

ORDINANCE NO. 595

TRAFFIC ORDINANCE.

An Ordinance for the control of traffic and the control and use of motor vehicles within the City of Lexington, Nebraska, defining the words and phrases used therein, providing for and limiting the use of streets, alleys and sidewalks; providing for the use of traffic control devices; requiring obedience to all regulations as herein set forth, and providing a penalty for the violation of any of the provisions hereof; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

BE IT OBTAINED BY THE PRESIDENT OF THE COUNCIL  
AND THE COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

ARTICLE I

WORDS AND PHRASES DEFINED.

Sec. 1. Definition of Words and Phrases. The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this article.

SUBDIVISION I. VEHICLES, TRAFFIC, ETC., DEFINED

Sec. 2. (a) 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 by human power.

(b) MOTOR VEHICLE. All vehicles propelled by any power other than muscular power, excepting however, traction engines, road rollers, auto glides- which shall be construed to mean two-wheeled vehicles propelled by an engine of less than two horse power capacity.

(c) MOTOR TRUCK, DEFINED. The word "motor truck" or "truck", as herein used and referred to, shall be construed to mean and include any motor vehicle which is eighteen (18) feet or more in length from the extreme front to the rear of such vehicle; or any vehicle which is seventy-two (72) inches or more in width.

(d) AUTHORIZED EMERGENCY VEHICLE. Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated by the City Manager.

Sec. 3. TRAFFIC. Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purpose of travel.

Sec. 4. RIGHT-OF-WAY. The privilege of the immediate use of the roadway.

Sec. 5. STOP, when required means complete cessation of movement.

(b) STOP OR STOPPING-when prohibited mean any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

(c) STANDING. Any stopping of a vehicle, whether occupied or not.

(d) PARK. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Sec. 6. OFFICIAL TIME STANDARD. Whenever certain hours are named herein they shall mean standard time or any other standard time as may be in current use in this city.

SUBDIVISION II. PERSONS, ETC. DEFINED.

Sec. 7. (a) PERSON. Every natural person, firm, co-partnership, association or corporation.

(b) DRIVER. Every person who drives or is in actual physical control of a vehicle.

(c) PEDESTRIAN. Any person afoot.

Sec. 8. POLICE OFFICER. Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

SUBDIVISION III. STREETS, ETC., DEFINED.

Sec. 9. (a) STREET OR HIGHWAY. The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(b) PRIVATE ROAD OR DRIVEWAY. Every way or place in a private ownership and use for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(c) ROADWAY. That portion of a street improved, designed, or ordinarily used for vehicular travel.

(d) SIDEWALK. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(e) ALLEY. The term "alley" shall mean the entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for vehicular traffic.

Sec. 10. INTERSECTION. 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 highways which join one another, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Sec. 11. CROSSWALK.

(a) That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.

(b) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Sec. 12. (a) OFFICIAL TRAFFIC CONTROL DEVICES. All signs, signals, markings, and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(b) OFFICIAL TRAFFIC SIGNALS. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

ARTICLE II

REQUIRED OBEDIENCE TO TRAFFIC REGULATIONS.

Sec. 13. REQUIRED OBEDIENCE TO TRAFFIC ORDINANCE. It shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance.

Sec. 14. OBEDIENCE TO POLICE. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.

Sec. 15. PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS. The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, county or city, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance or by statute of the State of Nebraska.

Sec. 16. EXEMPTIONS TO AUTHORIZED EMERGENCY VEHICLES.

(a) The provisions of this ordinance regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in this ordinance, except as follows:

A driver when operating any such vehicle in an emergency, except when otherwise directed by a police officer, may -

(1) Park or stand notwithstanding the provisions of this ordinance.

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(3) Exceed the prima facie speed limits so long as he does not endanger life or property.

(4) Disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(5) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequence of his reckless disregard of the safety of others.

Sec. 17. PERSONS PROPELLING PUSH CARTS OR RIDING BICYCLES OR ANIMALS TO OBEY TRAFFIC REGULATIONS - Every person propelling any push cart or riding a bicycle or an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this ordinance applicable to the driver of any vehicle, except those provisions of this ordinance which by their nature can have no application.

ARTICLE III.

OBEDIENCE TO TRAFFIC CONTROL DEVICES.

Sec. 18. OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

(a) The driver of any vehicle shall obey the instruction of any official traffic control device applicable thereto placed in accordance with the traffic ordinances of this city, unless otherwise directed by a police officer, subject to the exceptions granted the driver of any authorized emergency vehicle in this ordinance.

(b) No provision of this ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not

in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being erected to give notice thereof.

Sec. 19. OBEDIENCE TO NO-TURN SIGNS AND TURNING MARKERS.

(a) Whenever authorized signs are erected indicating that no right or left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized marks, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(b) The City Manager of said City is hereby authorized to provide temporary traffic control at any point within said City for a period not to exceed 90 days, and to erect, or cause to be erected, all necessary signs for such temporary control of traffic at any location. Said City Manager is also authorized to provide for and to install "No left Turn" signs at intersections, during such hours and at such locations as he may deem advisable.

Sec. 20. ZONE OF QUIET. Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of said vehicle except in an emergency.

Sec. 21. AUTOMATIC SIGNAL TRAFFIC CONTROL. Whenever traffic within said city is controlled by official traffic signals exhibiting different colored lights successively, one at a time, the following colors only shall be used, and said lights shall indicate as follows, and it shall be unlawful for any person to violate such signals, to-wit:

(a) Green alone.

1. Vehicular traffic facing the signal may proceed into the intersection, but shall yield the right of way to other vehicles and to pedestrians lawfully within said intersection at the time such signal is exhibited.

2. Pedestrians facing the signal may proceed across roadway within any marked or unmarked cross walk.

(b) Yellow alone, when shown following the green signal.

1. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety of vehicle may be driven cautiously through the intersection.

2. Pedestrians facing the signal are thereby advised that there is insufficient time to cross a roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.

(c) Red alone.

1. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection and shall remain standing until Green is shown.

2. No pedestrian facing the signal shall enter the roadway.

Sec. 22. FLASHING SIGNALS. Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(a) FLASHING RED (STOP SIGNAL). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) FLASHING YELLOW (CAUTION SIGNAL). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

#### ARTICLE IV.

Sec. 23. NO STOPPING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES. When signs are erected upon approach to hazardous or congested places no person shall stop, stand, or park a vehicle in any such designated place.

Sec. 24. PARKING ADJACENT TO SCHOOLS. When signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.

Sec. 25. PARKING PROHIBITED IN CERTAIN PLACES.

(a) No person shall stop, stand, or park any vehicle upon a street in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals or a police officer.

(b) No double parking shall be permitted and no person shall stand or park any vehicle upon a street in the rear of any vehicle which may be parked at an angle or parallel with any vehicle which may be parked parallel with the curb.

(c) No person shall park a vehicle within an alley, ~~(in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic)~~ except that a driver may stop temporarily for the expeditious unloading and delivery or pickup and loading of materials. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

(d) No person shall park a vehicle in such a manner as to obstruct a private driveway in either streets or alleys. Owners of private driveways may post a suitable sign, approved by and with the authorization of the City Manager, at their own expense.

Sec. 26. TRUCK PARKING PROHIBITED AT ALL TIMES IN DESIGNATED PLACES. When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in schedule I attached to and made a part of this ordinance.

Sec. 27. PARKING METERS. Regulations as posted on parking meters, which are installed on the streets described in Schedule IV attached to and made a part of this ordinance, shall be enforced as provided by Parking Meter Ordinance No. 560 as amended.

Sec. 28. PARKING TIME LIMITED IN DESIGNATED PLACES.

(a) When signs on parking meters are erected in

each block giving notice thereof, no person shall park a vehicle for longer than the posted time at any time between the hours designated of any day except Sundays and public holidays.

(b) When signs are erected, parking in the half block south and in the half block west of and adjacent to the Post Office Building shall be limited to 15 minutes.

Sec. 29. STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curb-side wheels of the vehicle within 12 inches of the edge of the roadway, except as provided in the following paragraphs:

(a) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or signs, and described in Schedule II and made a part of this ordinance.

(b) In places where and at hours when stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for transportation of merchandise or materials may back into the curb to take on or discharge loads.

(c) No vehicles, machinery or other articles of merchandise shall be displayed for sale on the streets, or sidewalks of said City, and no vehicle of any kind shall be parked on any street of said City where limited parking is not in effect for a period of time in excess of 24 hours.

Sec. 30. LOADING ZONES. Where no alley service exists for the loading or unloading of merchandise or materials, the City Manager may authorize the establishment of a loading zone of sufficient size. No person shall park a vehicle except for such purpose at any time. Loading zones shall be utilized no longer than is necessary to accomplish such loading or unloading. No more than one loading zone shall be established on one side of one block. It shall be so placed to give the maximum service to all users.

#### ARTICLE V.

Sec. 31. STOP BEFORE ENTERING A THROUGH STREET.

(a) Those streets and parts of streets described in schedule III attached hereto and made a part hereof, are hereby declared to be through streets for the purpose of this section.

(b) When stop signs are erected upon highways intersecting a through street at the entrances thereto or at the entrance to any intersection, every driver of a vehicle shall stop at every such sign or at a clearly marked stop line before entering the intersection except when directed to proceed by a police officer or traffic control signal. The City Manager shall cause stop signs to be erected at such intersections as shall be designated by the Council, either by resolution or motion.

Sec. 32. STOP WHEN TRAFFIC OBSTRUCTED. No driver shall enter an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Sec. 33. DRIVING THROUGH PROCESSION. No driver of a vehicle shall drive between the vehicles comprising a funeral

or other authorized procession while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

Sec. 35. LIMITATIONS ON TURNING AROUND. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street unless such movement can be made in safety and without interfering with other traffic.

Sec. 36. LIMITATIONS ON BACKING. The driver of a vehicle shall not back the same into an intersection or over a crosswalk and shall not in any event or at any place back a vehicle unless such movement can be made in safety.

Sec. 37. EMERGING FROM ALLEY OR PRIVATE DRIVEWAY. The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Sec. 38. VEHICLES SHALL NOT BE DRIVEN ON THE SIDEWALK. The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

Sec. 39. CLINGING TO MOVING VEHICLES. Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway.

Sec. 40. RIDING ON HANDLEBARS PROHIBITED. The operator of a motorcycle or bicycle when upon a street, shall not carry any other person upon the handle bar, frame, or tank of any such vehicle, nor shall any person so ride upon any such vehicle.

#### ARTICLE VI.

Sec. 41. VEHICLES, DUTY OF WHEN FIRE TRUCK APPROACHING. All motor vehicles and vehicles of every kind, except ambulances, shall upon the approach of any of the fire trucks of said city, drive to the curb or out of the main traveled portion of the street or alley, but not within twenty (20) feet of any fire plug or hydrant, and come to a stop and give to said fire trucks a clear right-of-way, and it shall be unlawful for any person or persons to obstruct or in any way interfere with the fire trucks of said city while said trucks are responding to a fire alarm, and it shall be unlawful for any person or persons other than the members of the Fire Department of said city to drive or park any vehicle within a radius of 500 feet of the location of any such fire.

Sec. 42. PARKING WITHIN TWENTY FEET OF FIRE HYDRANT, UNLAWFUL. It shall be unlawful for any person or persons to park or leave, any motor vehicle or vehicles of any kind within twenty (20) feet of any fire plug or hydrant of said city.

#### ARTICLE VII.

Sec. 43. FIRE HOSE, DRIVING OVER, PROHIBITED. It shall hereafter be unlawful for any person or persons to drive or permit to be driven, any motor vehicle, or vehicles of any kind over or across any of the fire hose owned by said city or being used by the firemen of said city, on any street, alley or other place within said city.

Sec. 44. OPERATION-WHO MAY DRIVE. No person under sixteen years of age, nor any person while under the influence of alcoholic liquor or any narcotic drug or barbital shall drive a motor vehicle upon any public street within the corporate limits of said city, nor shall any owner or person in control of any motor vehicle permit a person under sixteen years of age, or under the influence of alcoholic liquor, any narcotic drug or habital to drive a motor vehicle upon any public street within said corporate limits.

Sec. 45. CUT-OUT, PROHIBITED. Every motor vehicle operated within the corporate limits of said city, shall be provided with a muffler in good working order and in constant operation to prevent excessive or unusual noise. It shall be unlawful to use a muffler uct-out on any motor vehicle upon any of said streets. Provided, however, the provisions of this section shall not apply to authorized emergency vehicles.

Sec. 46. LIGHTS, BRAKES, CLEARANCE LIGHTS, HORNS. Every motor vehicle, while in use upon the streets, alleys, or public highways of said city, shall be equipped with efficient brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, and shall be further equipped with a good and sufficient horn in good working order, or other efficient signal devices, and shall have from one-half hour after sunset until one-half hour before sunrise, two or more whitish lights on the front thereof, one on each side, and said lights and all other lighting devices, including a tail light, used on such vehicle, shall be in compliance with the laws of the State of Nebraska. No person shall operate upon said streets, alleys, or public highways any motor vehicle equipped with lights that unnecessarily confuse and blind travelers or pedestrians on streets or crosswalks of said city. Every motor vehicle having a width of eighty inches or more shall display clearance lights as required by the laws of the State of Nebraska. All horns on motor vehicles shall be capable of sending sound audible under normal conditions for a distance of not less than two hundred feet. No person shall use a horn or other device on a motor vehicle other than a reasonable warning, and shall not use such horn or other device to make any unreasonable or unnecessary loud or harsh sound. Provided, motorcycles need be equipped with only one brake; and no person shall ride a motorcycle upon the streets, alleys, or highways of said city, from one-half hour after sunset to one-half hour before sunrise, unless the same shall be equipped with at least one and not more than two head lamps plainly visible from the front, and with a lamp on the rear exhibiting a red light visible under normal atmospheric conditions from a distance of at least five hundred feet to the rear thereof, and said lamps shall comply with the requirements and limitations of the statutes of the State of Nebraska.

Sec. 47. PARKING WITHIN 20 FEET OF ANY FIRE HYDRANT, PROHIBITED. No person or persons shall park any motor vehicle within 20 feet of any fire hydrant or street intersection upon the streets of the city.

Sec. 48. APPROACHING INTERSECTIONS. That when two motor vehicles approach a street intersection at or so near the same time that a collision might take place, the motor vehicle on the right hand side shall have the right of way, and the other motor vehicle shall so reduce its speed as to allow such motor vehicle on the right to safely pass.

Sec. 49. MOTOR VEHICLES TRAVELING IN SAME DIRECTION, PASSING. Whenever any person operating any motor vehicle shall overtake another vehicle or conveyance on any street or road within the corporate limits of said city, traveling in the same direction, and shall by sound of horn or other device indicate to the driver thereof his or her desire to pass, it shall be the duty of the driver of the motor vehicle or conveyance in front, if the nature



of the ground and the condition of the load will permit, to promptly turn to the right of the center of the street or road, and the driver of the motor vehicle behind will then turn to the left of the center of the road and pass by, and the driver of said motor vehicle shall not return to the center of the road until at least thirty (30) feet ahead of the vehicle or conveyance passed.

Section 50. RECKLESS DRIVING. No motor vehicle shall be driven, used, operated, parked or stopped in a manner as to indicate either a wilful or wanton disregard for the safety of persons or property, and every person so doing shall be deemed guilty of reckless driving.

Section 51. DRIVING TRACTORS OVER SIDEWALKS, ETC, PROHIBITED. That it shall be unlawful for any person, persons, firm or corporation within the corporate limits of said city to drive or cause to be driven a tractor with lugs or other projections attached to the wheels of said tractor, so the same will come in contact with the crossings, sidewalks or pavement over and upon any of the streets or alleys in said city, without first planking a roadway for said tractor so as to protect properly the crossings, sidewalks and paved streets.

Section 52. SPEED LIMITS ON THE STREETS OF THE CITY. No person shall drive a vehicle on the streets of the city in excess of 25 miles per hour, except as follows:

(a) The speed limit shall be 20 miles per hour on the streets and parts of streets described on Schedule V attached to and made a part of this ordinance.

(b) The speed limit shall be 35 miles per hour on those streets and parts of streets described in Schedule VI attached to and made a part of this ordinance.

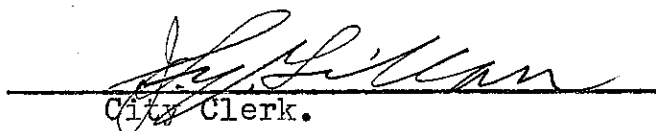
Section 53. PENALTY. It shall be unlawful for any person to operate, drive, stand, or park a motor vehicle, or to use the streets, alleys or sidewalks of the City of Lexington in a manner contrary to the provisions of this ordinance, and it shall further be unlawful for any person to whom a duty is placed by the provisions of this ordinance to fail or neglect to comply with the provisions thereof, and every person failing or neglecting to comply with, or violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction of such misdemeanor shall be fined in any sum not exceeding \$100.00 for each offense, and shall stand committed to the city or county jail in said city until the fine and costs of prosecution are fully paid.

Section 54. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Passed and approved this 12<sup>th</sup> day of June, 1951.

  
President of the Council.

Attest:

  
City Clerk.