

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

**T E C H N I C A L A M E N D M E N T S**

1 AN ORDINANCE amending Chapter 10.02 of the Lincoln Municipal Code relating to  
2 Vehicles and Traffic Definitions, Chapter 10.06 relating to Administration and Enforcement,  
3 Chapter 10.12 relating to Traffic Control Devices, Chapter 10.14 relating to Rules of the Road,  
4 Chapter 10.20 relating to Automobile Racing, Chapter 10.30 relating to pedestrians and Chapter  
5 10.32 relating to Stopping, Standing and Parking, by amending Section 10.02.140 to correct a  
6 typographical error; amending Section 10.02.315 to clarify that school crossing reduced speed zones  
7 may exist on all streets; amending Section 10.06.050, 10.06.060 and 10.06.070 to adopt more current  
8 terminology; amending Section 10.14.010 to clarify that vehicles stopped at stop signs shall yield  
9 to pedestrians; amending Sections 10.14.250 and 10.14.330 to state the speed limits in alleys in the  
10 section designating other speed limits; amending Section 10.20.040 to delete obsolete provisions  
11 concerning auto racing at the state fairgrounds; amending 10.30.020 to update provisions on  
12 pedestrian control signals; repealing Section 10.32.060 to delete obsolete provisions on painted  
13 curbs for parking control; amending Section 10.32.080 to remove outdated provisions concerning  
14 angled parking space designation; and repealing Sections 10.02.140, 10.02.315, 10.06.050,  
15 10.06.060, 10.06.070, 10.14.010, 10.14.250, 10.14.330, 10.20.040, 10.30.020, and 10.32.080 of the  
16 Lincoln Municipal Code as hitherto existing.

17 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

18 Section 1. That Section 10.02.140 of the Lincoln Municipal Code be amended to  
19 read as follows:

1       **10.02.140     Freeway.**

2               Freeway as used in this title shall mean divided arterial highway which is a part of the state  
3 highway system, designed primarily for through traffic, with full control of access and with grade  
4 separations at all intersecting road crossings, and shall include all interchanges and approach and  
5 ~~exist~~exit roads thereto. “Freeway” shall include any portion of the national system of interstate and  
6 defense highways which meet the requirements hereinbefore stated.

7               Section 2. That Section 10.02.315 of the Lincoln Municipal Code be amended to  
8 read as follows:

9       **10.02.315     School Crossing Zone.**

10              School crossing zone shall mean:

11              (a)     The area of a street or roadway designated by the Director of Public Works and  
12 Utilities as a school crossing zone through the use of appropriate signs or traffic control devices; or

13              (b)     A reduced speed zone on ~~arterial~~ streets adjacent to public or private elementary  
14 schools or school crossings, as designated pursuant to Section 10.14.260.

15              A school crossing zone starts at the location of the first sign or traffic control device  
16 identifying the school crossing zone and continues until a sign or traffic control device indicates that  
17 the school crossing zone has ended.

18              Section 3. That Section 10.06.050 of the Lincoln Municipal Code be amended to  
19 read as follows:

20       **10.06.050     Duty to Investigate ~~Accidents~~ Crashes and Receive Reports; Use of Reports.**

21              It shall be the duty of the Police Department to investigate traffic ~~accidents~~ crashes which  
22 are reportable under state law and to prepare reports thereof. The Central Records Bureau shall  
23 maintain a suitable system for filing traffic ~~accident~~ crash reports. All such reports shall be available  
24 for the use and information of the Department of Public Works and Utilities. A record shall be made  
25 of all reports received by the Central Records Bureau. Copies of all such ~~accident~~ crash reports

1 shall be available to a party involved in such ~~accident~~ crash or to a representative of a party to such  
2 ~~accident~~ crash.

3 Section 4. That Section 10.06.060 of the Lincoln Municipal Code be amended to  
4 read as follows:

5 **10.06.060 Annual Traffic Safety Report.**

6 The Police Department shall annually prepare a traffic report to contain information on  
7 traffic matters in the city, setting forth the number of traffic ~~accidents~~ crashes , the number of  
8 persons killed or injured, other pertinent traffic ~~accident~~ crash data, the number of traffic ~~accidents~~  
9 crashes investigated, the number of drivers complained against, other pertinent data on the safety  
10 activities of the police, and plans and recommendations of the Police Department for future safety  
11 activities.

12 Section 5. That Section 10.06.070 of the Lincoln Municipal Code be amended to  
13 read as follows:

14 **10.06.070 Enumeration of Powers and Duties.**

15 (a) The Chief of Police or any police officer shall have the power of:

16 (1) Peace officers for the purpose of enforcing the provisions of this title and for the  
17 purpose of enforcing any other law regulating the operation of vehicles or the use of the streets,  
18 alleys and public ways;

19 (2) To make arrests upon view and without warrant for any violation committed in  
20 their presence of any of the provisions of this title, or of any other law regulating the operation of  
21 vehicles or the use of the streets, alleys and public ways or of the laws of the state and ordinances  
22 of the city;

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

26 (4) When in uniform, or upon presentation of their police commission, and upon  
27 reasonable suspicion to believe any motor vehicle is in violation of motor vehicle equipment or  
28 safety requirements of the city to require the driver thereof to stop and exhibit his or her operator's  
29 license and registration card issued for the vehicle and to submit to an inspection of such vehicle,  
30 the registration plates and registration card thereon and to require the drivers of motor vehicles to  
31 present such vehicles within five days for correction of any defects revealed by such motor vehicle  
32 inspection;

1 (5) To serve warrants relating to the enforcement of laws and of ordinances; and  
2 (6) To investigate traffic ~~accidents~~ crashes for the purpose of carrying on a study of  
3 traffic ~~accidents~~ crashes and enforcing motor vehicle and street and highway safety laws and  
4 ordinances.

5 (b) (1) A Parking Control Officer shall have the power to issue citations for specific  
6 parking and registration violations as indicated in Section 10.06.110(b).

7 (2) This subsection shall not be construed as granting Parking Control Officers the  
8 power or authority of a peace officer or police officer.

9 Section 6. That Section 10.14.010 of the Lincoln Municipal Code be amended to  
10 read as follows:

11 **10.14.010 Vehicle Entering Stop Intersection.**

12 (a) Except when directed to proceed by a police officer or traffic-control signal, every  
13 driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering  
14 the crosswalk on the near side of the intersection, or in the event there is no crosswalk, shall stop  
15 at a clearly marked stop line, but if none, then at the point nearest the intersecting street where the  
16 driver has a view of approaching traffic on the intersecting street before entering the intersection.

17 (b) Such driver, after having stopped shall yield the right-of-way to any vehicle or  
18 pedestrian that ~~which~~ has entered the intersection from another street or which is approaching so  
19 closely on said street as to constitute an immediate hazard, but said driver having so yielded may  
20 proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way  
21 to the vehicle so proceeding.

22 Section 7. That Section 10.14.250 of the Lincoln Municipal Code be amended to  
23 read as follows:

24 **10.14.250 Speed Regulated.**

25 (a) The maximum or minimum speed on any divided arterial highway which is a part of  
26 the state highway system, designed primarily for through traffic, with control of access and with  
27 grade separations at all intersecting road crossings, including all interchanges and approaches and  
28 exit roads thereto, and including any portion of the national system of interstate and defense  
29 highways meeting the requirements hereinbefore stated, shall be governed by state law, or as  
30 determined and declared by the Department of Roads of the State of Nebraska.

31 (b) Except as provided in paragraph (a) of this section, it shall be unlawful for the driver  
32 of any vehicle on any street within the city to drive such vehicle at a rate of speed greater than is

1 reasonable and prudent under the conditions then existing and except when a special hazard exists  
2 that requires lower speed, the limits specified in this paragraph or established as hereinafter  
3 authorized in paragraph (c) of this section shall be maximum lawful speeds, and it shall be unlawful  
4 for the driver of any vehicle on any street within the city to drive such vehicle at a speed in excess  
5 of such maximum limits:

- 6 (1) Twenty-five miles per hour in the congested district;
- 7 (2) Thirty-five miles per hour on arterial streets outside of the congested district;
- 8 (3) Twenty-five miles per hour on all other streets;

9 (4) It shall be unlawful for the driver of any vehicle to operate such vehicle in any  
10 alley at a rate of speed greater than ten miles per hour.

11 (c) Whenever the Director of Public Works and Utilities shall determine on the basis of  
12 an engineering and traffic investigation that the maximum speed permitted in paragraph (b) of this  
13 section is greater or less than is reasonable and safe under the conditions found to exist upon a street  
14 or part of a street, the Director of Public Works and Utilities shall determine and declare a maximum  
15 speed limit which shall be effective when appropriate signs giving notice thereof are erected upon  
16 such street or part of a street.

17 (d) Any person who violates any maximum speed limit established pursuant to this  
18 section for any street within the City shall be deemed guilty of a traffic infraction and upon  
19 conviction shall be punished by a fine as follows, recoverable with costs:

- 20 (1) Ten dollars for traveling one to five miles per hour over the authorized speed  
21 limit;
- 22 (2) Twenty-five dollars for traveling six to ten miles per hour over the authorized  
23 speed limit;
- 24 (3) Seventy-five dollars for traveling eleven to fifteen miles per hour over the  
25 authorized speed limit;
- 26 (4) One hundred twenty-five dollars for traveling sixteen to twenty miles per hour  
27 over the authorized speed limit;
- 28 (5) Two hundred dollars for traveling twenty-one miles per hour to thirty-five  
29 miles per hour over the authorized speed limit; and
- 30 (6) Three hundred dollars for traveling thirty-six miles per hour or more over the  
31 authorized speed limit.

32 (e) The fines prescribed in subsection (d) of this section shall be doubled if the violation  
33 occurs within a maintenance, repair, or construction zone. Signs shall be placed within or in advance  
34 of maintenance, repair, or construction zones which provide information that the fines for exceeding  
35 the speed limit in such zones are doubled. For the purposes of this subsection, maintenance, repair,  
36 or construction zone shall mean (1) the portion of a street or highway identified by posted or moving  
37 maintenance, repair, or construction signs; and (2) within such portion of a street or highway where  
38 construction workers are present. The maintenance, repair, or construction zone starts at the location  
39 of the first posted or moving sign identifying the maintenance, repair, or construction zone and  
40 continues until a posted or moving sign indicates the maintenance, repair, or construction zone has  
41 ended.

1 (f) The fines prescribed in subsection (d) of this section shall be doubled if the violation  
2 occurs within a school crossing zone.

3 (g) The provisions of this section shall not apply to racing permitted by the city or  
4 sponsored by the City.

5 Section 8. That Section 10.14.330 of the Lincoln Municipal Code be amended to  
6 read as follows:

7 **10.14.330 Direction of Traffic in Alleys.**

8 In all alleys within the congested district, vehicles will travel in one direction only, and all  
9 vehicles shall enter such alley from the west and travel to the east and from the north and travel to  
10 the south; provided, however, (a) in blocks where alley's ingress and egress is from the north and  
11 west only, vehicles shall enter such alley from the west and leave said alley by traveling to the north;  
12 (b) in blocks where alley's ingress and egress is from the south and east only, vehicles shall enter  
13 such alley from the south and leave said alley by traveling to the east; (c) in blocks where there is  
14 ingress and egress from one street only, the directional controls set forth in this section shall not  
15 apply; and (d) the Director of Public Works and Utilities is hereby authorized to change the direction  
16 of traffic in alleys or portions thereof as stated in this section and shall place appropriate signs,  
17 marks, lines, signals, or other traffic control devices indicating the existence of a changed direction  
18 of traffic in alleys or portions thereof that deviate from the authorized direction of vehicular traffic  
19 in alleys as established in this section as deemed necessary; provided, however, that such direction  
20 changes shall not be effective until approved by resolution by the City Council. ~~It shall be unlawful  
21 for the driver of any vehicle to operate such vehicle in any alley at a rate of speed greater than ten  
22 miles per hour.~~

23 Section 9. That Section 10.20.040 of the Lincoln Municipal Code be amended to  
24 read as follows:

1     **10.20.040     Exceptions.**

2             The provisions of this chapter shall not apply to:

3             (a)     ~~Motor vehicle racing or other exhibitions of motor vehicles sponsored by the~~  
4     ~~Nebraska State Board of Agriculture on the Nebraska State fairgrounds or property owned by the~~  
5     ~~Nebraska State Board of Agriculture;~~

6     ~~——(b)——~~ Race tracks for motor vehicles that are approved as permitted special uses in the AG  
7     and I-1 zoning districts as allowed by Sections 27.07.040 and 27.47.030 of the Lincoln Municipal  
8     Code.

9             (c**b**)    Motor vehicle racing or other exhibitions of motor vehicles permitted by the city or  
10    sponsored by the city on property owned or operated by the city.

11            Section 10. That Section 10.30.020 of the Lincoln Municipal Code be amended to  
12    read as follows:

13     **10.30.020     Pedestrian Control Signals.**

14            At such intersections where a special automatic pedestrian control signal is installed and in  
15    operation, pedestrians crossing or entering such intersection shall be governed by such automatic  
16    signal as follows:

17            WALK: Pedestrians facing the word “walk” or ~~an equivalent~~ a walking person symbol when  
18    displayed by such signal may proceed across the intersection in the direction of such signal and shall  
19    have the right-of-way over any vehicle in or entering such intersections.

20            DON’T WALK: Pedestrians facing the words “don’t walk” or an ~~equivalent~~ upraised hand  
21    symbol when displayed by such signal shall not enter or cross such intersection unless they had  
22    started to cross such intersection at the time such signal was displayed, in which event they shall  
23    complete their crossing of such intersection.

1                   Section 11. That Section 10.32.060 of the Lincoln Municipal Code be and the same  
2 is hereby repealed.

3 ~~**10.32.060 — Parking; Color Legend.**~~

4 ~~— RED: Red paint upon the curb of any street shall indicate that parking and stopping of~~  
5 ~~vehicles is entirely prohibited within such area.~~

6 ~~— YELLOW: Yellow paint upon the curb of any street shall indicate that parking and stopping~~  
7 ~~of vehicles other than buses is prohibited or that such space is a designated bus stop zone.~~

8 ~~— GREEN: Green paint upon the curb of any street shall indicate that parking and stopping of~~  
9 ~~vehicles is restricted to vehicles actually engaged in loading or unloading passengers or loads and~~  
10 ~~that such space is a designated a loading zone.~~

11 ~~— WHITE: White paint upon the curb of any street shall indicate that parking and stopping of~~  
12 ~~vehicles is restricted to fifteen-minute parking. White paint upon the surface of the street, at~~  
13 ~~crosswalks, shall indicate pedestrian lanes and the location of crosswalks.~~

14 ~~— BLUE: Blue paint upon the curb of any street shall indicate that parking and stopping of~~  
15 ~~vehicles is restricted to permitted handicapped parking.~~

16                   Section 12. That Section 10.32.080 of the Lincoln Municipal Code be amended to  
17 read as follows:

18 **10.32.080     Angle and Parallel Parking.**

19                   Except as hereinafter provided, in all parts of the city where parking is permitted, all vehicles  
20 shall be parked headed in the direction of traffic with the right-hand side thereof parallel with the  
21 curb and not more than one foot from the curb, leaving at least four feet between parked vehicles;  
22 provided, however, that a vehicle may be parked more than one foot from the curb as long as it is  
23 within the lines of a parking stall designated by the Director of Public Works and Utilities. Upon  
24 one-way streets and streets upon which vehicular traffic moves in different directions during  
25 different period of time, except during period of time when parking is prohibited thereon, vehicles  
26 may be parked on either the right- or left-hand side of the street, headed in the direction traffic  
27 moves on the street with the right-hand side of the vehicle when parked on the right-hand side of the  
28 street, and with the left-hand side of the vehicle when parked on the left-hand side of the street,  
29 parallel with the curb and not more than one foot from the curb, leaving at least four feet between  
30 parked vehicles.

31                   The Director of Public Works and Utilities may, by rules and regulations, designate any  
32 street or portion of any street, except 10th Street and "O" Street, upon which vehicles shall be parked  
33 at an angle with the curb. All vehicles parked upon any such designated streets or portions thereof



1 shall be parked ~~at an angle of thirty-five degrees with the curb and~~ with right front wheel at the curb.  
2 The angle of said parking and parking stalls or spaces for the parking of vehicles shall be indicated  
3 by lines painted upon the pavement ~~or curb, or both,~~ by the Director of Public Works and Utilities,  
4 and when so indicated, vehicles shall be parked within such stalls.

5 Section 13. That Sections 10.02.140, 10.02.315, 10.06.050, 10.06.060, 10.06.070,  
6 10.14.010, 10.14.250, 10.14.330, 10.20.040, 10.30.020, and 10.32.080 of the Lincoln Municipal  
7 Code as hitherto existing be and the same are hereby repealed.

8 Section 14. Pursuant to Article VII, Section 7 of the City Charter, this ordinance  
9 shall be posted on the official bulletin board of the City, located on the wall across from the City  
10 Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of  
11 passage and such posting to be given by publication one time in the official newspaper by the City  
12 Clerk. This ordinance shall take effect and be in force from and after its passage and publication  
13 as herein and in the City Charter provided.

Introduced by:  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2013:  _____ Mayor
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