

ORDINANCE NO. 9962

An ordinance to amend Chapters 1, 10, 13, 17, 20, 22 and 37 of Grand Island City Code; to amend various Sections; to clarify and/or make general corrections to various code sections, to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Sections 1-7, 10-4, 10-5, 10-8, 10-17, 10-22, 10-23, 10-25, 10-26, Article 13-VIII, Article 13-IX, Article 13-X, Article 13-XI, Article 13-XII, 17-57, 17-65 – 17-67, 20-2 – 4, 20-6, 22-1, 22-13, 22-14, 22-18 – 26, 22-29 – 38.1, 22-43 – 45, 22-24 – 48.1, 22-50 – 52, 22-54, 22-55, 22-58, 22-63, 22-92, 22-103, 22-106, 22-106.1, 22-108, 22-121, 22-141.1, 22-143 – 146, Article 22-XIII and 37-32 of the Grand Island City Code are hereby amended to add and read as follows:

1-7 Penalties; Continuing Violations; Exclusion

- A. In any case where there shall be a violation of any city ordinance for which no penalty is provided, the person violating the same shall be subject to a fine of not less than one dollar nor more than five hundred dollars for each offense. Each day a violation of a continuing nature shall remain in existence shall constitute a separate offense.
- B. The violation of any City Code provision or ordinance shall be deemed an infraction, and the only violation for which imprisonment may be imposed shall be a violation of §1-8 below, pertaining to the offense of failing to appear.
- C. For any violation of Federal or State law or City Code while on City owned property the following penalties shall apply:
 1. Upon citation or arrest, the person violation the same shall be excluded from all City property excepting the conducting of necessary business at the Utilities Department located at 1306 3rd Street, City Hall located at 100 E 1st Street, the Grand Island Police Department located at 111 Public Safety Drive, all in Grand Island Nebraska.
 2. This exclusion shall operate while the violation is pending before any Court of competent jurisdiction and for a period of one year following conviction for any offense which occurred on City-owned property.
 3. In the event a matter is referred for prosecution, but no case is filed within sixty (60) days of the violation, this exclusion shall expire.
 4. Citation, arrest or the filing of any criminal complaint for an offense occurring on City-owned property shall serve as actual notice of said trespass warning and no additional written notice shall be required.

10-4 Records; Duties Of City Clerk

All records, plats and papers, except as otherwise provided by this chapter, in regard to the cemetery, shall be kept in the city clerk's, office or such other office as designated by the City Clerk, and the city clerk, or designee, shall perform such duties in regard to the cemetery as may be prescribed by this chapter or under any rules and regulations adopted by the city council governing the cemetery.

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10-5 Fees; Collection

The Cemetery Division of the Parks Department, shall collect all fees and charges provided for by this chapter.

10-8 Burial And Disinterment

Application for permission to bury or disinter a body at the city cemetery shall be made at the cemetery office. Application for burial of a body, or for burial of ashes of a cremated body, must be accompanied by proper information to complete a burial permit. An application for disinterment must be accompanied by a proper certificate of authority. Upon proper application, the Cemetery Division of the Parks Department shall issue a burial permit, which permit shall indicate the lot upon which the burial or disinterment is done, and the Cemetery Division shall, at the same time, collect the fees prescribed in the City of Grand Island Fee Schedule.

For the opening and preparation of a grave prior to interment, the cemetery shall be given a minimum of 24 hours notice in summer and 36 hours notice in winter when the ground is frozen. Also, a minimum of 48 hours shall be given on any Saturday or day preceding a legal city holiday.

The lot owner or funeral home representative shall designate the location of the grave on the lot to the cemetery and any change of location made after the opening of the grave has begun shall not be at the expense of the cemetery. When definite information for locating a grave is not available in ample time for grave preparation as requested above, the cemetery will exercise its best judgment in order to meet the requested interment time. The City assumes no responsibility for any error in such location and an additional charge will be made for any change requested.

10-17 Tombstones, Monuments, Copings, Etc.

No tombstone, monument, gravemarker or vases shall be erected in the city cemetery except those that meet the approval of the cemetery and the following provisions:

1. All markers in the South Block of Section J shall be set flush with the turf with the exception of rows 170-339, 169-340, 168-341, and 167-342.
2. A minimum five-inch wash shall be used on all new or reset stone or monument work, and all spaces of 38 inches or less between stones or monuments shall be filled with concrete on new or reset work.
3. No stone or monument shall extend beyond the property boundary of the lot owner.
4. No lot or grave copings, curbs, or above-ground corner stones shall be constructed within the cemetery.
5. Footstones shall not be used.
6. Permanent vases shall not be allowed in alleys in front of stones or monuments, nor shall they be allowed on the grave side of an individual pre-need marker. Permanent vases shall only be allowed on the ends of stones or monuments in Sections M, N and P of the cemetery.
7. It shall be the responsibility of the lot owner to reset any stones, monuments, or vases removed by the cemetery to allow room for a burial.
8. The maximum width of any stone or monument, including the wash, shall be 26 inches. No stone or monument requiring more than 26 inches for width shall be delivered to the cemetery without the prior written approval of the cemetery superintendent.

10-22 Conveyances, Transfers, And Titles

The Cemetery Division is hereby authorized to convey lots in the city cemetery, by certificate, signed by the mayor and attested by the Cemetery Superintendent, specifying that the person to whom the same is issued is the owner of the lot or lots described therein by number as laid down on the plat adopted by the

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city council, for the purpose of interment of human bodies and the ashes of cremated human bodies, and such certificate shall vest in the purchaser, and purchaser's heirs or assigns, a right to such lot or lots, for the sole purpose of such interment, under the rules and regulations governing such cemetery, and for no other purpose. Transfers of such lots may be made by surrendering such certificate thereof to the Cemetery Division, who shall cancel the same, and note such cancellation on the permanent cemetery records, and issue a new certificate to the assignee in lieu thereof. For each of such new certificates and services the Cemetery Division shall receive, for the use of the city a fee in accordance with the City of Grand Island Fee Schedule.

10-23 Lot Ownership; Restrictions

Burial lots in the city cemetery shall not be held or used for purposes of speculation, and no individual shall be permitted to hold more than two lots at any one time, and no lot owner shall permit interment for compensation in or upon any lot owned; provided, however, that any fraternal or religious organization may purchase, at any one time, or hold, not to exceed seventy-two lots, which, however, must be in one body. The certificate to be issued by the Cemetery Division for such lots shall specifically state that such fraternal or religious organization shall not sell such lots for more than the scheduled price thereof as shown by the records in the Cemetery Division's office.

10-25 Lots; Certificate Of Ownership

The prices of lots in the city cemetery shall be fixed by the city council, and a schedule of prices shall at all times be publicly exhibited in the City Fee Schedule giving the prices in full, and no certificate of ownership for any lot shall be issued until the price for each lot selected shall be paid in full to the Cemetery Division. No change in such schedule of prices shall be made except upon a majority vote of the council.

10-26 Burial Spaces; Prices

The prices for burial spaces in the city cemetery includes the price of permanent care. The Cemetery Division is hereby ordered to collect amounts for such burial spaces in accordance with the City of Grand Island Fee Schedule.

The fees for burial spaces set forth in the City of Grand Island Fee Schedule shall be waived, with title retained by the City, for any burial spaces designated by the cemetery superintendent for the burial of paupers by Hall County.

Article 13-VIII Fonner Park Business Improvement District

13-60 Creation Of District

Superseded by Ordinance No. 9622

Article 13-IX Fourth Street Business Improvement District

(Repealed by Ordinance No. 9180, effective 09-16-2008)

13-66 Creation of District

Superseded by Ordinance No. 9941

Article 13-X Repealed

Article 13-XI South Locust Business Improvement District

13-81 Creation Of District

Superseded by Ordinance No. 9623

Article 13-XII Railside Business Improvement District

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13-91 Creation Of District

Superseded by Ordinance No. 9700

17-57 Unlicensed Or Inoperable Vehicles; Public Nuisances

- A. No person shall place any unlicensed or inoperable vehicle or any vehicle parts on any tract of land within the City of Grand Island. Each vehicle or vehicle part shall be a separate offense.
- B. Owner or occupant of any tract of land shall provide proof of valid registration upon request.
- C. Upon conviction of one or more violations of this section, the placement of any unlicensed or inoperable vehicle or any vehicle parts on any tract of land within the City of Grand Island shall be deemed a public nuisance and may be abated pursuant to §20-15 of the Grand Island City Code upon written request by the Grand Island Police Department pursuant to §20-15 of the Grand Island City Code. It shall be unlawful for any owner, owner's duly authorized agent or person in possession, charge or control, or the occupant of such a tract to cause, maintain, or permit such public nuisance to exist on said property, except in a manner as set forth below.

17-65 Definitions

Whenever the following terms are used in this division, they shall have the meanings established by this section:

Graffiti means any letter, word, name, number, symbol, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched, or etched on a rock, tree, wall, bridge, fence, gate, building, or other structure. Graffiti does not include advertising or any other letter, word, name, number symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or an authorized agent to such owner or tenant.

Graffiti abatement procedure means an abatement procedure which identifies graffiti, issues notice to the landowner to abate the graffiti, and cures in absence of response.

Private contractor means any person with whom the city shall have duly contracted to remove graffiti.

17-66 Graffiti - Prohibited

- A. Any person who knowingly and intentionally applies graffiti of any type on any building, public or private, or any other tangible property owned by any person, firm, or corporation or any public entity or instrumentality, without the express permission of the owner or operator of the property, commits the offense of unauthorized application of graffiti.
- B. Upon conviction of an offense under this section, the court may, in addition to any other punishment imposed, order the defendant to clean up, repair, or replace the damaged property, keep the defaced property or another specified property in the community free of graffiti or other inscribe materials for up to one year, or order a combination of restitution and labor.
- C. Upon conviction of an offense under this section, the court may, in addition to any other punishment imposed order the defendant to undergo counseling.

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- D. Upon conviction of an offense under this section, the court may, in addition to any other punishment imposed, order the suspension of the defendant's motor vehicle operator's license for up to one year. A copy of an abstract of the court's conviction, including an adjudication of a juvenile, shall be transmitted to the director pursuant to Neb. Rev. Stat. §§60-497.01 to 60-497.04

17-67 Violation; Penalty

Any person who is convicted of violating §17-68 shall be punished by a fine pursuant to §1-7 of the Grand Island City Code.

20-2 Trespassing

- A. A person commit criminal trespass if, knowing that he or she is not licensed or privileged to do so, he or she enters or remains in any place as to which notice against trespass is given by:
1. Actual communication to the actor; or
 2. Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or
 3. Fencing or other enclosure manifestly designed to exclude intruders except as otherwise provided by Nebraska law.
- B. A person commits criminal trespass if, knowing that he or she is not licensed or privileged to do so, he or she intentionally causes an electronic device, such as an unmanned aircraft, to enter into, upon, or above the property of another, including such property owned by such persona and leased or rented to another, with the intent to observe another person without his or her consent in a place of solitude or seclusion.
- C. For purposes of this section, unmanned aircraft means an aircraft, including an aircraft commonly known as a drone, which is operated without the possibility of direct human intervention from within or on the aircraft.

20-3 Littering

- A. Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:
1. Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or
 2. The litter is placed in a receptacle or container installed on such property for such purpose.
- B. The word litter as used in this section shall mean all waste material susceptible of being dropped, deposited, discarded, or otherwise disposed of by any person upon any property in the City but does not include wastes of primary processes of farming or manufacturing. Waste material as used in this subsection shall man any material appearing in a place or in a context not associated with that material's function or origin.
- C. The operator of any motor vehicle or watercraft from which litter is dropped, thrown, deposited, or dumped in violation of subsection (A) above shall be deemed to have committed this violation.

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20-4 Shoplifting

- A. It shall be unlawful to shoplift. A person commits the offense of theft by shoplifting when he or she, with the intent of appropriating merchandise to his or her own use without paying for the goods or merchandise or to deprive the owner of possession of such goods or merchandise or its retail value, in whole or in part, does any of the following:
1. Conceals or takes possession of the goods or merchandise of any store or retail establishment;
 2. Alters the price tag or other price marking on goods or merchandise of any store or retail establishment;
 3. Transfers the goods or merchandise of any store or retail establishment from one container to another;
 4. Interchanges the label or price tag from one item of a good or of merchandise with a label or price tag for another item of a good or of merchandise;
 5. Causes the cash register or other sales recording device to reflect less than the retail price of the goods or merchandise; or
 6. Alters, bypasses, disables, shields, or removes any security or alarm device attached to or housing any goods or merchandise of any store, including the use or possession of a security device countermeasure as defined in Neb. Rev. Stat. §28-511.03, prior to purchase of the goods or merchandise.
- B. In any prosecution for theft by shoplifting, photographs of the shoplifted property may be accepted as prima facie evidence as to the identity of the property. Such photograph shall be accompanied by a written statement containing the following:
1. A description of the property;
 2. The name of the owner or owners of the property;
 3. The time, date, and location where the shoplifting occurred;
 4. The time and date the photograph was taken;
 5. The name of the photographer; and
 6. Verification by the arresting officer.
- C. The purpose of this subsection is to allow the owner or owners of shoplifted property the use of such property during pending criminal prosecutions.
- D. Prior to allowing the use of the shoplifted property as provided in this section, legal counsel for the alleged shoplifter shall have a reasonable opportunity to inspect and appraise the property and may file a motion for retention of the property, which motion shall be granted if there is any reasonable basis for believing that the photographs and accompanying affidavit may be misleading.

20-6 Theft Of Services

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- A. A person commits theft if he or she obtains services, which he or she knows are available only for compensation, by deception or threat or by false token or other means to avoid payment for the service. Services include labor, professional service, telephone service, electric service, cable television service, or other public service, accommodation in hotels, restaurants, or elsewhere, admission to exhibitions, and use of vehicles or other movable property. When compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.
- B. A person commits theft if, having control over the disposition of services of others to which he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another not entitled thereto.

22-1 Definitions

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

Acceleration or Deceleration Lane shall mean a supplementary lane of a highway lane for traffic, which adjoins the traveled lanes of a highway and connects an approach or exit road with such highway.

Alley shall mean a street intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

Alley entrance shall mean the extension of the alley from the property line to the street curb line.

Arterial street shall mean any street designated by the city council as part of a major arterial system of streets or used primarily for through traffic.

Autocycle shall mean any motor vehicle:

- A. Having a seat that does not require the operator to straddle or sit astride it,
- B. Designed to travel on three wheels in contact with the ground,
- C. Having antilock brakes,
- D. Designed to be controlled with a steering wheel and pedals, and
- E. In which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system.

Authorized emergency vehicle shall mean vehicles of the Fire Department, the Police Department, or ambulance owned by public or privately-owned ambulance services.

Automatic traffic signals shall mean any device electrically or mechanically controlled by which traffic is alternately directed to stop and proceed.

Bicycle shall mean:

- A. every device propelled solely by human power, upon which any person may ride, and having two, three or four wheels, any one or of which being more than fourteen inches in diameter; and

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- B. An electric bicycle.

Bus shall mean every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle other than a taxicab designed and used for the transportation of persons for compensation.

Class I Electric Bicycle means a device with the following components:

- A. Two, three, or four wheels;
- B. A saddle or seat for the rider;
- C. Fully operative pedals for propulsion by human power; and
- D. An electric motor:
 - a. Not exceeding seven hundred fifty watts of power;
 - b. That produces no more than one brake horsepower;
 - c. Capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground;
 - d. That only provides power when the rider is pedaling; and
 - e. That does not provide power if the electric bicycle is traveling at a speed of more than twenty miles per hour.

Class II Electric Bicycle means a device with the following components:

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- A. Two. Three, or four wheels;
 - B. A saddle or seat for the rider;
 - C. Fully operative pedals for propulsion by human power; and
 - D. An electric motor:
 - a. Not exceeding seven hundred fifty watts of power;
 - b. That produces no more than one brake horsepower;
 - c. Capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground;
 - d. Capable of providing power whether or not the rider is pedaling; and
 - e. That does not provide power if the electric bicycle is traveling at a speed of more than twenty miles per hour.

Class III Electric Bicycle means a device with the following components:

- A. Two, three, or four wheels;
- B. A saddle or seat for the rider;
- C. Fully operative pedals for propulsion by human power; and
- D. An electric motor:
 - a. Not exceeding seven hundred fifty watts of power;
 - b. That produces no more than one brake horsepower;
 - c. Capable of propelling the bicycle at a maximum design speed of no more than twenty-eight miles per hour on level ground;
 - d. That only provides power when the rider is pedaling; and
 - e. That does not provide power if the electric bicycle is traveling at a speed of more than twenty-eight miles per hour.

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Congested district shall include that portion of the City within the following bounds:

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— South Front Street from Oak Street to Walnut Street; Third Street from the Burlington Northern-Sante Fe Railroad Company right-of-way to Eddy Street; Second Street from the Burlington Northern-Sante Fe Railroad Company right-of-way to Elm Street; First Street from Sycamore Street to Cedar Street; Fourth Street from Eddy Street east to Sycamore Street; Oak Street from Second Street to Fourth Street; Kimball Avenue from Second Street to South Front Street; Sycamore Street from First Street to Fourth Street; Pine Street from Court Street to Sixth Street; Locust Street from South Front Street to Charles Street; Wheeler Avenue from South Front Street to Koenig Street; Walnut Street from First Street to Fifth Street; Cedar Street from First Street to South Front Street; Elm Street from Second Street to Fourth Street; Cleburn Street from Second Street to Fourth Street; and Eddy Street from Second Street to Fourth Street.

Crosswalk shall mean:

- A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the roadway measured from the curbs, or in the absence of curbs from the edge of the roadway; or
- B. Any portion of a roadway at an intersection or elsewhere distinctly designated by competent authority and marked for pedestrian crossing by lines, signs, or other devices.

Curb shall mean the lateral boundaries of that portion of a street designed for the use of vehicles, whether marked by curb stones or not so marked.

Drive shall mean to operate or be in the actual physical control of a motor vehicle.

— Driver or operator shall mean any person who drives or is in actual physical control of a vehicle.

Electric Personal Assistive Mobility Device shall mean a self-balancing, two-nontandem-wheeled device, designed to transport only one person and containing an electric propulsion system with an average power of seven hundred fifty watts or one horsepower, whose maximum speed on a paved level surface, when powered solely by such a propulsion system and while being ridden by an operator who weighs one hundred seventy pounds, is less than twenty miles per hour.

Electric Bicycle shall mean a Class I Electric Bicycle, a Class II Electric Bicycle, and a Class III Electric Bicycle.

Golf Car Vehicle shall mean a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, is designed and manufactured for operation on a golf course for sporting and recreational purposes, and is not being operated within the boundaries of a golf course.

— Intersection or street intersection shall mean the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of any alley with a street shall not constitute an intersection.

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Low-Speed Vehicle shall mean:

- A. A four-wheeled motor vehicle
 - a. Whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface;
 - b. Whose gross vehicle weight rating is less than three thousand pounds; and
 - c. That complies with 49 C.F.R. part 571, as such part existed on January 1, 2023; or
- B. A three-wheeled motor vehicle
 - a. Whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface;
 - b. Whose gross vehicle weight rating is less than three thousand pounds; and
 - c. Which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle.

Median shall mean that part of a divided street or highway, such as a physical barrier or clearly indicated dividing section or space, so constructed as to impede vehicular traffic across or within such barrier, section, or space, or to divide such highway or street into two roadways for vehicular travel in opposite directions.

Median Crossover shall mean a connection between roadways of a divided highway or street the use of which may permit a vehicle to reverse its direction by continuously moving forward.

Median Opening shall mean a gap in a median provided for crossing and turning traffic.

Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches or an engine-rated capacity of less than forty-five cubic centimeters displacement, a seat height less than twenty-five inches from the ground or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. Minibike shall not include an electric personal assistive mobility device.

Minitruck shall mean a foreign-manufactured import vehicle or domestic-manufactured vehicle which:

- A. Is powered by an internal combustion engine with a piston or rotor displacement of one thousand five hundred cubic centimeters or less;
- B. Is sixty-seven inches or less in width;
- C. Has a dry weight of four thousand two hundred pounds or less;
- D. Travels on four or more tires;
- E. Has a top speed of approximately fifty-five miles per hour;
- F. Is equipped with a bed or compartment for hauling;
- G. Has an enclosed passenger cab;
- H. Is equipped with headlights, taillights, turn signals, windshield wipers, a rearview mirror, and an occupant protection system; and
- I. Has a four-speed, five-speed, or automatic transmission.

Moped shall mean a device with fully operative pedals for propulsion by human power, an automatic transmission and a motor with a cylinder capacity not exceeding fifty cubic centimeters which produces no more than two brake horsepower and is capable of propelling the device at a maximum design speed of no more than thirty (30) miles per hour.

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— Motorcycle shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, excluding tractors and electric personal assistive mobility devices. Motorcycle includes an autocycle.

Motor-driven Cycle shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower as measured at the drive shaft, mopeds, and every bicycle with a motor attached except for an electric bicycle. Motor-driven cycle shall not include an electric personal assistive mobility device or an autocycle.

Motor Vehicle shall mean every self-propelled land vehicle, not operated on rails, except bicycles, mopeds or self-propelled chairs used by persons who are disabled, and electric personal assistive mobility devices.

Official Traffic Signals shall mean all signals not inconsistent with this chapter, placed or erected by authority of the city council or official having authority for the purpose of directing, warning, or regulating traffic.

One-Way Street shall mean a street designated as such by the city council upon which vehicle traffic shall move in one direction.

Operator or Driver shall mean any person who operates, drives, or is in actual physical control of a vehicle.

— Operator's or Driver's License shall mean any license or permit to operate a motor vehicle issued under the laws of this State, including:

- A. Any replacement license or instruction permit;
- B. The privilege of any person to drive a motor vehicle whether such person holds a valid license;
- C. Any nonresident's operating privilege which shall mean the privilege conferred upon a nonresident by the laws of this state pertaining to the operation of a motor vehicle in this state by such person or the use in this state of a vehicle owned by such person;
- D. An employment driving permit issued as provided by Neb. Rev. Stat. §§60-4,129 and 60-4,130; and
- E. A medical hardship driving permit issued as provided in Neb. Rev. Stat. §§60-4,130.01 and 60-4,130.02.

Owner shall mean, with respect to a vehicle, a person, other than a person holding a security interest, having the property in or title to a vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excluding a lessee under a lease not intended as security.

Park or Parking shall mean the standing of a vehicle, whether occupied or not, upon a street or alley, otherwise than in obedience to traffic regulations or a traffic control device or temporarily for the purpose of and while actually engaged in loading or unloading of merchandise or passengers.

Pedestrian shall mean any person afoot.

— Person shall mean every natural person, firm, partnership, association, or corporation.

Police Officer or Traffic Officer shall mean every officer of the Grand Island Police Department, or any officer authorized to direct or regulate traffic or make arrests for the violation of traffic regulations.

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Private Road or Driveway shall mean every way or place in private ownership and for vehicular travel by the owner or those having express or implied permission from the owner but not by other persons.

Railroad shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Railroad Sign or Signal shall mean any sign, signal, or device erected by authority of a public body or official or by a railroad intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Registration shall mean the registration certificate or certificates and license plates issued under the Nebraska Motor Vehicle Registration Act.

Right-of-Way shall mean the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway shall mean that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively.

Safety Zone shall mean the area or space officially set apart within a street for the exclusive use of pedestrians, and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School Crossing Zone shall mean the area of a roadway designated by the City as a school crossing zone through the use of a sign or traffic control device as specified by the City in conformity with the regulations of the Nebraska Department of Transportation but does not include any area of a freeway. A school crossing zone 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.

Security Interest shall mean an equitable title or property right in a vehicle reserved or created by agreement and which secures payment or performance of an obligation, including the interest of a lessor under a lease intended as security, and which is perfected when it is valid against third parties generally, subject only to specific statutory exceptions.

Semitrailer shall mean any vehicle, with or without motive power, designed to carry persons or property and to be drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Shoulder shall mean that part of the highway contiguous to the roadway and designed for the accommodation of stopped vehicles, for emergency use, and for lateral support of the base and surface courses of the roadway.

Sidewalk shall mean that portion of the sidewalk space intended for use by pedestrians or any pathway or route intended for use by pedestrians.

Sidewalk Space shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.

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— Snowmobile shall mean a self-propelled motor vehicle designed to travel on snow or ice or a natural terrain steered by wheels, skis, or runners and propelled by a belt-driven track with or without steel cleats.

Stand or Standing shall mean the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Stop or Stopping shall mean:

- A. When required, a complete cessation of movement.
- B. Stop or stopping, when prohibited, shall mean any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device.

Street or Highway shall mean 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.

Traffic shall mean pedestrians, ridden or herded animals, and vehicles and other conveyances, either singly or together, while using any street or highway for purposes of travel.

Traffic Control Device shall mean any sign, signal, marking or other device placed or erected by authority of the City of Grand Island, the County of Hall, the State of Nebraska, or the United States of America for the purpose of regulating, warning, or guiding traffic.

— Traffic Control Signal shall mean any signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Traffic Lane shall mean that portion of a street designated by the city council as a path, track, or passageway within which vehicular traffic shall move.

Trailer shall mean any vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property.

Truck-tractor shall mean any motor vehicle designed and primarily used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.

Viaduct shall mean a bridge-like structure carrying highway or street over another highway or street or over railroad tracks.

— All words and phrases not defined herein shall have ascribed to them the definition set forth in Chapter, 60 Article 6, Revised Statutes of Nebraska, as amended.

22-13 Motor Vehicle Registration; General

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- A. It shall be unlawful for any person to park or operate a motor vehicle or trailer upon a highway, street or alley within the City or public parking lot owned by the City without having registered the motor vehicle or trailer in compliance with the motor vehicle registration statutes of the State of Nebraska as found in Chapter 60 Article 3.
- B. The registration certificate for a motor vehicle shall at all times be carried in or upon the motor vehicle, and it shall be unlawful to fail to exhibit the registration certificate for inspection upon the request of a police officer.

22-14 Registration Plates; Motor Vehicles

- A. It shall be unlawful to park or operate a motor vehicle or trailer upon any highway, street or alley within the City or public parking lot owned by the City without having attached thereto the registration plates furnished by the State or County in connection with the Motor Vehicle Registration statutes of the State of Nebraska.
 - 1. Where two registration plates are issued, one shall be prominently displayed at all times on the front and one on the rear of the registered vehicle; when only one plate is issued it shall be prominently displayed on the rear of the registered vehicle, except for truck-tractors upon which is shall be prominently displayed on the front thereof. The registered plate issued for a motorcycle shall be attached to the rear thereof.
 - 2. In each registration period in which new license plates are not issued, previously issued license plates shall have affixed thereto the validation decals issued pursuant to Neb. Rev. Stat. §60-3,101.
 - 3. In all cases such registration plates shall be securely fastened in an upright position to the motor vehicle or trailer so as to prevent such plates from swinging, and so as to be at a minimum distance of twelve inches from the ground to the bottom of the license plate.
 - 4. No person shall attach to or display on such motor vehicle or trailer any
 - 1. License plate or registration certificate other than as assigned to it for the current registration period,
 - 2. Fictitious or altered license plates or registration certificate,
 - 3. License plates or registration certificate that has been canceled by the department, or
 - 4. License plates lacking current validation decals.
- B. All letters, numbers, printing, writing, and other identification marks upon such plates and certificate shall be kept clear and distinct and free from grease, dust, or other blurring matter, so that they shall be plainly visible at all times during daylight and under artificial light in the nighttime.
- C. This section shall not apply to mopeds.

22-18 Operator's License; Acts Prohibited

It shall be unlawful for any person:

- A. To lend his or her operator's license to any person or knowingly permit the use thereof by another;

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- B. To display or represent as one's own any operator's license not issued to said person;
- C. To authorize or knowingly permit a motor vehicle owned by or under the control of said person to be driven upon any street or highway of the city by any person who is not authorized to do so.
- D. To cause or knowingly permit his or her child or ward under the age of sixteen years to drive a motor vehicle upon any highway when such minor is not authorized under Nebraska law or is in violation of any provisions of the Nebraska Motor Vehicle Operator's License Act.

22-19 Audible Horn Required; Siren Prohibited

Every motor vehicle when operated upon a roadway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet. Except as otherwise provided in this section, it shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression, or spark plug whistle or for any person at any time to use a horn, otherwise than as a reasonable warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. Every police and fire department and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren, or exhaust whistle.

22-20 Motor Vehicle; Lights

- A. Every motor vehicle upon a roadway within this state during the period from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the roadway at a distance of five hundred feet ahead shall be equipped with lighted headlights and taillights as respectively required by Nebraska law for different classes of vehicles.
- B. Every motor vehicle, other than an autocycle, a motorcycle, a road roller, or road machinery, shall be equipped with two or more headlights, at the front of and on opposite sides of the motor vehicle. The headlights shall comply with the requirements and limitations set for in Neb. Rev. Stat. §§60-6,221 and 60-6,223.
- C. Every motor vehicle and trailer, other than an autocycle, a motorcycle, a road roller, or road machinery, shall be equipped with one or more taillights, at the rear of the motor vehicle or trailer, exhibiting a red light visible from a distance of at least five hundred feet to the rear of such vehicle.
- D. Every autocycle or motorcycle shall be equipped with at least one and not more than two headlights and with a taillight exhibiting a red light visible from a distance of at least five hundred feet to the rear of such autocycle or motorcycle. The headlights shall comply with the requirements and limitations set forth in Neb. Rev. Stat. §§60-6,221 and 60-6,223.
- E. The requirement in this section as to the distance from which lights must render obstructions visible or within which lights must be visible shall apply during the time stated in this section upon a straight, level, unlighted roadway under normal atmospheric conditions.
- F. It shall be unlawful for any owner or operator of any motor vehicle to operate such vehicle upon a roadway unless:
 - 1. The condition of the lights and electric circuit is such as to give substantially normal light output;

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2. Each taillight shows red directly to the rear, the lens covering each taillight is securely fastened, and the electric circuit is free from grounds or shorts;
3. There is no more than one spotlight except for law enforcement personnel, government employees, and public utility employees;
4. There are no more than two auxiliary driving lights and every such auxiliary light meets the requirements for auxiliary driving lights provided in Neb. Rev. Stat. §60-6,225;
5. If equipped with any lighting device, other than headlights, spotlights, or auxiliary driving lights, which projects a beam of light of an intensity greater than twenty-five candlepower, such lighting device meets the requirements of subsection (4) of Neb. Rev. Stat. §60-6,225; and
6. If equipped with side cowl or fender lights, there are no more than two such lights and each such side cowl or fender lights emits an amber or white light.

22-21 Lights; Parked Vehicle

Whenever a motor vehicle is parked or stopped upon a roadway or should adjacent thereto, whether attended or unattended, during the times mentioned in section 22-20, such vehicle shall be equipped with one or more lights which exhibit a lights in such color as designated by the Department of Motor Vehicles on the roadway side visible from a distance of five hundred feet to the front of such vehicle and a red light visible from a distance for five hundred feet to the rear, except when such vehicle is stopped or parked in accordance with City of Grand Island parking regulations upon a roadway where there is sufficient light to reveal any person or obstruction within a distance of five hundred feet upon such roadway.

Any lighted headlights upon a parked vehicle shall be depressed or dimmed and turn signals shall not be flashed on one side only. If the vehicle is equipped with an emergency switch for flashing all directional turn signals simultaneously, such vehicle shall exhibit such turn signals.

22-22 Reserved

22-23 Dimming Headlights

Notwithstanding any other provision of the Nebraska Rules of the Road or this Chapter:

- A. Whenever any person operating a motor vehicle on any roadway meets another person operating a motor vehicle, proceeding in the opposite direction and equipped with headlights constructed and adjusted to project glaring or dazzling light to persons in front of such headlights, upon signal of either person, the other shall dim the headlights of his or her motor vehicle or tilt the beams of glaring or dazzling light projecting therefrom downward so as not to blind or confuse the vision of the operator in front of such headlights; and
- B. Whenever any person operating a motor vehicle on any roadway follows another vehicle within two hundred feet to the rear, he or she shall dim the headlights of his or her motor vehicle or tilt the beams of glaring or dazzling light projecting therefrom downward; and
- C. For purposes of this section, signal shall mean the alternating flashing of the headlights from low beam to high beam.

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22-24 Brakes

- A. Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two, except that a motorcycle shall be required to be equipped with only one brake. All such brakes shall be maintained at all times in good working order.
- B. It shall be unlawful for any owner or operator of any motor vehicle, other than a motorcycle, to operate such motor vehicle upon a highway unless the brake equipment thereon qualifies with regard to maximum stopping distances from a speed of twenty miles per hour on dry asphalt or concrete pavement free from loose materials as follows:
1. Two-wheel brakes, maximum stopping distance, forty feet;
 2. Four or more wheel brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, thirty feet;
 3. Four or more wheel brakes, vehicles seven thousand pounds or more gross weight, maximum stopping distance, thirty-five feet;
 4. All hand, parking, or emergency brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, fifty-five feet; and
 5. All hand, parking, or emergency brakes, vehicles seven thousand pounds or more gross weight, maximum stopping distance, sixty-five feet.
- C. All braking distance specified in this section shall apply to all vehicles whether unloaded or loaded to the maximum capacity permitted by law.
- D. The retarding force of one side of the vehicle shall not exceed the retarding force on the opposite side so as to prevent the vehicle stopping in a straight line.
- E. For purposed of this section, motorcycle does not include an autocytle.

22-25 Vehicles Operated Upon Streets

Every motor vehicle operated upon the streets, highways, or alleys of the City shall meet the following requirements, to wit:

- A. *Windshield Wipers*. All vehicles shall be equipped with a windshield wiper in good working condition that will wipe off moisture uniformly over the entire sweep of the wiper.
- B. *Rear View Mirror*. All vehicles shall be equipped with a rear view mirror, sufficiently large and in good reflective condition, so located, fastened and adjusted as to reflect to the driver at all times a clear view of the highway for a distance of at least two hundred (200) feet to the rear of such vehicle.
- C. *Glass*. It shall be unlawful for any person to operate a motor vehicle with any object placed or hung in or upon the motor vehicle, except required or permitted equipment of the motor vehicle, in such a manner as to significantly and materially obstruct or interfere with the view of the operator through

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the windshield or to prevent the operator from having a clear and full view of the road and condition of traffic behind the motor vehicle. Any sticker or identification authorized or required by the Federal Government or any agency thereof or the State of Nebraska or any political subdivision thereof may be placed upon the windshield of the motor vehicle without violating this section. It shall be unlawful for any person to operate a motor vehicle with glass that is broken, cracked, discolored, or obscured to such an extent that the visibility of the operator is impaired.

- D. Tires. All vehicle tires shall be in a safe condition. A tire shall be considered unsafe if it has:
1. Any bump, bulge, or knot affecting the tire structure;
 2. A break which exposes a tire body cord or it repaired with a boot or patch;
 3. A tread depth of less than two thirty-seconds of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire or, on those tires with tread wear indicators, been worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire, except that this subdivision shall not apply to truck tires with ten or more cord plies which are mounted on dual wheels; or
 4. Such other conditions as may be reasonably demonstrated to render the tire unsafe.
- E. Wheel Alignment. Wheels shall be aligned so that side slippage due to error in alignment as indicated by an alignment indicator shall not exceed 30 feet per mile.
- F. Steering Equipment. All steering equipment on vehicles shall be in good condition and wheel play shall not exceed twenty-five degrees.
- G. Muffler. All motor vehicles shall be equipped with a muffler in good working condition and in constant operation to prevent excessive or unusual noise. No "muffler cut-out" shall be used on any vehicle. It shall be unlawful to use a muffler cutout, bypass, or similar device on any motor vehicle upon a roadway. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.
- H. Height. No vehicle unladen or with load shall exceed a height of 13 feet, 6 inches; provided, however, the owners, lessees, and operators, jointly and severally, of vehicles exceeding 12 feet, 6 inches, in height shall assume the risk of loss to the vehicle or its load, and shall be liable for any damages that result to overhead obstructions from operation of a vehicle exceeding 12 feet, six inches, in height.

22-26 Projecting Loads

Whenever the load on any vehicle extends more than four feet beyond the rear of the bed or ~~end~~ of the body of such vehicle, and to fail to attach a there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than twelve inches both in length and width, except that between sunset and sunrise, there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle.

22-29 Automatic Signals

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A. Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, number, or symbol, and such lights shall indicate and apply to drivers of vehicles and pedestrians a follows:

1. Green

- a. Solid Green. Vehicular traffic facing a circular green indication may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to another vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such indication is exhibited.
- b. Green Arrow. Vehicular traffic facing a green arrow indication, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time, and such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- c. Pedestrian. Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green indication, except when the sole green indication is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. Yellow

- a. Solid Yellow. Vehicular traffic facing a steady yellow indication is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection, and upon display of a steady yellow indication, vehicular traffic shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.
- b. Flashing Circular Yellow. Vehicular traffic and pedestrian traffic facing a flashing yellow signal may proceed through the intersection and past such signal only with caution and after reducing speed.
- c. Yellow Arrow. Vehicular traffic facing a flashing yellow arrow indication may cautiously enter the intersection only to make the movement indicated by such arrow, and such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- d. Pedestrian. Pedestrians facing a steady yellow indication, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

3. Red

- a. Solid Red. Vehicular traffic facing a steady circular red indication alone shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, before entering the intersection. The traffic shall remain standing until an indication to proceed is shown except as provided in subsections (3)(b) and (3)(c) of this section.
- b. Right Turn on Red. Except where a traffic control device is in place prohibiting a turn, vehicular traffic facing a steady circular red indication may cautiously enter the intersection to make a right turn after stopping as required by subdivision (3)(a) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- c. Flashing Circular Red. Vehicular traffic facing a flashing circular red signal shall come to a complete stop at such signal and before entering the intersection and

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crosswalk and regardless of the direction, shall yield the right-of-way to vehicles and pedestrians upon the street to be entered or crossed.

- d. Red Arrow. Vehicular traffic facing a steady red arrow indication alone shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, before entering the intersection. The traffic shall not enter the intersection to make the movement indicated by the arrow and shall remain standing until an indication to proceed is shown.
 - e. Pedestrian. Unless otherwise directed by a pedestrian-control signal, pedestrians facing a steady red indication alone shall not enter the roadway.
- B. If a traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.
 - C. If a traffic control signal at an intersection is not operating because of a power failure or other cause and no peace officer, flag person, or other traffic control device is providing direction for traffic at the intersection, the intersection shall be treated as a multi-way stop.
 - D. If a traffic control signal is not in service and the signal heads are turned away from traffic or covered with opaque material, subdivision (A) of this section shall not apply.

22-30 Defacing Traffic Signs And Signals

- A. It shall be unlawful for any person, without lawful authority, to attempt to or in fact alter, deface, injure, knock down, or remove any traffic control device, railroad sign or signal, or any part of such a device, sign or signal.
- B. It shall be unlawful to place or maintain any commercial advertising upon any traffic control device.

22-31 Reserved

22-32 Reports; Property Damage Accidents

- A. The operator of any vehicle involved in an accident which occurs anywhere within the City of Grand Island and results in damage to property shall:
 - 1. Immediately stop such vehicle at the scene of such accident; and
 - 2. Give his or her name, address, telephone number and the operator's license number to the owner of the property struck, or the driver or occupants of any other vehicle involved in the collision.
- B. If the accident involves a collision with a an unattended vehicle or property, the operator of the vehicle which strikes the unattended vehicle shall immediately stop such vehicle and leave in a conspicuous place in or on the unattended vehicle or property a written notice containing the information required by subsection (A) of this section. In addition, such driver shall, without unnecessary delay, report the collision, by telephone or otherwise, to an appropriate peace officer.
- C. A peace officer may remove or cause to be removed from a roadway, without the consent of the driver or owner, any vehicle, cargo, or other property which is obstructing the roadway creating or

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aggravating an emergency situation or otherwise endangering the public safety. Any vehicle, cargo, or other property obstructing a roadway shall be removed by the most expeditious means available to clear the obstruction, giving due regard to the protection of the property removed.

- D. Any person violating subsection (A) or (B) of this section, as part of any sentence, suspended sentence, or judgment of conviction under this section, the court may order the defendant not to drive any motor vehicle for any purpose in the State of Nebraska for a period of up to one year from the date ordered by the court. If the court orders the defendant not to drive any motor vehicle for any purpose in the State of Nebraska for a period of up to one year from the date ordered by the court, the court shall also order that the operator's license of such person be revoked for a like period.

22-33 Right-Of-Way; Intersections

- A. When two vehicles approach or enter an intersection from different roadways 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, except as otherwise provided by this chapter.
- B. Notwithstanding the provisions of subsection (A) of this section, a vehicle entering a street from an acceleration lane or any other approach road, it shall yield the right-of-way to a vehicle on the street entering such merging area at the same time, regardless of whether the approach road is to the left or the right of the main roadway, unless posted signs indicate otherwise.
- C. The driver of a vehicle about to enter or cross a paved roadway from an unpaved roadway and who is not subject to control by a traffic control device shall yield the right-of-way to all vehicles approaching on such paved roadway.

22-34 Right-Of-Way; Left Turn

The driver of a vehicle who intends to turn left at an intersection or into any 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 approaching so close as to constitute an immediate hazard.

22-35 Entering Street; Yield Right-Of-Way

- A. The driver of a vehicle entering a street from an alley, building, parking lot, private drive, or private road, shall yield the right-of-way to all vehicles approaching on such street.
- B. The driver of a vehicle emerging from an alley, building, parking lot, private drive, or private road shall stop such vehicle immediately before driving onto a sidewalk area extending across such alley, building entrance, parking lot entrance, private drive, or private road, and shall yield the right-of-way to pedestrians approaching on such sidewalk area.

22-36 Right-Of-Way; Parked Vehicle To Yield

No person shall move a vehicle which is stopped, standing, or parked without yielding the right-of-way to all other vehicles and pedestrians affected by such movement and in no event until such movement can be made with reasonable safety.

22-37 Stop Signs; Yield Right-Of-Way

Except when directed to proceed by a peace officer or traffic control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop at a clearly marked stop

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line, but if there is no such line, before entering the crosswalk on the near side of the intersection, or, if no crosswalk is indicated, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on such roadway as to constitute an immediate hazard if such driver moved across or into such intersection.

22-38.1 Roundabouts One-Way

A vehicle which passes around a roundabout shall be driven only to the right of the central island while on the circulatory roadway in such roundabout.

22-43 "U" Turns

A. A "U" turn is the turning of a vehicle upon a street so as to proceed in the opposite direction, whether accomplished by one continuous movement or not. It shall be unlawful for the driver of a vehicle to make a U-turn:

1. At any place where signs prohibiting such a turn have been erected;
2. Upon any curve;
3. Upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet;
4. Upon any street between intersections;
5. At any intersection at which traffic is being controlled in any direction by the traffic control devices of a stop sign, yield sign, automatic traffic signal, or flashing lights.

B. U-turns may be made only at intersections in areas at which traffic is not being controlled by the traffic control devices enumerated above.

22-44 Turning At Intersections

Except as otherwise directed by a police officer or any official traffic-control device, it shall be unlawful for the driver of a vehicle intending to turn at an intersection to fail to do so in the following manner:

- A. *Right Turns.* 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. *Left Turns.* 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. *Intersections Where Automatic Signal Functioning.* It shall be unlawful for the driver of any vehicle to turn such vehicle at any intersection where an automatic signal is installed and actually functioning, except when such signal is displaying a green light, or flashing yellow, or when a right hand turn on a steady red light is not prohibited by a sign placed at the intersection, or when a green turning arrow permits a turn.

22-45 Turning And Stopping Signals

A. No person shall turn a vehicle from the direct course of travel upon a street, slow down or stop, or change traffic lanes, unless and until such movement can be made in safety, and then only after giving an appropriate signal of such intention, in the following manner.

1. A signal of intention to turn right or left from the direct course of travel, or to change lanes, shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning or changing lanes;
2. Under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle of such signaling driver for one hundred feet, the required signals shall be given by such signal light. If the required signals are given by hand, such signals shall be given in the following manner, and such signals shall indicate as follows:
TURN RIGHT by extending the left hand and forearm upward from the left side of the vehicle;
TURN LEFT by extending the left hand and arm horizontally from the left side of the vehicle;
STOP or DECREASE SPEED by extending the left hand and arm downward from the left side of the vehicle;

CHANGING LANE TO LEFT (Use turn left rule);

CHANGING LANE TO RIGHT (Use turn right rule).

3. If the required signals are given by a signal light of a type approved by the Department of Motor Vehicles of the State of Nebraska, such signals shall be given in the following manner, and such signals shall indicate as follows:

TURNING LEFT - Flashing of only the left signal light;

TURNING RIGHT - Flashing of only the right signal light;

STOPPING or DECREASING SPEED - Flash of brake signal lights;

CHANGING LANE TO LEFT - Flashing of left signal light;

CHANGING LANE TO RIGHT - Flashing of right signal light.

B. The signals herein required to be given shall be given either by means of the hand and arm as herein prescribed, or by a signal light of a type approved by the Department of Motor Vehicles of the State of Nebraska.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

22-47 Overtaking And Passing

Except where overtaking and passing on the right is permitted, the following rules shall govern the overtaking and passing of vehicles proceeding in the same direction:

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- A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall first give a visible signal of his or her intention and shall pass to the left of the other vehicle at a safe distance and shall not again drive to the right side of the street until safely clear of the 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; and
- C. The driver of a vehicle overtaking a bicycle or electric personal assistive mobility device proceeding in the same direction shall exercise due care, which shall include, but not be limited to, leaving a safe distance of no less than three feet clearance, when applicable, when passing a bicycle or electric personal assistive mobility device and shall maintain such clearance until safely past the overtaken bicycle or electric personal assistive mobility device.

22-48 Passing On The Right

- A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - 1. When the vehicle to be overtaken is making or about to make a left turn;
 - 2. Upon a two-way street with an unobstructed roadway, not occupied by parked vehicles, of sufficient width for two or more lanes of moving vehicles going in the same direction when the passing vehicle is traveling in one of such lanes; or
 - 3. When a street has more than one lane for traffic moving in the same direction and the act of passing on the right is accomplished in a traffic lane.
- B. In no event shall the driver of a vehicle overtake and pass another vehicle upon the right unless such movement may be made in safety and upon the pavement or main traveled portion of the street. In no event shall the parking lane of a street be used for passing on the right.

22-48.1 School Crossing Zone Passing Prohibited

It is unlawful for a person operating a motor vehicle to overtake and pass another vehicle in a school crossing zone in which the roadway has only one lane of traffic in each direction.

22-50 Passing On The Left; Limitations

- A. No driver shall overtake and pass another vehicle or drive to the left of the center of the street whenever:
 - 1. He or she approaches the crest of a grade or upon a curve in the street where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 - 2. He approaches within one hundred feet of or traverses any intersection, railroad grade crossing, bridge, tunnel or viaduct;
 - 3. The section of roadway is designated as a no-passing zone.

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- B. No driver shall cross the centerline of an undivided highway providing for two or more lanes of traffic in each direction for the purpose of overtaking or passing another vehicle.
- C. The limitations imposed by this section shall not apply upon a one-way roadway, nor when an obstruction exists which requires a driver to drive to the left of the center of the street nor to the driver of a vehicle turning left into or from an alley, private road, or driveway unless otherwise prohibited by signs.

22-51 Speed Limitations

- A. *General Rule.* No person shall operate any vehicle on, over, or upon any street or streets in the City at a rate of speed greater than is reasonable and prudent under the conditions, having due regard for the traffic, surface, width, and condition of the road; nor at a rate of speed as to endanger life or limb of a person. A person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or roadway conditions.
- B. *Basic Limit.* Except as may be otherwise provided in accordance with the provisions of this chapter, it shall be unlawful for any person to operate a vehicle on, over, or upon any street within the City at a rate of speed greater than twenty-five (25) miles per hour, or on, over, or upon any alley at a rate of speed greater than fifteen (15) miles per hour.
- C. *Modification of Limits.* The city council may, by resolution, establish speed limits at a rate of speed greater or less than twenty-five (25) miles per hour for any street or portion of a street within the City. The city engineer shall cause the installation of speed limit signs along the street or portion of a street, indicating the speed so established, and upon such installation, the speed limit for such street or portion of a street shall be as indicated by the speed limit signs installed.
- D. *Construction Zones.* The maximum speed limit through any maintenance, repair or construction zone on any street or streets within the city shall be twenty-five miles per hour. Such speed limits shall take effect only after appropriate signs giving notice of the speed limit are erected or displayed in a conspicuous place in advance of the area where the maintenance, repair or construction activity is or will be taking place and a written order establishing the work area speed zone is approved by the Public Works Director. The Public Works Director may increase or decrease the speed limit through any street maintenance, repair or construction zone in increments of five miles per hour as needed for the safety of the public and the construction workers for the duration of the construction project.

22-52 Racing On Streets Prohibited

- A. No person shall drive a motor vehicle upon any street in the City in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.
- B. For purposes of this section:
 - 1. Dreg race shall mean the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other or the operation of one or more vehicles over a common selected course, each starting at the same point and

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proceeding to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; and

2. Racing shall mean the use of one or more vehicles in an attempt to outgain or outdistance another vehicle, to prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.

22-54 Reckless Driving

- A. It shall be unlawful for a person to operate any motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property.
- B. All citations for a second or subsequent offense shall be written under Nebraska State Statute.

22-55 Willful Reckless Driving

- A. It shall be unlawful for any person to operate any motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property.
- B. The court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for period of not less than thirty days nor more than one year from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. The revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.
- C. All citations for a second or subsequent offense shall be written under Nebraska State Statute.

22-58 Driving Over Fire Hose

It shall be unlawful to drive a vehicle over unprotected hose of the Fire Department which is laid down at any place within the City, in use or to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

22-63 Soliciting Rides

- A. It shall be unlawful for any person to stand on the traveled portion of any street or alley for the purpose of soliciting rides from the driver of any vehicle. No person shall stand in a roadway for the purpose of soliciting a ride, employment, contributions, or business from the occupant of any vehicle.
- B. No person shall stand on or in proximity to a street for the purposes of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street.
- C. Pedestrians over the age of eighteen may be allowed to enter one or more roadways, except roadways that are part of the state highway system, at specified times and locations and approach vehicles when stopped by traffic control devices or traffic control signals for the purpose of soliciting contributions which are to be devoted to charitable or community betterment purposes.
 1. A permit shall be obtained from the Grand Island Police Department prior to solicitation of contributions.

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2. No preference shall be given to any individual or the members of any organization, association or group. No organization, association or group shall be denied a permit other than for legitimate government purposes and/or safety of those soliciting contributions.

22-92 Truck And Trailer Parking Prohibited

- A. It shall be unlawful for any person to park, or permit to be parked, a truck-tractor or semitrailer, as defined in §22-1 above, upon any residential lot, street or alley for a period of more than one hour unless such vehicle is, after the expiration of such period, actually delivering or collecting goods, wares, merchandise or materials, or waiting an opportunity to so load or unload materials and providing the driver is present therewith; or
- B. No semitrailer or trailer shall be parked upon any street or alley except when such semitrailer or trailer is parked in connection with and in aid of the ongoing performance of constructions upon or reparative service to or on property in the City block in which such semitrailer or trailer is parked. Any vehicle in violation of this section is hereby declared to be a public nuisance and is subject to immediate removal and impoundment.
- C. For purposes of section (A), residential lot shall mean any tract or parcel located within the City that is located within zoning district (LLR) Large Lot Residential Zone, (R-1) Suburban Residential Zone, (R-2) Low Density Residential Zone, (R-3) Medium Density Zone, (R-3SL) Medium Density Small Lot Residential Zone, (R-4) High Density Residential Zone, (RO) Residential Office Zone, or (RD) Residential Development Zone.
- D. This section shall not be construed as permitting the parking of any vehicle in any zone where parking is otherwise prohibited or restricted by this chapter, or as extending the time of parking where such is now restricted to a shorter period than here within allowed.

22-103 Parking Fines

Parking violators of this article or Article XII of this chapter shall pay a fine of twenty-five dollars (\$25.00) for each violation. Fines must be paid at the Police Department.

22-106 Impounding Of Vehicles Generally

- A. An employee authorized by the Police Department, may remove and convey any vehicle, or cause such vehicle to be removed and conveyed by means of towing or otherwise, to the automobile pound when such vehicle is found to:
1. Be parked, abandoned, or left standing in the streets or alleys of the City in violation of the provisions of this chapter; or
 2. Have two (2) or more unpaid overdue parking tickets; or
 3. Be a danger to the public, health, welfare and or safety,
- B. A report documenting the reason for and the towing of the vehicle shall be completed by the Police Department employee and placed in a designated location for such reports. No impounded vehicle shall be released or removed from impoundment prior to the public sale provided for in §22-108

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except by payment by the owner, operator, or driver of such impounded vehicle, of all unpaid overdue parking tickets, an impounding fee as set forth in the User Fee Schedule approved and adopted by the City Council, and any towing and storage charge assessed against such automobile as provided for in §22-107. Further, no impounded vehicle shall be released from impoundment without:

1. The person claiming the vehicle, or another person accompanying them, presenting for inspection a valid driver's license; and
 2. The vehicle being properly registered and insured for operation upon the roadway in accordance with State Statute.
 3. In the event that conditions (B)(1) and (2) above cannot be met, the vehicle may be released to a towing service only after the owner arranges for the vehicle to be towed from the impoundment facility by the towing service and is not operated on the roadway.
- C. When, and if, the owner, operator, or custodian of such automobile presents himself/herself at the Police Department, it shall be the duty of the Police Department to inform such person of the nature of the violation for which such vehicle was impounded. In case the owner, driver, or custodian of any impounded vehicle executes an affidavit denying the facts upon which the impoundment has been based, and protesting the payment of such impounding, towing, and storage fees, the receipt for the same shall be marked, "Paid Under Protest," and in such case it shall become the duty of the chief of police to make complaint in conformity with the provisions of this Code, or other ordinances of the City. If such person is charged with a felony or misdemeanor related to the offense for which the vehicle was taken into custody, but is not convicted, it shall be the duty of the chief of police to refund to such person the fees so paid under protest. Vehicles impounded as a nuisance or in violation of City Ordinance shall not be entitled to a refund of any fees.
- D. Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle shall be removed, nor the City of Grand Island shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the City or its contractual agent, or as a result of any subsequent disposition.
- E. It shall be the duty of the chief of police, or their designee, to account for any fees collected by the Police Department under the provisions of this section to the city treasurer, who shall place the same in the police fund. The chief of police, or their designee, shall keep a record of each impounded vehicle containing the name of the owner, the registration plate numbers, (if any), the make, model and year of the vehicle, the nature of each violation involved and the ultimate disposition of each impounded vehicle.

22-106.1 Abandoned Vehicle Definition

- A. A motor vehicle is an abandoned vehicle:
1. If left unattended, with no license plates or valid In Transit stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;
 2. If left unattended for more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;

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3. If left unattended for more than forty-eight hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
 4. If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;
 5. If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner and lienholder under Neb. Rev. Stat. §60-1903.01; or
 6. If removed from private property to a municipal ordinance.
- B. An all-terrain vehicle, a utility-type vehicle, or a minibike is an abandoned vehicle:
1. If left unattended for more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;
 2. If left unattended for more than forty-eight hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
 3. If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;
 4. If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner and lienholder under Neb. Rev. Stat. §60-1903.01; or
 5. If removed from private property pursuant to a municipal ordinance.
- C. A mobile home is an abandoned vehicle if left in place on private property for more than thirty days after a local governmental unit, pursuant to an ordinance or resolution, has sent a certified letter to each of the last-registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. Rev. Stat. §60-1903.
1. For purposes of this section:
 1. Mobile home means a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in Neb. Rev. Stat. §71-4603. Mobile home does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. Rev. Stat. §60-169;
 2. Public property means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and
 3. Private property means any privately owned property which is not included within the definition of public property.
- D. No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this section.

22-108 Sale Of Impounded Vehicles

- A. If an abandoned vehicle, at the time of abandonment, has no number plates of the current year affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of five hundred dollars or less, title shall immediately vest in the City of Grand Island as provided by the laws of the State of Nebraska.

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- B. Except for vehicles governed by subsection (A) above, the City of Grand Island Police Department having custody of an abandoned vehicle, shall make an inquiry concerning the last-registered owner of such vehicle as follows:
1. Abandoned vehicle with number plates affixed, to the jurisdiction which issued such number plates; or
 2. Abandoned vehicle with no number plates affixed, to the Department of Motor Vehicles.
- C. The chief of police shall notify the last-registered owner, if any, and any lienholder, if any, within fifteen business days that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, either (a) it will be sold at public auction after five days from the date of such notice was mailed or (b) title will vest in the City of Grand Island thirty days after the date such notice was mailed. If the agency described in subsection (A) of this section also notifies the chief of police that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.
- D. Title to such abandoned vehicles, if unclaimed, shall vest in the City of Grand Island as provided by the laws of the State of Nebraska (a) five days from the date such notice is mailed if the vehicle will be sold or offered at public auction, (b) thirty days after the date the notice is mailed if the City of Grand Island will retain the vehicle or (c) if the last-registered owner cannot be ascertained, when notice of such fact is received.
- E. After title to the abandoned vehicle vests pursuant to subsection (D) of this section, the City of Grand Island may retain for use, sell, or auction the abandoned vehicle. If the City of Grand Island has determined that the vehicle should be retained for use, the City shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the City of Grand Island intends to retain the abandoned vehicles for its use and that title will vest in the City thirty days after the publication.

22-121 Reserved

22-141.1 Parking In Front Yards

- A. It shall be unlawful for anyone to park a motor vehicle on any unimproved area of a front yard of any property in the city of Grand Island. The term "motor vehicle" shall mean every self-propelled land vehicle, not operated on rails, except mopeds or self-propelled invalid chairs. No front yard area shall be improved for parking unless it meets all of the requirements of the Grand Island City Code for off-street parking, including but not limited to, the provisions of Chapter 36.
- B. Upon conviction of a third or subsequent offense of this section, any vehicle found on a front yard may be removed by causing said vehicle to be removed from the property at the expense of the registered owner; or by other actions authorized by §20-15 of the Grand Island City Code. If the vehicle is not registered, or if the registered owner fails to abate the nuisance, removal shall be at the expense of the registered owner of the property from which the vehicle is removed.

22-143 Non-Conforming Off-Street Parking; Public Nuisance

- A. It shall be unlawful and hereby declared a public nuisance to allow off-street parking in non-conforming areas, as described in §36-96 and 36-97 or to allow to remain on any property within the City such vehicles in non-conforming areas.

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- B. Upon conviction of a third or subsequent offense of this section, any vehicle found on a front yard may be removed by causing said vehicle to be removed from the property at the expense of the registered owner; or by other actions authorized by §20-15 of the Grand Island City Code. If the vehicle is not registered, or if the registered owner fails to abate the nuisance, removal shall be at the expense of the registered owner of the property from which the vehicle is removed.

22-145 Notice To Remove; Non-Compliance With Notice; Procedure

It shall be the duty of the Grand Island Police Department or the Code Compliance Officer in any case where a vehicle is allowed to remain in a non-conforming area and in any non-conforming off-street parking space, to deliver or send a Notice to Abate and remove such nuisance to the owner of the real estate or the owner's duly authorized agent or person, in possession, charge or control, and to the occupant, if any, by personal service or ordinary first class mail. Within five days after delivery or mailing of such notice, if the owner, agent or occupant of the real estate or piece of ground fails to comply with the order to abate and remove the nuisance, or if such owner, agent or occupant cannot be notified by personal service or mail upon written request from the Grand Island Police Department or the Code Compliance Officer to the City Attorney, the City of Grand Island may proceed to abate said public nuisance by causing said vehicle to be removed from the property at the expense of the registered owner of the vehicle after notice has been securely attached to and conspicuously displayed on the vehicle and at least seventy-two (72) hours have elapsed since attachment of said notice without said vehicle being removed to a conforming and legal parking space; or by other actions authorized by §20-15 of the Grand Island City Code. If the vehicle is not registered, or if the registered owner fails to abate the nuisance, removal shall be at the expense of the registered owner of the property from which the vehicle is removed.

22-146 Assessment; Levy; Collection

- A. No vehicles removed from property pursuant to §22-141.1, §22-143 or §22-145 shall be returned to any registered owner or claimant until such time as all expenses related to removing the vehicle from the nonconforming off-street parking area have been paid in full and proof has been provided that the vehicle has been properly registered and insured unless return is expressly ordered by a Court of competent jurisdiction within thirty (30) days of impoundment.
- B. If the costs and expenses of removing the vehicle from the nonconforming off-street parking area are not paid within the time provided, the City Council shall, and it does hereby empower to, levy and assess the costs and expenses of such removal upon the property so benefited. The same shall be levied on all lots, tracts or parcels of land to the extent of the special benefit to such real estate, by reason of such improvement, such benefits to be determined by the City Council sitting as a board of equalization after publication in a newspaper having general circulation in the City and personal notice at least ten (10) days prior thereto. The assessment so levied shall be a lien on the property on which levied from the date of levy and shall be due and payable to the City Treasurer thirty (30) days after such levy and shall become delinquent fifty (50) days after such levy and shall bear interest at the rate of seven percent (7%) per annum from the date they become delinquent; and, at the time of the next certification for general revenue purposes to the County Clerk, if not previously paid, this special tax shall be certified to the County Clerk, be placed upon the tax list and be collected as other real estate taxes are collected and be paid over to the City Treasurer.

Article 22-XIII Repealed

37-32 Officer

Five persons, all of whom shall be residents of the City of Grand Island, shall constitute the Authority. The five members shall be appointed by the Mayor, with the approval of the City Council. The Mayor shall designate the term of office for each member as provided in Neb. Rev. Stat. §18-2102.01 (Reissue of 1991). The Authority shall select one of its members as chairperson and another as vice-chairperson. The Authority

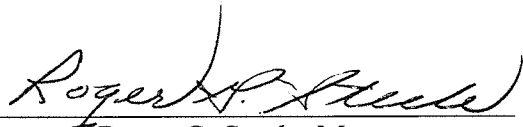
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shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and recommendations, which records shall be made available for public inspection during regular business hours.

SECTION 2. Any ordinance or parts of ordinances in conflict herewith be, and hereby are, repealed.

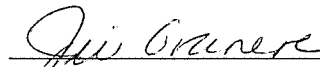
SECTION 3. This ordinance shall be in force and take effect February 14, 2024 and after its passage and publication, in one issue of the *Grand Island Independent* as provided by law.

Enacted: January 23, 2024.



Roger G. Steele, Mayor

Attest:



Jill Granere, City Clerk

