

Title XVII Chapter 72 Parking Regulations

Parking; General

170.72.01 Library Parking; Designation of on Street Parking Stalls or Spaces and Access Aisles / Designation of Off Street Parking Stalls or Spaces and Access Aisles

1.A. The governing body may designate parking spaces, including access aisles, for the exclusive use of: Stanton Public Library patrons.

B. If the governing body so designates a parking space or access aisle, it shall be indicated by posting above ground and immediately adjacent to and visible from each space or access aisle a sign indicating the parking space or access aisle as "LIBRARY PARKING ONLY". In addition to such sign, the space or access aisle may also be indicated by green paint on the curb or edge of the paved portion of the street adjacent to the space or access aisle.

2. The municipality or any person in lawful possession of any off street parking facility may designate stalls or spaces, including access aisles, in such facility owned or operated by the municipality or person for the exclusive use of Stanton Public Library patrons. If the governing body or any person in lawful possession of any off street parking facility so designates a parking space or access aisle, it shall be indicated by posting above ground and immediately adjacent to and visible from each space or access aisle a sign indicating the parking space or access aisle as "LIBRARY PARKING ONLY". In addition to such sign, the space or access aisle may also be indicated by green paint which shall identify the actual boundaries of said parking space, stall or access aisle.

170.72.07 Truck and Trailer Parking

It shall be unlawful for the owner or operator of a semi-tractor truck with trailer attached or unattached, or any trailer unattached, or other motor vehicle attached or other motor vehicle with trailer, bed or boxes attached which exceeds nine (9) feet in length, or motor vehicles with a five (5) ton or more license, certificate or plate, except emergency vehicles, to park on the streets within the City, except when being used for the purpose of delivering or collecting goods, wares, merchandise or materials or obtaining repairs from or dealing with regularly established business firms on new or used trucks or equipment related thereto, and then only for a period of time no longer than is necessary for the expeditious delivery or collecting of such goods, wares, merchandise or materials.

The above shall not apply to trucks or motor vehicles being used within the City in connection with building, repair, service or moving operations.

170.72.10 Time Limit; Overnight Parking; Business District

It shall be unlawful for any person to park or stand any vehicle within the limits of the business district between the hours of two (2:00) o'clock a.m. and seven (7:00) o'clock a.m. of any day.

170.72.11 Snow Removal and Maintenance on Streets and Alleys

It shall be unlawful to park or stand any vehicle on any street or alley in the Municipality at any time within twelve hours after a snowfall of three inches or more has occurred within a 24 hour period, unless the snow has been removed within that time.

The Municipal Police may order any street or alley, or portion thereof, vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley, or by posting appropriate signs along such streets or alleys. Such signs shall be posted not less than 4 hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this Section shall be subject to the penalties provided in this Chapter, and such vehicle may be removed and parked, under the supervision of the Municipal Police, to a suitable nearby location without further notice to the owner or operator of such vehicle.

Added by Ordinance 760 – February 6, 2007

170.72.60 Parking; Library Parking; Penalty for Violation

Any person, who violates the provisions of Sections 170.72.01, shall be subject to having his or her vehicle towed or having placed on his or her vehicle a parking ticket by any police officer or person or persons designated by the Chief of Police with such enforcement authority. Said parking ticket shall be for the sum of one hundred dollars (\$100.00) and the owner or operator of any such vehicle shall, within seventy-two (72) hours, pay the same to the office of the City Clerk. If said ticket is not paid within said seventy-two (72) hour period, the parking violation shall constitute an offense, and the owner or operator of said vehicle shall, upon conviction thereof, be subject to a fine of one hundred (\$100.00). If the identity of the operator of a motor vehicle cannot be determined, the owner or person in whose name such vehicle is register shall be held prima facie responsible for such infraction.

Handicapped Parking

170.72.70 Handicapped or Disabled Persons Parking (Refer to State Statutes for current law)

1. DESIGNATION OF ON STREET PARKING SPACES; DISPLAY OF PERMITS

A) The Governing Body may designate parking spaces, including access aisles, for the exclusive use of (1) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. RS 60-311.14, (2) handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state, (3) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality, whose motor vehicles display the permit specified in Neb. RS 18-1739, and (4) such other motor vehicles, as certified by the Municipality, which display such permit. All such permits shall be displayed by hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

(B) If the Governing Body so designates a parking space or access aisle, it shall be indicated by posting above ground and immediately adjacent to and visible from each space or access aisle a sign as described in Neb. RS 18-1737. In addition to such sign, the space or access aisle may also be indicated by blue paint on the curb or edge of the street adjacent to the space or access aisle. (Neb. RS 18-1736)

2. DESIGNATION OF OFF STREET PARKING STALLS OR SPACES

The Municipality and any person in lawful possession of any off-street parking facility may designate stalls or spaces, including access aisles, in such facility owned or operated by the Municipality or person for the exclusive use of (a) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to Neb. RS 60-311.14, (b) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality, whose motor vehicles display the permit specified in Neb. RS 18-1739, and (c) such other motor vehicles, as certified by the Municipality, which display such permit. Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space, including access aisles, a sign which is in conformance with the requirements in Neb. RS 18-1737. (Neb. RS 18-1737)

3. HANDICAPPED PARKING INFRACTION; DEFINED

For purposes of this Article:

(A) Access aisle means a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the federal Americans with Disabilities Act of 1990 and the federal rules and regulations adopted and promulgated in response to the act. (Neb. RS 18-1736)

(B) (1) Handicapped or disabled person means any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet (200') without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or

Class IV, according to standards set by the American Heart Association, and any individual who has permanently lost all or substantially all the use of one or more limbs;

(2) Temporarily handicapped or disabled person means any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one (1) year. (Neb. RS 18-1738)

(C) Handicapped parking infraction means the violation of any section of this Article regulating (1) the use of parking spaces, including access aisles, designated for use by handicapped or disabled persons, (2) the unauthorized possession, use, or display of handicapped or disabled parking permits, or (3) the obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990. (Neb. RS 18-1741.01)

4. PERSONAL PERMIT; ISSUANCE; RENEWAL

(A) The Municipal Clerk shall take an application, on a form provided by the Department of Motor Vehicles, from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces or access aisles provided for by this Article when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces or access aisles. For purposes of this section, the handicapped or disabled person or temporarily handicapped or disabled person shall be considered the holder of the permit.

(B) A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity, and shall submit a completed medical form containing the statutory criteria for qualification and signed by a physician, physician assistant, or advanced practice registered nurse certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. No applicant shall be required to provide his or her social security number. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or advanced practice registered nurse shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less.

(C) A person may hold only one permit under this section and may hold either a permit under this section or a permit under section 5 (Motor Vehicle Permit; Issuance), but not both.

(D) A copy of the completed application form shall be given to each applicant. The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons applying for a permit pursuant to this section.

(E) An application for the renewal of a permit under this section may be filed within thirty days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit. (Neb. RS 18-1738)

(F) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to the provisions of Neb. RS 18-1738.02. (Neb. RS 18-1738.02)

5. MOTOR VEHICLE PERMIT; ISSUANCE; RENEWAL

(A) The Municipal Clerk shall take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or

disabled persons to park in those spaces or access aisles provided for by this Article if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces or access aisles.

(B) A person applying for a permit for the renewal of a permit pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the Municipal clerk by the Department of Motor Vehicles, and shall demonstrate to the Municipal Clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. A copy of the completed application form shall be given to each applicant.

(C) No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under section 4 (Personal Permit; Issuance), but not both.

(D) An application for the renewal of a permit under this section may be filed within thirty days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit.

(E) The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section. (Neb. RS 18-1738.01)

(F) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to Neb. RS 18-1738.02. (Neb. RS 18-1738.02)

6. PERMITS; PROHIBITED ISSUANCE; DUPLICATE PERMITS

(A) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to section 8 (Permits Nontransferable; Violations; Suspension). At the expiration of such suspension, a permit may be renewed in the manner provided for renewal in this Article.

(B) A duplicate permit may be provided without cost if the original permit is destroyed, lost or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the Municipal Clerk or the Department of Motor Vehicles. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. (Neb. RS 18-1739)

7. PERMITS; PERIOD VALID; RENEWAL OF TEMPORARY PERMITS

(A) All permanently issued permits for handicapped or disabled parking authorized by this Article shall be issued for a period ending on September 30 of the third year after the date of issuance and shall expire on that date.

(B) All permits authorized under this Article for temporarily handicapped or disabled parking shall be issued for a period ending not more than six months after the date of issuance but may be renewed one time for a period not to exceed six months. For the renewal

period, there shall be submitted an additional application with proof of a handicap or disability. (Neb. RS 18-1740)

8. PERMITS NONTRANSFERABLE; VIOLATIONS; SUSPENSION

Permits issued under this Article shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to this Article. No person shall knowingly hold more than one permit or knowingly provide false information on an application for a permit.

No person who is not the holder of a handicapped or disabled parking permit issued to him or her as a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person.

No person who is the holder of a handicapped or disabled parking permit issued for the use of such person when transporting a handicapped or disabled person shall display his or her handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit as the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

No person who is not the holder of a handicapped or disabled parking permit issued for use when a vehicle is transporting a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

Any violation of this section shall constitute a handicapped parking infraction and shall be cause for suspension of such permit for a period of six months and imposition of the penalty provided for violation of this Chapter. In addition, the trial court shall impose a fine of not more than \$250 which may be waived by the court if, at the time of sentencing, all handicapped parking permits issued to or in the possession of the offender are returned to the court. At the expiration of such six month period, a suspended permit may be renewed in the manner provided for renewal in this Article. (Neb. RS 18-1741)

9. CITATION, ISSUANCE; COMPLAINT; TRIAL; DISMISSAL

(1) For any offense classified as a handicapped parking infraction, a handicapped parking citation may be issued by any peace officer or by any person designated by ordinance by the Governing Body to exercise the authority to issue a citation for any handicapped parking infraction.

(2) When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the handicapped parking citation shall enter thereon all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicle, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests as earlier date, the time of appearance shall be at least three (3) days after the issuance of the handicapped parking citation. One (1) copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

(3) At least twenty-four (24) hours before the time set for the appearance of the cited person, either the Municipal Attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such person shall be released from the obligation to appear as specified.

(4) The trial of any person for a handicapped parking infraction shall be by the court without a jury. A person cited for a handicapped parking violation may waive his or her right to trial.

(5) For any handicapped parking citation issued for a handicapped parking infraction by reason of the failure of a vehicle to display a handicapped parking permit issued pursuant to section 18-1738 or 18-1738.01 RS Neb., the complaint shall be dismissed if, within seven (7) business days after the date of issuance of the citation, the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit issued under section 18-1738 or 18-1738.01 RS Neb. and that the peace officer has personally viewed the permit.

10. REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY

(A) The owner or person in lawful possession of an off-street parking facility, after notifying the municipal police, and the Municipality, if it provides on-street parking or owns, operates, or provided an off-street parking facility, may cause the removal, from a stall or space, including access aisles, designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying the proper permit of the distinguishing license plates specified in this Article if there is posted above ground and immediately adjacent to and visible from such stall or space, including access aisles, a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(B) A person who parks a vehicle in any on-street parking space or access aisle which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space or access aisle in any off-street parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or from whom, as the case may be, the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space or access aisle shall be guilty of a handicapped parking infraction and shall be subject to the penalties and procedures set forth in section 9 (Citation, Issuance; Complaint; Trial; Dismissal). The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this section.

(C) In the case of a privately owned off-street parking facility, the Municipality shall not require the owner or person in lawful possession of such facility to inform the

Municipality of a violation of this section prior to the Municipality issuing the violator a handicapped parking infraction citation. (Neb. RS 18-1737)