

TITLE VII: TRAFFIC CODE

Chapter

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Cross-reference:

Local legislation regarding traffic, see Title XVII

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CHAPTER 70: GENERAL PROVISIONS

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Statutory reference:

Nebraska Rules of the Road, see Neb. RS 60-601

§ 70.01 DEFINITIONS.

For the purpose of this title, the following definitions and the other definitions in Neb. RS 60-606 through 60-676 shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A highway intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.
(Neb. RS 60-607)

AUTHORIZED EMERGENCY VEHICLE. Such fire department vehicles, police vehicles, rescue vehicles, and ambulances as are publicly owned, such other publicly or privately owned vehicles as are designated by the Director of Motor Vehicles, and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General pursuant to Neb. RS 55-133.
(Neb. RS 60-610)

BUSINESS DISTRICT. The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including, but not

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limited to, hotels, banks, office buildings, railroad stations, or public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of a highway.
(Neb. RS 60-613)

HIGHWAY. The entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
(Neb. RS 60-624)

MANUAL. The Manual on Uniform Traffic Control Devices adopted by the Department of Transportation pursuant to Neb. RS 60-6,118.
(Neb. RS 60-631)

MOTOR VEHICLE. Every self-propelled land vehicle, not operated upon rails, except bicycles, mopeds, self-propelled chairs used by persons who are disabled, and electric personal assistive mobility devices.
(Neb. RS 60-638)

PEACE OFFICER. The Police Chief or other chief law enforcement official, any city police officer, or any other person authorized to enforce city ordinances. With respect to directing traffic only, peace officer shall also include any person authorized to direct or regulate traffic.
(Neb. RS 60-646)

RESIDENTIAL DISTRICT. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.
(Neb. RS 60-654)

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes 2 or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively.
(Neb. RS 60-656)

SCHOOL CROSSING ZONE. The area of a roadway designated to the public by the state Department of Transportation or City Council as a school crossing zone through the use of a sign or traffic control device as specified by the City Council in conformity with the Manual 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.
(Neb. RS 60-658.01)

SHOULDER. 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.
(Neb. RS 60-661)

TRAFFIC. Pedestrians, ridden or herded animals, and vehicles and other conveyances either singly or together while using any highway for purposes of travel.
(Neb. RS 60-669)

TRAFFIC CONTROL DEVICE. Any sign, signal, marking, or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of the City Council or any official having jurisdiction for the purpose of regulating, warning, or guiding traffic.
(Neb. RS 60-670)

TRAFFIC CONTROL SIGNAL. Any signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
(Neb. RS 60-671)

TRAFFIC INFRACTION. The violation of any provision of the Nebraska Rules of the Road or of any law, ordinance, order, rule, or regulation regulating traffic which is not otherwise declared to be a misdemeanor or a felony or, in this title, an offense.
(Neb. RS 60-672)

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.
(Neb. RS 60-676)

§ 70.02 TRAFFIC REGULATIONS; GENERAL AUTHORITY.

(A) The City Council may, in its jurisdiction, enact regulations permitting, prohibiting, and controlling the use of motor vehicles, minibikes, motorcycles, off-road recreation vehicles of any and all types, other powered vehicles, electric personal assistive mobility devices, and vehicles which are not self-propelled. Any person who operates any of such vehicles without the permission of the City Council or its designated representative or in a place, time, or manner which has been prohibited by the City Council shall be guilty of an offense.

(B) The City Council may further authorize the supervising official of any area under its ownership or control to permit, control, or prohibit operation of any motor vehicle, minibike, motorcycle, off-road recreational vehicle of any or all types, other powered vehicle, electric personal assistive mobility device, or vehicle which is not self-propelled on all or any portion of any area under its ownership or control at any time by posting or, in case of an emergency, by personal notice. Any person operating any such vehicle where prohibited, where not permitted, or in a manner so as to endanger the peace and safety of the public or as to harm or destroy the natural features or manmade features of any such area shall be guilty of an offense.
(Neb. RS 60-678) Penalty, see § 10.99

§ 70.03 REGULATION OF HIGHWAYS; POLICE POWERS.

(A) The City Council with respect to highways under its jurisdiction and within the reasonable exercise of the police power may:

- (1) Regulate or prohibit stopping, standing, or parking;
- (2) Regulate traffic by means of peace officers or traffic control devices;
- (3) Regulate or prohibit processions or assemblages on the highways;
- (4) Designate highways or roadways for use by traffic moving in one direction;
- (5) Establish speed limits for vehicles in public parks;
- (6) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
- (7) Restrict the use of highways as authorized in § 70.04;
- (8) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
- (9) Regulate operation of electric personal assistive mobility devices;
- (10) Regulate or prohibit the turning of vehicles or specified types of vehicles;
- (11) Alter or establish speed limits authorized in the Nebraska Rules of the Road;
- (12) Designate no-passing zones;
- (13) Prohibit or regulate use of controlled-access highways by any class or kind of traffic except those highways which are a part of the state highway system;
- (14) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Transportation;
- (15) Establish minimum speed limits as authorized in the Rules;
- (16) Designate hazardous railroad grade crossings as authorized in the Rules;
- (17) Designate and regulate traffic on play streets;

(18) Prohibit pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in the Rules;

(19) Restrict pedestrian crossings at unmarked crosswalks as authorized in the Rules;

(20) Regulate persons propelling push carts;

(21) Regulate persons upon skates, coasters, sleds, and other toy vehicles;

(22) (a) Notwithstanding any other provision of law, adopt and enforce an ordinance or resolution prohibiting the use of engine brakes on the National System of Interstate and Defense Highways that has a grade of less than 5 degrees within its jurisdiction.

(b) For the purpose of this division, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ENGINE BRAKE. A device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss;

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

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

(B) The City Council shall not erect or maintain any traffic control device at any location so as to require the traffic on any state highway or state-maintained freeway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Transportation.

(C) No ordinance or regulation enacted under division (A)(4), (5), (6), (7), (10), (11), (12), (13), (14), (16), (17), or (19) shall be effective until traffic control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.

(Neb. RS 60-680)

§ 70.04 PROHIBITIONS ON OPERATION OF VEHICLES.

(A) The City Council may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed 180 days in any 1 calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which the City Council is responsible whenever any such highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. The City Council shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end

of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until such signs are erected and maintained.

(B) The City Council may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.
(Neb. RS 60-681)

§ 70.05 ORDINANCES CONTRARY TO STATE LAW PROHIBITED.

The City Council shall not enact or enforce any ordinance directly contrary to the Nebraska Rules of the Road unless expressly authorized by the Legislature.
(Neb. RS 60-6,108)

§ 70.06 PLACEMENT AND MAINTENANCE OF TRAFFIC CONTROL DEVICES.

The City Council shall place and maintain such traffic control devices upon highways under its jurisdiction as it deems necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. All such traffic control devices erected pursuant to this title shall conform with the Manual.
(Neb. RS 60-6,121)

§ 70.07 ENFORCEMENT OF RULES AND LAWS.

(A) All peace officers are hereby specifically directed and authorized and it shall be deemed and considered a part of the official duties of each of such officers to enforce the provisions of Nebraska Rules of the Road and this title, including the specific enforcement of maximum speed limits, and any other state or city law regulating the operation of vehicles or the use of the highways.

(B) To perform the official duties imposed by this section, peace officers shall have the power:

(1) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of the Motor Vehicle Operator's License Act or this title or of any other law regulating the operation of vehicles or the use of the highways, if and when designated or called upon to do so as provided by law;

(2) To make arrests upon view and without warrant for any violation committed in their presence of any provision of the laws of this state relating to misdemeanors or felonies or of similar city ordinances if and when designated or called upon to do so as provided by law;

(3) At all times to direct all traffic in conformity with law or, in the event of a fire or other emergency or in order to expedite traffic or insure safety, to direct traffic as conditions may require;

(4) When in uniform, to require the driver of a vehicle to stop and exhibit his or her operator's license and registration certificate issued for the vehicle and submit to an inspection of such vehicle and the license plates and registration certificate for the vehicle and to require the driver of a motor vehicle to present the vehicle within 5 days for correction of any defects revealed by such motor vehicle inspection as may lead the inspecting officer to reasonably believe that such motor vehicle is being operated in violation of the statutes of Nebraska, the rules and regulations of the Director of Motor Vehicles, or any city ordinance or regulation;

(5) To inspect any vehicle of a type required to be registered according to law in any public garage or repair shop or in any place where such a vehicle is held for sale or wrecking;

(6) To serve warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways; and

(7) To investigate traffic accidents for the purpose of carrying on a study of traffic accidents and enforcing motor vehicle and highway safety laws.

(Neb. RS 60-683)

Statutory reference:

Motor Vehicle Operator's License Act, see Neb. RS 60-462

§ 70.08 FAILURE OR REFUSAL TO OBEY ORDER.

(A) Any person who knowingly fails or refuses to obey any lawful order of any peace officer who is controlling or directing traffic shall be guilty of a traffic infraction.

(B) Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of an offense whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or this title or of a person whom such officer reasonably believes has violated the Rules or this title.

(Neb. RS 60-6,110) Penalty, see § 10.99

§ 70.09 OBEDIENCE TO TRAFFIC CONTROL DEVICES; EXCEPTIONS.

(A) The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto placed in accordance with the Nebraska Rules of the Road or this title, unless otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle in the Rules and this title.

(B) No provision of the Rules or this title for which traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by a reasonably observant person. Whenever any provision of the Rules or this title does not state that traffic control devices are required, such provision shall be effective even though no devices are erected or in place.

(C) Whenever traffic control devices are placed in position approximately conforming to the requirements of the Rules or this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(D) Any traffic control device placed pursuant to the Rules or this title and purporting to conform with the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of the Rules or this title unless the contrary is established by competent evidence.
(Neb. RS 60-6,119) Penalty, see § 70.99

§ 70.10 AUTHORIZED EMERGENCY VEHICLES; PRIVILEGES.

(A) Subject to the conditions stated in the Nebraska Rules of the Road and this title, the driver of an authorized emergency vehicle, when responding to an emergency call, when pursuing an actual or suspected violator of the law, or when responding to but not when returning from a fire alarm, may:

(1) Stop, park, or stand, irrespective of the provisions of the Rules and this title, and disregard regulations governing direction of movement or turning in specified directions; and

(2) Except for wreckers towing disabled vehicles and highway maintenance vehicles and equipment:

(a) Proceed past a steady red indication, a flashing red indication, or a stop sign but only after slowing down as may be necessary for safe operation; and

(b) Exceed the maximum speed limits so long as he or she does not endanger life, limb, or property.

(B) Except when operated as a police vehicle, the exemptions granted in division (A) shall apply only when the driver of such vehicle, while in motion, sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary and when such vehicle is equipped with at least 1 lighted light displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

(C) The exemptions granted in division (A) shall not relieve the driver from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect such driver from the consequences of his or her reckless disregard for the safety of others.

(D) Authorized emergency vehicles operated by police and fire departments shall not be subject to the size and weight limitations of sections Neb. RS 60-6,288 to 60-6,290 and 60-6,294.
(Neb. RS 60-6,114)

§ 70.11 TRAFFIC OFFICERS.

The City Council or the city police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer notwithstanding the directive of a stop sign or signal device that may have been placed at any such intersection.

Penalty, see § 70.99

§ 70.99 TRAFFIC INFRACTIONS; PENALTY.

(A) Unless otherwise declared in this title with respect to particular offenses, a violation of any provision of this title shall constitute a traffic infraction.
(Neb. RS 60-682)

(B) Any person who is found guilty of a traffic infraction in violation of this title for which a penalty has not been specifically provided shall be fined:

(1) Not more than \$100 for the first offense;

(2) Not more than \$200 for a second offense within a 1-year period; and

(3) Not more than \$300 for a third and subsequent offense within a 1-year period.

(Neb. RS 60-689)

Statutory reference:

Other provisions on traffic infractions, see Neb. RS 60-684 through 60-694.01

