicle may be removed and parked under the supervision of the Utilities Superintendent, to a suitable nearby location without further notice to the owner or operator of such vehicle. (Ref. 17-557 RS Neb.)

**5-321 PARKING; ALLEYS.** No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload which shall not exceed the maximum limit of one half (1/2) hour. Every vehicle while loading or unloading in any alley, shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. (Ref. 60-680 RS Neb.)

**5-322 PARKING, PROHIBITED.** The governing body, may, by ordinance, designate areas prohibiting parking.

**5-323 PARKING; PROHIBITED; SPECIFICALLY.** It shall be unlawful for any person to park a truck exceeding 8,500 pounds gross vehicle weight, overnight on Market Street, on Main Street and Commercial Street from Harrison Street to Locust Street in the Village of Brady.

**5-324 PARKING; CURB.** Where parallel parking is permitted, every vehicle parked shall be so parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the roadway. Where angle parking is permitted, every vehicle shall enter the parking space while traveling in the direction of authorized traffic movement and shall park with the right front wheel at the curb or edge of the roadway.

**5-325 PARKING; REMOVAL OF ILLEGALLY PARKED VEHICLES.** Whenever any police officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of the article, such individual may remove or have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle, to a position off the roadway of such street or alley or from such street or alley.

The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicle. (Ref. 60- 6,165, 60-6,166 RS NE.)