

ORDINANCE NO. ~~III~~ 1002

AN ORDINANCE AMENDING Section 7-403, Section 9-214 and Article VI of Chapter 7, all of the Municipal Code of the City of Lexington, Dawson County, Nebraska, and providing for regulation of the operation and physical control of motor vehicles while under the influence of alcoholic liquors or drugs, regulation of careless driving while operating a motor vehicle, and the issuing of Summons for the appearance of persons charged with or arrested for a violation of the Municipal Code of the City of Lexington, Nebraska, and repealing the present Section 7-403 and all Ordinances and Sections of the said Code in conflict with this Ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. Section 7-403 of the Municipal Code of the City of Lexington, be and it hereby is amended to read as follows:

"7-403 OFFENSES AGAINST PUBLIC MORAL-Driving While Under The Influence of Alcoholic Liquors. Any person who shall operate or be in the actual physical control of any motor vehicle while under the influence of alcoholic liquors or any drug, shall be guilty of a misdemeanor and upon conviction thereof shall be fined One Hundred Dollars (\$100.00) and shall as a part of the judgment of conviction ordered not to drive any motor vehicle for any purpose for a period of time not to exceed six (6) months, and shall be confined in jail until such time as the fine and costs are paid."

Section 2. Article VI of Chapter 7 of the Municipal Code of the City of Lexington, be and it hereby is amended by the addition of Section 7-606, to read as follows:

"7-606 MISCELLANEOUS OFFENSES, Written Promise to Appear. Whenever any person is arrested for a violation of any of the provisions of the Municipal Code of the City of Lexington, Nebraska, or has been charged with any violation of the Municipal Code of the City of Lexington, Nebraska, the City Police shall take the name and address of such person and issue a Summons in writing to appear at the time and place to be specified in said Summons or Notice. Such time shall be

at least five (5) days after such arrest or charge, unless the person arrested shall demand an earlier hearing. Such person demanding an earlier hearing shall have the right to an immediate hearing or a hearing within twenty-four (24) hours, during the regular hours of the Police Court, before the Police Magistrate of the City of Lexington, Nebraska. If such a person gives his written promise to appear, he may be released from the custody of such officer. Any person refusing to give such written promise to appear shall be taken immediately by the arresting officer and placed under arrest to be brought before the Police Magistrate as soon as possible. Any person who, having been left a Summons on his vehicle, shall acknowledge receiving the Summons shall be treated in all respects as the person to whom the Summons was personally delivered. Any person who violates the provisions of this Section shall be guilty of a misdemeanor, regardless of the disposition of the charge for which he was originally given the Summons."

Section 3. That Section 9-214 of the Municipal Code of the City of Lexington, be and it hereby is amended by the addition of Section 9-214.08, to read as follows:


"9-214.08 TRAFFIC-Operation of Vehicle, Careless Driving.

Any person or persons who shall operate a vehicle upon any street in the City of Lexington, in such a manner as to (1) endanger the safety of others or (2) cause immoderate wear or damage to any City Street, or (3) cause damage to property, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00), and shall be imprisoned in jail until such time as the fine and costs are paid. It shall be held prima facie evidence that a person has operated a vehicle over a City Street in a manner to endanger the safety of others/^{or} so as to cause immoderate use to a City Street, if he has operated such vehicle in a manner contrary to the duly published rules and regulations of the Department of Roads of the State of Nebraska, governing the use of State Highways as such rules would be applicable to the use of City Streets.

Section 4. That Section 7-403 of the existing Code and any part of the existing Code or Ordinance in conflict hereto, be and they are hereby repealed.


Section 5. That this Ordinance shall take effect and be in force from and after its publication as by Law provided.

Passed and approved this 9th day of June, 1964.



President of the Council

ATTEST:



City Clerk

(S E A L)