

ORDINANCE NO. 1740

CITY OF LEXINGTON, NEBRASKA

ORDINANCE NO. 1740

AN ORDINANCE TO PROVIDE FOR SNOW EMERGENCY ROUTES; TO PROHIBIT PARKING ON SNOW EMERGENCY ROUTES AND OTHER DESIGNATED STREETS UPON DECLARATION OF AN EMERGENCY AND TO PROVIDE FOR REMOVAL OF PARKED OR STALLED AUTOMOBILES; TO PROVIDE AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA.

SECTION 1. ESTABLISHMENT OF SNOW EMERGENCY ROUTES.

The following streets are declared to be snow emergency routes within the City. The City Manager (or someone designated by him, but always referred to herein as the City Manager) shall, at his discretion, place appropriate signs or other traffic control devices indicating the existence of snow emergency routes. A designation of any street, avenue, road, or highway, or portion thereof as a snow emergency route shall in no way effect any previous designation of that street, avenue, road, or highway for any other purposes but shall be in addition thereto. The following streets or highways are designated as emergency snow arterial streets:

1. Highway 30 - Taft to Erie Street
2. Highway 21 - Highway 30 to Cherokee
3. Taft Street - Highway 30 to 13th Street
4. 13th Street - Taft to Liberty Street
5. Highway 283 - Fairgrounds north to 13th and Johnson Street
6. South Adams - Highway 30 to Walnut Street
7. Walnut Street - west City Limits to Bridge Street
8. Erie Street - Highway 30 to 18th and Erie Street
9. 10th Street - Jackson to Erie Street

SECTION 2. DECLARATION OF EMERGENCY; PROHIBITION OF PARKING ON SNOW EMERGENCY ROUTES. Whenever the City Manager shall determine, on the basis of the falling snow, sleet, or freezing rain, or on the basis of an official forecast by the

U.S. Weather Bureau, of snow, sleet, or freezing rain, that eminent weather conditions will make it necessary that parking on snow emergency routes as designated at Section 1 be prohibited or restricted for snow plowing and other purposes, the City Manager may place into effect a parking prohibition on all snow emergency routes by declaring that such emergency conditions exist. In such declaration of emergency conditions, the City Manager shall state the time that the emergency shall become effective. From the time so designated, all parking of vehicles on snow emergency routes shall be, and the same hereby is prohibited. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route. Once the emergency is in effect, the parking prohibition imposed by this Section shall remain in effect until terminated by declaration of the City Manager. However, nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

SECTION 3. PROHIBITION OF PARKING ON DOWNTOWN COMMERCIAL AREAS DURING SNOW EMERGENCY. Once a snow emergency has been declared there will be a prohibition of parking from 11:00 p.m. on the date of the declared emergency until 8:00 a.m. the following morning. The areas included are:

1. Madison Street - from Highway 30 to 7th Street
2. Lincoln Street - from Highway 30 to 9th Street
3. Washington Street - from Highway 30 to 8th Street
4. Grant Street - from Highway 30 to 7th Street
5. Jefferson Street - from Highway 30 to 7th Street
6. Tyler Street - from 6th to 7th Street
7. 8th Street - from Lincoln to Jackson Street
8. 7th Street - from Madison to Tyler Street
9. 6th Street - from Madison to Tyler Street
10. 5th Street - from Harrison to Jefferson Street
11. 4th Street - from Washington to Jefferson Street

SECTION 4. PROHIBITION OF PARKING ON DOWNTOWN COMMERCIAL AREAS FOR STREET CLEANING PURPOSE. No parking will be permitted from 2:00 a.m. until 5:00 a.m. on specified sides of the street on Thursdays and Sundays of the calendar year. This prohibition of parking will include the following areas:

1. Lincoln Street - Highway 30 to 8th Street
2. Washington Street - Highway 30 to 9th Street
3. Grant Street - Highway 30 to 8th Street
4. 4th Street - Lincoln to Jackson Street
5. 5th Street - Jackson to Madison Street
6. 6th Street - Jackson to Lincoln Street
7. 7th Street - Jackson to Lincoln Street
8. 8th Street - Grant to Lincoln Street

Parking will be prohibited on the even numbered sides of the street on Thursdays and on the odd numbered sides of the street on Sundays. On all other days parking will be in accord with other City Ordinances.

SECTION 5. MOVEMENT OF SNOW FROM PRIVATE PROPERTY INTO CITY STREETS. Whenever a snow emergency has been declared, no property owners, lessees, or renters shall move the snow from lots, driveways, sidewalks owned or controlled by them onto the streets after snow has been cleared from the streets by agents of the City. Once a street has been cleared it shall be unlawful for persons to move snow into street traffic lanes or street parking lanes.

SECTION 6. OPERATION OF MOTOR VEHICLES ON SNOW EMERGENCY ROUTES. Whenever an emergency has been declared pursuant to Section 1 of this Article, no person operating a motor vehicle on a snow emergency route shall allow such vehicle to become stalled or stuck so that it remains in such a position longer than momentarily.

No person operating a motor vehicle on a snow emergency route during the declaration of emergency snow conditions shall allow such vehicle to become stalled because the motor fuel supply is exhausted or the battery has become inoperative.

Whenever a motor vehicle becomes stalled for any reason, whether or not in violation of this Article on any snow emergency route on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route. No person shall abandon or leave his vehicle in the roadway of a snow emergency route, except for the purpose of securing assistance for removal.

SECTION 7. EMERGENCY DECLARATIONS OF THE CITY MANAGER.

The City Manager shall cause each declaration of a snow emergency which shall be made by him, pursuant of this Article, to be publicly announced by means of broadcast or telecast from broadcasting stations with a normal operating range covering the City, and he may, in addition, cause such declaration to be announced in newspapers of general circulation within the City when feasible. Each announcement shall describe the action taken by the City Manager, including the time the emergency became or will become effective. The announcement shall specify the streets or areas effected. The City Manager shall make or cause to be made a record of each time and date when an emergency declaration is announced to the public by issuing an executive order as soon after the declaration of an emergency as is feasible.

Whenever the City Manager shall find that some or all of the conditions which gave rise to a parking prohibition placed in effect pursuant to the provisions of this Article no longer exist, he shall declare the prohibition terminated, in whole or in part, effective immediately upon announcement or at a later specified time.

SECTION 8. PROVISIONS TEMPORARILY EFFECTIVE TO TAKE PRECEDENCE. Any provision of this Article which becomes effective be declaration of the City Manager upon the occurrence of a snow emergency, while temporarily in effect, takes precedence over other conflicting provisions of law, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer.

SECTION 9. REMOVAL OF STALLED OR PARKED VEHICLES. Members of the police department are hereby authorized to remove or cause to be removed a vehicle from a street to another place or location on a street or to a lot, garage, storage yard, or other similar facility designated by the police department when:

(1) The vehicle is parked on a snow emergency route on which a parking prohibition is in effect.

(2) The vehicle is stalled on a snow emergency route on which there is a parking prohibition in effect and the person who is operating said vehicle does not appear to be removing it in accordance with the provisions of this Article.

(3) The vehicle is parked on any street in violation of any parking prohibition or provision of law contained in this Article.

Such vehicle removal may be made by towing to a private lot, garage, storage yard, or other similar facility. Any stored vehicle shall not be released from storage except upon payment by the owner of the vehicle to the person or persons in charge of the lot, garage, storage yard, or other similar facility of the cost of towing, which fee shall not in any event exceed \$25.00. The cost of storage shall not exceed \$4.00 for each twenty-four hour period, or fraction thereof, during which time the vehicle remains stored. A receipt for such fees shall be issued to the owner of the vehicle.

It shall be the duty of the person or persons in charge of the lot, garage, storage yard, or other similar facility designated by the police department for storage to keep a record of the name of the owner of all vehicles towed in under these provisions, together with the registration number of each vehicle, and the nature and circumstances of such violation, and the amount of fees collected hereunder and to deliver a report of each day's transactions to the Chief of Police not later than one day following the day for which the report is made.

SECTION 10. This Ordinance shall be published in pamphlet form and shall be in force and take effect from and after its passage, approval and publication, as provided by law.

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PASSED AND APPROVED this 13th day of December, 1983.

*Charles H. Gorman*

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Mayor

Attest:

*Lou E. Malych*  
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City Clerk

