

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**OCTOBER 1, 2019 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND VARIOUS SECTIONS OF THE LA VISTA MUNICIPAL CODE	◆ RESOLUTION ◆ ORDINANCES RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

Ordinances have been prepared to amend Sections 71.095, 71.096, 71.110, 71.111, 71.113, 71.114 and 71.115 of the La Vista Municipal Code.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The recommended changes are to update sections of Chapter 71: Traffic Regulations. The changes include updating authority of the City Council to be consistent with State Statutes, updating speed limit designations for streets not previously addressed and to set speed limits in La Vista City Centre. The speed limit in La Vista City Centre is 15 mph.

These changes have been reviewed by the City Attorney, City Engineer and City Clerk.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING AND RENUMBERING LA VISTA MUNICIPAL CODE SECTIONS 71.095, 71.096, 71.097, 71.110, 71.111, 71.113, 71.114 AND 71.115 TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

**SECTION 1.** Section 71.095 **Traffic Lanes** of the La Vista Municipal Code is amended and replaced in its entirety with Section 71.095 **Authority** as follows:

**§ 71.095 ~~TRAFFIC LANES~~AUTHORITY.**

The city council may by resolution, with respect to streets or highways under its jurisdiction and within the reasonable exercise of the police power may:

- (a) Regulate or prohibit stopping, standing, or parking;
- (b) Regulate traffic by means of peace officers or traffic control devices;
- (c) Regulate or prohibit processions or assemblages on the highways;
- (d) Designate highways or streets for use by traffic moving in one direction;
- (e) Establish speed limits for vehicles in public parks;
- (f) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
- (g) Restrict the use of highways as authorized by applicable statutes;
- (h) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
- (i) Regulate operation of electric personal assistive mobility devices;
- (j) Regulate or prohibit the turning of vehicles or specified types of vehicles;
- (k) Alter or establish speed limits authorized in the Nebraska Rules of the Road;
- (l) Designate no-passing zones;
- (m) Prohibit or regulate use of controlled-access highways by any class or kind of traffic except those highways which are a part of the state highway system;
- (n) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Transportation;
- (o) Establish minimum speed limits as authorized in the rules;
- (p) Designate hazardous railroad grade crossings as authorized in the rules;
- (q) Designate and regulate traffic on play streets;
- (r) Prohibit pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in the rules;
- (s) Restrict pedestrian crossings at unmarked crosswalks as authorized in the rules;

(t) Regulate persons propelling push carts:

(u) Regulate persons upon skates, coasters, sleds, and other toy vehicles:

(v) Notwithstanding any other provision of law, adopt and enforce an ordinance or resolution prohibiting the use of engine brakes on the National System of Interstate and Defense Highways that has a grade of less than five degrees within its jurisdiction. For purposes of this subdivision, engine brake means a device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss;

(w) Adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and

(w) Adopt other traffic regulations except as prohibited by state law or contrary to state law.

No ordinance or regulation enacted under subsection (d), (e), (f), (g), (j), (k), (l), (m), (n), (p), (q) or (s) of this section shall be effective until traffic control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.

~~The City Council may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable.~~

('79 Code, § 5-206)

**Statutory reference:**

*Regulation of highways authorized, see Neb. RS 60-680*

**SECTION 2.** Section 71.096 **One Way Traffic** of the La Vista Municipal Code is eliminated and Section 71.097 is amended and renumbered to Section 71.096 **Truck Routes** to read as follows:

**§ 71.096 ONE WAY TRAFFIC TRUCK ROUTES.**

The City Council may, by resolution, designate certain streets in the city that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares or merchandise, 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 City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes.

('79 Code, § 5-204) Penalty, see § 70.999

**Statutory reference:**

*Municipal authority, see Neb. RS 60-681*

~~The City Council may, by resolution, provide for one-way travel in any street or alley located in the city and shall provide for appropriate signs and markings when said streets have been so designated by resolution.~~

('79 Code, § 5-205)

**SECTION 3.** Section 71.110 of the La Vista Municipal Code is amended to read as follows:

**§ 71.110 GENERALLY.**

No person shall operate a motor vehicle on any street, alley or other place at a rate of speed greater than 25 miles per hour, unless otherwise posted, specified by the Code, or permitted by ordinance, within a residential district and 20 miles per hour within a business district, unless a different rate of speed is specifically permitted by ordinance.

In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted.

('79 Code, § 5-405) Penalty, see § 70.999

**Statutory reference:**

- Basic speed rule, see Neb. RS 60-6,185*  
*General speed limit, see Neb. RS 60-6,186*  
*State and local authority, see Neb. RS 60-6,190*

**SECTION 3.** Section 71.111 of the La Vista Municipal Code is amended to read as follows:

**§ 71.111 EXCEPTIONS.**

(A) The driver of an emergency vehicle, except wreckers towing disabled vehicles and highway maintenance vehicles and equipment, may as set forth in § 71.108 and Neb. RS 60-6,114 exceed the maximum speed limits set forth in § 71.110, so long as he or she does not endanger life, limb, or property.  
(Neb. RS 60-6,114) (79 Code, § 5-409)

(B) The following are specific exceptions to the general speed limits within the city set forth in § 71.110 above:

(1) *Highway N-85 (also known as 84th Street) 84<sup>th</sup> Street between Giles Road and Harrison Street.* Except during school hours, no person shall operate a motor vehicle at a speed greater than 45 miles per hour on ~~the section of Highway N85 (also known as 84th Street) situated between the northerly and southerly corporate limits of 84th Street between Giles Road and Harrison Street in the city, provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.~~ During school hours, no person shall operate a motor vehicle at a speed greater than 40 miles per hour in designated school zones on this section of ~~Highway N-85~~ ~~84<sup>th</sup> Street~~.

(2) *72nd Street between Giles Road and Harrison Street.* Except during school hours, no person shall operate a motor vehicle at a speed greater than 35 miles per hour on 72nd Street ~~between Giles Road and Harrison Street~~ in the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 and 71.113, said lower speed shall be observed. During school hours, no person shall operate a motor vehicle at a speed greater than 15 miles per hour in designated school zones on this section of 72nd Street

(3) *North side of Giles Road; from between 66th to and 96th Street.* No person shall operate a motor vehicle at a speed greater than 35 miles per hour on the north half of Giles Road between 66th Street and 96th Street in the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 ~~and 71.113~~, said lower speed shall be observed.

(4) *North and south side of Giles Road from between 96th Street to Interstate 80 and Harrison Street.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on Giles Road between 96th Street and ~~Interstate 80~~ ~~Harrison Street~~ in the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 ~~and 71.113~~, said lower speed shall be observed.

(5) *South side of Harrison Street from between 69th Street to and 96th Street, and also between 104<sup>th</sup> Street and Hell Creek.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on Harrison Street between 69th Street and 96th Street, ~~and also between 104<sup>th</sup> Street and Hell Creek~~ in the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 ~~and 71.113~~, said lower speed shall be observed.

(6) *North and south side of Harrison Street from between Hell Creek to Harry*

~~Anderson Boulevard Giles Road~~. No person shall operate a motor vehicle at a speed greater than 45 miles per hour on Harrison Street between Hell Creek and ~~Harry Anderson Boulevard Giles Road~~ in the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 and 71.113, said lower speed shall be observed.

(7) ~~96th Street from between Harrison Street to and Portal Road~~. No person shall operate a motor vehicle at a speed greater than 45 miles per hour on 96th Street between Harrison Street and Portal Road in the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 and 71.113, said lower speed shall be observed.

(8) ~~108th Street from between Giles Road north to Chandler Road and Harrison Street~~. No person shall operate a motor vehicle at a speed greater than 40 miles per hour on 108th Street between Giles Road and ~~Chandler Road to the north of Harrison Street in~~ the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 and 71.113, said lower speed shall be observed.

(9) ~~Southport East and Southport West subdivisions~~. No person shall operate a motor vehicle at a speed greater than 25 miles per hour on ~~Westport Parkway, Southport Parkway, Port Grace Boulevard and Eastport Parkway, located within the Southport East and West subdivisions~~; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 and 71.113, said lower speed shall be observed.

(10) ~~Portal Road from between 96th Street to and 107th Street~~. No person shall operate a motor vehicle at a speed greater than 40 miles per hour on Portal Road between 96th Street and 107th Street in the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 and 71.113, said lower speed shall be observed.

(11) ~~West Giles Road from between Giles Road to and the BNSF Railroad Crossing~~. No person shall operate a motor vehicle at a speed greater than 45 miles per hour on West Giles Road between Giles Road and the BNSF Railroad Crossing in the city; provided, however, in those instances where a lower speed is prescribed by §§ 71.112 and 71.113, said lower speed shall be observed.

(12) ~~114th Street between Giles Road and one-half mile south of Giles Road~~. No person shall operate a motor vehicle at a speed greater than 45 miles per hour on ~~114<sup>th</sup> Street between Giles Road and one-half mile south of Giles Road in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.~~

(13) ~~120th Street between Giles Road and one-half mile south of Giles Road~~. No person shall operate a motor vehicle at a speed greater than 35 miles per hour on ~~120<sup>th</sup> Street between Giles Road and one-half mile south of Giles Road in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.~~

(14) ~~83<sup>rd</sup> Avenue between Main Street and 450 feet south of Main Street~~. No person shall operate a motor vehicle at a speed greater than 15 miles per hour on ~~83<sup>rd</sup>~~

Street between Main Street and 450 feet south of Main Street in the city: provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(15) Main Street between 84<sup>th</sup> Street and City Centre Drive. No person shall operate a motor vehicle at a speed greater than 15 miles per hour on Main Street between 84<sup>th</sup> Street and City Centre Drive in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(16) Barmettler Drive between 84<sup>th</sup> Street and 450 feet east of Main Street. No person shall operate a motor vehicle at a speed greater than 15 miles per hour on Barmettler Drive between 84<sup>th</sup> Street and 450 feet east of Main Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(17) City Centre Drive between 84<sup>th</sup> Street and 900 feet east of 84<sup>th</sup> Street. No person shall operate a motor vehicle at a speed greater than 15 miles per hour on City Centre Drive between 84<sup>th</sup> Street and 900 feet east of 84<sup>th</sup> Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

('79 Code, § 5-406) (Ord. 85, passed - -; Ord. 135, passed - -; Ord. 174, passed - -; Am. Ord. 304, passed 4-20-82; Am. Ord. 1012, passed 10-17-06; Am. Ord. 1081, passed 11-4-08) Penalty, see § 70.999

**SECTION 4.** Section 71.113 **Street crossings and intersections, curves, steep descents and the like** of the La Vista Municipal Code is eliminated and Section 71.114 is amended and renumbered as 71.113 **Minimum Speed** to read as follows:

**§ 71.113 STREET CROSSINGS AND INTERSECTIONS, CURVES, STEEP DESCENTS AND THE LIKE. MINIMUM SPEED.**

It shall be unlawful for any person unnecessarily to drive at such a slow speed as to impede or block the normal and reasonable movement of traffic.

('79 Code, § 5-410) Penalty, see § 70.999

Any person operating a motor vehicle shall slow upon approaching a crossing at street intersections, highways or alleys, when traversing curves or steep descents or when making any turn from one street to another so as not to traverse such descent, to turn such corner or cross such other street at a speed greater than 15 miles per hour.

('79 Code, § 5-408) Penalty, see § 70.999

**SECTION 5.** Section 71.115 of the La Vista Municipal Code is amended and renumbered as Section 71.114 to read as follows:

**§ 71.115-114 ELECTRONIC DETECTOR.**

(A) Determinations made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement~~peace~~ officer, while being competent for all other purposes, may shall be corroborated by the use of radio microwaves, mechanical, or other electronic speed measurement device. The results of such radio microwave, mechanical, or other electronic speed measurement device may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the city may offer in evidence the results of such radio microwave or other electronic speed measurement for the purpose of establishing the speed of any motor vehicle, the city shall prove the following: , subject to satisfaction of any applicable statutory requirements.

(1) The measuring device was in proper working order at the time of

~~conducting the measurement;~~

~~(2) The measuring device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;~~

~~(3) The person operating such device and interpreting such measurement was qualified by training and experience to properly test and operate the device; and~~

~~(4) The operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, and the measuring device was found to be in proper working order.~~

~~(B) The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his or her badge of authority; provided, that such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded and must include a description of the vehicle and the recorded speed.~~

(Neb. RS 60-6,192) ('79 Code, § 5-411)

**SECTION 6. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

**SECTION 7. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION 8. Effective Date.** This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF OCTOBER 2019

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

## CHAPTER 71: TRAFFIC REGULATIONS

### Section

#### *General Regulations*

- 71.001 Willful reckless driving
- 71.002 Reckless driving
- 71.003 Careless driving
- 71.004 Negligent driving
- 71.005 Improper driving
- 71.006 Lesser included offenses
- 71.007 Backing
- 71.008 Unnecessary stopping
- 71.009 Following distance
- 71.010 Following fire apparatus and public works vehicles
- 71.011 Funeral processions
- 71.012 Crowding front seat
- 71.013 Obstructing driver's view
- 71.014 Riding outside vehicle
- 71.015 Clinging to motor vehicles
- 71.016 Driving under the influence of alcohol and/or drugs
- 71.017 Operator qualifications

#### *Pedestrians*

- 71.030 Right-of-way
- 71.031 Overtaking stopped vehicle
- 71.032 Crossing away from crosswalk
- 71.033 Walk on sidewalks
- 71.034 Walking in roadway
- 71.035 Standing in roadway
- 71.036 Due care required
- 71.037 Soliciting rides



*Turning*

- 71.050 Turning generally
- 71.051 Right turn on red
- 71.052 U turns
- 71.053 Hand signals
- 71.054 Caution required

*Right-of-way*

- 71.065 Generally
- 71.066 Driving on right-hand side of street
- 71.067 Overtaking vehicle
- 71.068 Limitation of driving on left side of street
- 71.069 Following too closely
- 71.070 Emergency vehicles

*Passing*

- 71.080 Intersection
- 71.081 Hindrance
- 71.082 Driving abreast

*Street Regulation*

- ~~71.095 Traffic lanes~~
- 71.095 Authority
- 71.096 Truck routes

*Speed Limits*

- 71.110 Generally
- 71.111 Exceptions
- 71.112 Near schools
- ~~71.113 Street crossings and intersections, curves, steep descents and the like~~
- 71.113 Minimum speed
- 71.114 Electronic detector

### ***School Crossing Zones***

71.125 Authority to designate

***GENERAL PROVISIONS*****§ 71.001 WILLFUL RECKLESS DRIVING.**

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be deemed to be guilty of willful, reckless driving and shall be punished as provided by statute.

(‘79 Code, § 5-413)

***Statutory reference:***

*Definition, see Neb. RS 60-6,212*

*Misdemeanor classification, see Neb. RS 60-6,215*

*Point system, see Neb. RS 60-4,182*

**§ 71.002 RECKLESS DRIVING.**

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving and as such shall be punished as provided by statute.

(‘79 Code, § 5-412) Penalty, see § 70.999

***Statutory reference:***

*Definition, see Neb. RS 60-6,212*

*Misdemeanor classification, see Neb. RS 60-6,215*

*Point system, see Neb. RS 60-4,182*

**§ 71.003 CARELESS DRIVING.**

Any person who drives any motor vehicle in this city carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving.

(‘79 Code, § 5-414) (Am. Ord. 262, passed 12-4-79) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,212*

**§ 71.004 NEGLIGENT DRIVING.**

Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving.

(‘79 Code, § 5-415) Penalty, see § 70.999

**Statutory reference:**

*State point system, see Neb. RS 60-4,182*

**§ 71.005 IMPROPER DRIVING.**

Any person who shall operate a motor vehicle upon any street of the city in an improper and unreasonable manner without regard for the rules of the road or so as to endanger the property of others shall be deemed guilty of improper driving.

(‘79 Code, § 5-416) Penalty, see § 70.999

**§ 71.006 LESSER INCLUDED OFFENSES.**

Any person charged with operating a vehicle in a reckless manner under §§ 71.001 or 71.002 may be convicted under said charge of operating a vehicle in a careless manner under § 71.003 or in a negligent manner under § 71.004 or in an improper manner under § 71.005 which offenses shall be included within the offense of operation of a motor vehicle in a reckless manner as lesser offenses. The offenses of negligent driving under § 71.004 and improper driving under § 71.005 shall be lesser offenses, included within the offense of careless driving and the offense of improper driving under this shall be a lesser offense included within the offense of negligent driving.

(‘79 Code, § 5-417) Penalty, see § 70.999

**§ 71.007 BACKING.**

Before backing, ample warning shall be given, and, while backing, unceasing vigilance must be exercised not to injure those behind or interfere with other traffic. The driver of a parked vehicle about to back shall give moving vehicles the right-of-way.

(‘79 Code, § 5-418) Penalty, see § 70.999

*Statutory reference:*

*Similar provisions, see Neb. RS 60-6,169*

**§ 71.008 UNNECESSARY STOPPING.**

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

(‘79 Code, § 5-419) Penalty, see § 70.999

**Statutory reference:**

*Regulation of highways authorized, see Neb. RS 60-680*

*Stops prohibited by statute, see Neb. RS 60-6,166*

**§ 71.009 FOLLOWING DISTANCE.**

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of the vehicles and the traffic and condition of the street.

(Neb. RS 60-6,140(1)) ('79 Code, § 5-423) Penalty, see § 70.999

**§ 71.010 FOLLOWING FIRE APPARATUS AND PUBLIC WORKS VEHICLES.**

The driver of any vehicle:

(A) Shall not follow, closer than 500 feet, any fire apparatus traveling in response to a fire alarm or drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm; and

(B) Except when overtaking and passing any other vehicle, shall not follow any public works vehicle more closely than 100 feet when traveling upon a roadway outside of a business or residential district if:

(1) Such public works vehicle is engaged in plowing snow, removing deposited material from the surface of the road or spreading salt, sand or other material upon the surface of the road or is in motion on or near the traveled portion of a road performing other maintenance duties; and

(2) Such public works vehicle is displaying a flashing amber or white light.

(Neb. RS 60-6,140 and 60-6,183) ('79 Code, § 5-424) (Am. Ord. 674, passed 7-1-97) Penalty, see § 70.999

**§ 71.011 FUNERAL PROCESSIONS.**

No vehicle, except police vehicles and Fire Department vehicles, responding to emergency calls or orders in their several departments, ambulances responding to emergency calls or vehicles carrying United States mails shall be driven through a funeral procession or cortege, except with the permission of a police officer.

('79 Code, § 5-425) Penalty, see § 70.999

***Statutory reference:***

*Authority, see Neb. RS 60-680(1)(c)*

*Restrictions on following vehicles, see Neb. RS 60-6,140*

**§ 71.012 CROWDING FRONT SEAT.**

No person shall drive a motor vehicle when it is so loaded, or there is in the front seat such a number of persons exceeding three, or there is a package, pet, other person, or other encumbrance in the vehicle, such as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the vehicle.

(‘79 Code, § 5-426) Penalty, see § 70.999

*Statutory reference:*

*Similar provisions, see Neb. RS 60-6,179*

**§ 71.013 OBSTRUCTING DRIVER'S VIEW.**

(A) No person shall drive a motor vehicle, other than a motorcycle, on a highway when the motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position unless such vehicle is equipped with a right-side and a left-side outside mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle. Temporary outside mirrors and attachments used when towing a vehicle shall be removed from the motor vehicle or retracted within the outside dimensions thereof when it is operated upon the highway without such trailer.

(Neb. RS 60-6,254)

(B) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster, or other nontransparent material upon the front windshield, side wing vents, or side or rear windows of the motor vehicle other than a certificate or other paper required to be so displayed by law. The front windshield, side wing vents, and side or rear windows may have a visor or other shade device which is easily moved aside or removable, is normally used by a motor vehicle operator during daylight hours, and does not impair the driver's field of vision.

(Neb. RS 60-6,255(2))

(C) Every windshield on a motor vehicle, other than a motorcycle, shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(Neb. RS 60-6,255(3)) (‘79 Code, § 5-427) Penalty, see § 70.999

## **§ 71.014 RIDING OUTSIDE VEHICLE.**

No person shall permit any other person to ride on the running board, hood, top or fenders of any motor vehicle. Nor shall any person ride on the running board, hood, top or fenders of any motor vehicle.

(‘79 Code, § 5-428) Penalty, see § 70.999

### ***Statutory reference:***

*Regulation of highways authorized, see Neb. RS 60-680*

*Similar provisions, see Neb. RS 60-6,179*

**§ 71.015 CLINGING TO MOTOR VEHICLES.**

No person riding upon any bicycle, coaster, roller skates, roller blades, skate boards, scooters, sled, skis, or toy vehicle shall attach himself, herself or the bicycle, coaster, roller skates, sled, skis or toy vehicle to any vehicle upon a roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis or toy vehicle to cling or attach himself, herself or the bicycle to such vehicle driven and operated by him or her.

(‘79 Code, § 5-429) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,316*

***Cross reference:***

*Bicycles, see Chapter 73*

**§ 71.016 DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS.**

(A) It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:

- (1) While under the influence of alcoholic liquor or of any drug;
- (2) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per 100 milliliters of his or her blood; or
- (3) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per 210 liters of his or her breath.

(B) Any person who operates or has in his or her actual physical control a motor vehicle in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood, breath or urine for purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath or urine.

(C) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of the city may require any person arrested for any offense arising out of acts alleged to have been committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs to

submit to a chemical test or tests of his or her blood, breath or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath or urine when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in the city while under the influence of alcoholic liquor or drugs in violation of this section.

(D) Any peace officer who has been duly authorized to make arrests for violation of traffic laws of the state or of ordinances of the city may require any person who operates or has in his or her actual

physical control a motor vehicle in the city to submit to a preliminary test of his or her breath for alcohol concentration if the officer has reasonable grounds to believe that such person has alcohol in his or her body, has committed a moving traffic violation or has been involved in a traffic accident. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicated an alcohol concentration in violation of division (A) of this section shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of an offense.

(E) Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood, breath or urine for a determination of the concentration of alcohol or the presence of drugs. If the chemical test discloses the presence of a concentration of alcohol in violation of division (A) of this section, the person shall be subject to the administrative revocation procedures provided in Neb. RS 60-498.01 to 60-498.04, and upon conviction shall be punished as provided in Neb. RS 60-6,197.02 to 69-6,197.08. Any person who refuses to submit to such test or tests required pursuant to this section, shall be subject to the administrative revocation procedures provided in Neb. RS 60-498.01 to 60-498.04, and shall be guilty of a crime and, upon conviction, punished as provided in Neb. RS 60-6,197.02 to 60-6,197.08.

(F) Upon the conviction of any person for the violation of this section, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Neb. RS 60-6,201, for the test administered and the analysis thereof if such test was actually made.

(Neb. RS 60-6,196, 60-6,197, 60-6,203) ('79 Code, § 5-511) (Am. Ord. 1034, passed 5-1-07

***Statutory reference:***

*Statutory penalties, see Neb. RS 60-6,196 et seq.*

## **§ 71.017 OPERATOR QUALIFICATIONS.**

No person shall operate a motor vehicle upon any streets of this city who is subject to any physical handicap or impairment of sight, hearing, reflex or dexterity which limits or impairs his or her ability to operate such vehicle with safety.

('79 Code, § 5-510) Penalty, see § 70.999

## ***PEDESTRIANS***

### **§ 71.030 RIGHT-OF-WAY.**

The driver of any vehicle shall yield the right-of-way to a pedestrian crossing the street within any marked crosswalk or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by the Chief of Police or other authorized police officers or officials.

(‘79 Code, § 5-301) Penalty, see § 70.999

2008 S-6

**Traffic Regulations**

31

### **§ 71.031 OVERTAKING STOPPED VEHICLE.**

Whenever any vehicle has been stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the street it shall be unlawful for the driver of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

(‘79 Code, § 5-302) Penalty, see § 70.999

### **§ 71.032 CROSSING AWAY FROM CROSSWALK.**

Every pedestrian crossing a street at any point other than within a marked or unmarked crosswalk shall yield the right-of-way to vehicles upon the street.

(‘79 Code, § 5-303) Penalty, see § 70.999

### **§ 71.033 WALK ON SIDEWALKS.**

Pedestrians must at all times use the sidewalk when walking between intersections.

(‘79 Code, § 5-304) Penalty, see § 70.999

### **§ 71.034 WALKING IN ROADWAY.**

Pedestrians walking in the roadway when no sidewalk is provided shall walk only on the

shoulder as far as practicable from the edge of the roadway. If no sidewalk or shoulder is provided, pedestrians shall walk as near as practicable to the edge of the roadway and, if on a two-way roadway, shall walk on the left side of the roadway, facing the oncoming traffic.  
(‘79 Code, § 5-305) Penalty, see § 70.999

#### **§ 71.035 STANDING IN ROADWAY.**

Pedestrians must not stand, sit or lie down in the roadway except when making emergency repairs on a vehicle in order to render it operable.  
(‘79 Code, § 5-306) Penalty, see § 70.999

#### **§ 71.036 DUE CARE REQUIRED.**

Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon a roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(‘79 Code, § 5-307) Penalty, see § 70.999

**§ 71.037 SOLICITING RIDES.**

No person shall stand in a roadway or in the sidewalk area for the purpose of soliciting a ride, employment, contributions, or business from the occupant of any vehicle.  
(Neb. RS 60-6,157(1)) ('79 Code, § 5-308) Penalty, see § 70.999

***TURNING*****§ 71.050 TURNING GENERALLY.**

- (A) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (B) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and, after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the extreme left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (C) The city, on roads and streets under its jurisdiction, may cause traffic control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

(Neb. RS 60-6,159) ('79 Code, § 5-209) Penalty, see § 70.999

**§ 71.051 RIGHT TURN ON RED.**

Except where a traffic-control device is in place prohibiting a turn, vehicles facing a steady red signal may cautiously enter the intersection to make a right turn after stopping. Such turning vehicle shall yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other vehicular traffic lawfully using the intersection. The City Council has the authority to

prohibit turning right on red at any intersection within the city where it deems such a prohibition necessary, provided that those intersections where turning right on red is prohibited shall bear signs to that effect placed and printed in such a manner so as to be conspicuous from a vehicle about to enter the intersection.

(‘79 Code, § 5-203) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,123*

**§ 71.052 U TURNS.**

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection, provided, however, that no vehicle shall be turned so as to proceed in the opposite direction at any intersection (i) that is on a curve, the approach to or crest of a grade or hill, or under any other circumstances where the vehicle is not visible to the driver of any other vehicle approaching from either direction within 500 feet, or (ii) where a sign is posted indicating that U-turns are prohibited.

(Neb. RS 60-6,160) ('79 Code, § 5-207) Penalty, see § 70.999

*Statutory reference:*

*Regulation of highways authorized, see Neb. RS 60-680*

**§ 71.053 HAND SIGNALS.**

A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The signals herein required shall be given either by means of the hand and arm or by a signal device of a type approved by the Department of Roads. The hand and arm signals herein required shall be given from the left side of the vehicle in the following manner: stop or decreased speed, hand and arm extended downward; left turn, hand and arm extended horizontally; right turn, hand and arm extended upward. Required signals shall be given by a signal device of a type approved by the Department of Roads under any condition when a hand and arm signal would not be visible for 100 feet to the front and rear of the signaling driver. Any person operating a bicycle may signal a right turn by fully extending the right arm and pointing.

(Neb. RS 60-6,161 through 60-6,163) ('79 Code, § 5-208) Penalty, see § 70.999

**§ 71.054 CAUTION REQUIRED.**

The operator of a vehicle shall, before stopping, turning or changing the course of such vehicle, see that there is sufficient space to make such movement in safety. If any pedestrian might be affected by such movement, the operator shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, the operator shall give some unmistakable signal to the driver of all other vehicles of his or her intention to make such movement.

('79 Code, § 5-210) Penalty, see § 70.999

***Statutory reference:***

*Hand and arm signals, see Neb. RS 60-6,163*

***RIGHT-OF-WAY*****§ 71.065 GENERALLY.**

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

(‘79 Code, § 5-211) (Am. Ord. 609, passed 1-17-95) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,146 through 60-6,154*

**§ 71.066 DRIVING ON RIGHT-HAND SIDE OF STREET.**

(A) The driver in a vehicle shall drive the same upon the right half of the street or roadway, except:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (2) When the right half is out of repair or for some reason obstructed, in which case the driver shall yield the right-of-way in accordance with applicable law; or

- (3) Upon a roadway restricted to one-way traffic.
- (B) When approaching any bridge, underpass or viaduct or when approaching or crossing an intersection of streets, the driver of the vehicle shall at all times keep such vehicle on the right half of the roadway unless such right half is out of repair and for such reasons impassable.  
(‘79 Code, § 5-212) Penalty, see § 70.999

**§ 71.067 OVERTAKING VEHICLE.**

- (A) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of such overtaken vehicle.
- (B) The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.
- (C) The driver of an overtaking vehicle shall give visual signal before passing or attempting to pass another vehicle proceeding in the same direction.  
(‘79 Code, § 5-213) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,135 and 60-6,136*

**§ 71.068 LIMITATION ON DRIVING ON LEFT SIDE OF STREET.**

A vehicle shall not be driven to the left side of the center line of the highway in overtaking or passing another vehicle proceeding in the same direction, unless such left side is clearly visible and free from oncoming traffic for a sufficient distance to permit such overtaking and passing to be made in safety.  
(‘79 Code, § 5-214) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,135 and 60-6,136*

## **§ 71.069 FOLLOWING TOO CLOSELY.**

No driver of a vehicle shall follow another vehicle moving in the same direction more closely than is reasonable and prudent, having due regard for the speed of such vehicle, the traffic and condition of the street, nor approach any stopped or parked vehicle from the rear in such a manner as to collide therewith.

(‘79 Code, § 5-215) Penalty, see § 70.999

***Statutory reference:***

*Restrictions on following vehicles, see Neb. RS 60-6,140*

**§ 71.070 EMERGENCY VEHICLES.**

(A) Upon the approach of an authorized emergency vehicle which makes use of proper audible or visual signals:

(1) The driver of any other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until the emergency vehicle passes unless otherwise directed by any police officer; and

(2) Any pedestrian using the roadway shall yield the right-of-way until the emergency vehicle passes unless otherwise directed by any peace officer.

(B) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Neb. RS 60-6,151) ('79 Code, § 5-216) Penalty, see § 70.999

***PASSING*****§ 71.080 INTERSECTION.**

The driver of a vehicle shall not, within 100 feet of the approach of or while traversing a street intersection, overtake and pass another vehicle proceeding in the same direction if such passing requires such overtaking vehicle to drive to the left of the center of the street.

('79 Code, § 5-420) Penalty, see § 70.999

***Statutory reference:***

*Similar provisions, see Neb. RS 60-6,135 and 60-6,136*

**§ 71.081 HINDRANCE.**

The driver of a vehicle about to be overtaken and passed by another vehicle shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(Neb. RS 60-6,133) ('79 Code, § 5-421) Penalty, see § 70.999

**§ 71.082 DRIVING ABREAST.**

Two or more vehicles shall not be driven abreast except when passing or when traversing a multi-lane or one-way street; provided, motorcycles may be driven no more than two abreast in a single lane.

(‘79 Code, § 5-422) Penalty, see § 70.999

*Statutory reference:*

*Additional requirements, see Neb. RS 60-6,139 and 60-6,308*

**STREET REGULATION****71.095 AUTHORITY**

The city council may by resolution, with respect to streets or highways under its jurisdiction and within the reasonable exercise of the police power may:

- (a) Regulate or prohibit stopping, standing, or parking;
- (b) Regulate traffic by means of peace officers or traffic control devices;
- (c) Regulate or prohibit processions or assemblages on the highways;
- (d) Designate highways or streets for use by traffic moving in one direction;
- (e) Establish speed limits for vehicles in public parks;
- (f) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
- (g) Restrict the use of highways as authorized by applicable statutes;
- (h) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
- (i) Regulate operation of electric personal assistive mobility devices;

- (j) Regulate or prohibit the turning of vehicles or specified types of vehicles;
- (k) Alter or establish speed limits authorized in the Nebraska Rules of the Road;
- (l) Designate no-passing zones;
- (m) Prohibit or regulate use of controlled-access highways by any class or kind of traffic except those highways which are a part of the state highway system;
- (n) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Transportation;
- (o) Establish minimum speed limits as authorized in the rules;
- (p) Designate hazardous railroad grade crossings as authorized in the rules;
- (q) Designate and regulate traffic on play streets;
- (r) Prohibit pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in the rules;
- (s) Restrict pedestrian crossings at unmarked crosswalks as authorized in the rules;
- (t) Regulate persons propelling push carts;
- (u) Regulate persons upon skates, coasters, sleds, and other toy vehicles;
- (v) Notwithstanding any other provision of law, adopt and enforce an ordinance or resolution prohibiting the use of engine brakes on the National System of Interstate and Defense Highways that has a grade of less than five degrees within its jurisdiction. For purposes of this subdivision, engine brake means a device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss;
- (w) Adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and
- (w) Adopt other traffic regulations except as prohibited by state law or contrary to state law.

No ordinance or regulation enacted under subsection (d), (e), (f), (g), (j), (k), (l), (m), (n), (p), (q) or (s) of this section shall be effective until traffic control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.

***Statutory reference:***

*Regulation of highways authorized, see Neb. RS 60-680*

**§ 71.096 TRUCK ROUTES.**

The City Council may, by resolution, designate certain streets in the city that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares or merchandise, 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 City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes.

(‘79 Code, § 5-204) Penalty, see § 70.999

***Statutory reference:***

*Municipal authority, see Neb. RS 60-681*

***SPEED LIMITS*****§ 71.110 GENERALLY.**

No person shall operate a motor vehicle on any street, alley or other place at a rate of speed greater than 25 miles per hour, **unless otherwise posted, specified by the Code, or permitted by ordinance.** In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted.

(‘79 Code, § 5-405) Penalty, see § 70.999

***Statutory reference:***

*Basic speed rule, see Neb. RS 60-6,185*

*General speed limit, see Neb. RS 60-6,186*

*State and local authority, see Neb. RS 60-6,190*

**§ 71.111 EXCEPTIONS.**

(A) The driver of an emergency vehicle, except wreckers towing disabled vehicles and highway maintenance vehicles and equipment, may as set forth in § 71.108 and Neb. RS 60-6,114 exceed the maximum speed limits set forth in § 71.110, so long as he or she does not endanger life, limb, or property.

(Neb. RS 60-6,114) (79 Code, § 5-409)

(B) The following are specific exceptions to the general speed limits within the city set forth in § 71.110 above:

(1) **84<sup>th</sup> Street between Giles Road and Harrison Street.** Except during school hours, no person shall operate a motor vehicle at a speed greater than 45 miles per hour on **84<sup>th</sup> Street between Giles Road and Harrison Street** in the city; **provided, however, in those instances where a lower speed is prescribed by § 71.112**, said lower speed shall be observed.. During school hours, no person shall operate a motor vehicle at a speed greater than 40 miles per hour in designated school zones at designated times on this section of **84<sup>th</sup> Street**.

(2) **72nd Street between Giles Road and Harrison Street.** Except during school hours, no person shall operate a motor vehicle at a speed greater than 35 miles per hour on 72nd Street

**between Giles Road and Harrison Street** in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed. During school hours, no person shall operate a motor vehicle at a speed greater than 15 miles per hour in designated school zones at designated times on this section of 72nd Street

(3) *North side of Giles Road; between 66th and 96th Streets.* No person shall operate a motor vehicle at a speed greater than 35 miles per hour on the north half of Giles Road between 66th Street and 96th Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

2008 S-6

### **Traffic Regulations**

39

(4) *Giles Road between 96th Street and Harrison Street.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on Giles Road between 96th Street and ~~Interstate-80~~ **Harrison Street** in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(5) *South side of Harrison Street between 69th Street and 96th Street, and also between 104<sup>th</sup> Street and Hell Creek.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on the south side of Harrison Street between 69th Street and 96th Street, **and also between 104<sup>th</sup> Street and Hell Creek** in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(6) *North and south side of Harrison Street between Hell Creek and Giles Road.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on Harrison Street between Hell Creek and **Giles Road** in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(7) *96th Street between Harrison Street and Portal Road.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on 96th Street between Harrison Street and Portal Road in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(8) *108th Street between Giles Road and Harrison Street.* No person shall operate a motor vehicle at a speed greater than 40 miles per hour on 108th Street between Giles Road and **Harrison Street in** the city; provided, however, in those instances where a lower speed is

prescribed by § 71.112s, said lower speed shall be observed.

(9) *Portal Road between 96th Street and 107th Street.* No person shall operate a motor vehicle at a speed greater than 40 miles per hour on Portal Road between 96th Street and 107th Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(10) *West Giles Road between Giles Road and the BNSF Railroad Crossing.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on West Giles Road between Giles Road and the BNSF Railroad Crossing in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(11) *114th Street between Giles Road and one-half mile south of Giles Road.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on 114<sup>th</sup> Street between Giles Road and one-half mile south of Giles Road in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(12) *120th Street between Giles Road and one-half mile south of Giles Road.* No person shall operate a motor vehicle at a speed greater than 35 miles per hour on 120<sup>th</sup> Street between Giles Road and one-half mile south of Giles Road in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(13) *Harry Andersen Avenue between Harrison Street and the county line between Sarpy and Douglas Counties.* No person shall operate a motor vehicle at a speed greater than 45 miles per hour on Harry Andersen Avenue between Harrison Street and the county line between Sarpy and Douglas Counties in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(14) *83<sup>rd</sup> Avenue between Main Street and 450 feet south of Main Street.* No person shall operate a motor vehicle at a speed greater than 15 miles per hour on 83<sup>rd</sup> Street between Main Street and 450 feet south of Main Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(15) *Main Street between 84<sup>th</sup> Street and City Centre Drive.* No person shall operate a motor vehicle at a speed greater than 15 miles per hour on Main Street between 84<sup>th</sup> Street and City Centre Drive in the city; provided, however, in those instances where a lower speed is

prescribed by § 71.112, said lower speed shall be observed.

(16) *Barmettler Drive between 84<sup>th</sup> Street and 450 feet east of Main Street.* No person shall operate a motor vehicle at a speed greater than 15 miles per hour on Barmettler Drive between 84<sup>th</sup> Street and 450 feet east of Main Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(17) *City Centre Drive between 84<sup>th</sup> Street and 900 feet east of 84<sup>th</sup> Street.* No person shall operate a motor vehicle at a speed greater than 15 miles per hour on City Centre Drive between 84<sup>th</sup> Street and 900 feet east of 84<sup>th</sup> Street in the city; provided, however, in those instances where a lower speed is prescribed by § 71.112, said lower speed shall be observed.

(‘79 Code, § 5-406) (Ord. 85, passed - -; Ord. 135, passed - -; Ord. 174, passed - -; Am. Ord. 304, passed 4-20-82; Am. Ord. 1012, passed 10-17-06; Am. Ord. 1081, passed 11-4-08) Penalty, see § 70.999

## § 71.112 NEAR SCHOOLS.

(A) It shall be unlawful for the driver of any vehicle, when in an area designated as a school crossing zone pursuant to § 71.125, during school recess or while children are going to or leaving school during the opening or closing hours to drive such vehicle at a rate of speed in excess of 15 miles per hour in such school crossing zone, and such driver shall stop at all stop signs located in such school crossing zone, and it shall be unlawful for such driver to make a U-turn at any such stop sign or otherwise within a school crossing zone.

(B) It shall further be unlawful for the driver of any vehicle to overtake and pass another vehicle in any school crossing zone in which the roadway has only one lane of traffic in each direction.

(Neb. RS 60-6,134.01) (‘79 Code, § 5-407) (Am. Ord. 772, passed 4-4-99) Penalty, see § 70.999

### *Statutory reference:*

*State and local authority, see Neb. RS 60-6,190*

### **§ 71.113 MINIMUM SPEED.**

It shall be unlawful for any person unnecessarily to drive at such a slow speed as to impede or block the normal and reasonable movement of traffic.

(‘79 Code, § 5-410) Penalty, see § 70.999

### **§ 71.114 ELECTRONIC DETECTOR.**

Determinations made regarding the speed of any motor vehicle based upon the visual observation of any **peace officer, while being competent for all other purposes, shall be corroborated by the use of a radio microwave, mechanical, or electronic speed measurement device. The results of such radio microwave, mechanical, or electronic speed measurement device may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue, subject to satisfaction of any applicable statutory requirements.**

(Neb. RS 60-6,192) (‘79 Code, § 5-411)

2008 S-6

***SCHOOL CROSSING ZONES*****§ 71.125 AUTHORITY TO DESIGNATE.**

The City Council may, by resolution, designate to the public any area of a roadway, other than a freeway, as a school crossing zone, as defined in Neb. RS 60-658.01 through the use of a sign or traffic-control device as specified by the City Council in conformity with the manual on uniform traffic-control devices. Any school crossing zone so designated starts at the location of the first sign or traffic-control device identifying the school crossing zone and continues until a sign or traffic-control device indicates that the school crossing zone has ended.

(Neb. RS 60-658.01) (Am. Ord. 771, passed 4-4-99)

2008 S-6

**La Vista - Traffic Code**