

Chapter 10.06

ADMINISTRATION AND ENFORCEMENT

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10.06.010 Duties of Director of Public Works and Utilities.

(a) Except as otherwise specifically provided, the Director of Public Works and Utilities is hereby authorized to regulate or entirely prohibit traffic upon any street or highway of the city by promulgating rules and regulations which shall be filed in the office of the City Clerk and become effective when the Director of Public Works and Utilities shall place appropriate signs, marks, lines, signals, or other traffic control devices indicating the regulation, prohibition, or restriction imposed upon such streets or highways.

(b) The duties of the Director of Public Works and Utilities to regulate the movement of traffic shall include, but not be limited to, the following:

- (1) Determine and fix the direction vehicular traffic shall move upon streets;
- (2) Designate traffic lanes in the streets;
- (3) Designate the traffic lane at certain street intersections from which right or left turns only may be made;
- (4) Designate certain streets or portions thereof as one-way streets;
- (5) Determine and fix certain periods of time and designate certain streets or portions thereof during which periods of time vehicular traffic shall move upon such designated street or portions thereof only in the direction so fixed. (Ord. 16951 §53; March 11, 1996: prior Ord. 15630 §1; July 9, 1990: P.C. §10.08.020: Ord. 8282 §14; December 16, 1963: Ord. 7794 §1; July 16, 1962; Ord. 5699 §202; April 12, 1954).

10.06.020 Experimental Regulations.

The Director of Public Works and Utilities is authorized and empowered to make and enforce experimental regulations for the control of traffic and to install necessary signs and signals therefor and to test traffic control devices under actual conditions of traffic. Such experimental regulations shall be in writing and filed in the office of the City Clerk and no such experimental regulations shall remain in effect for more than one year. (Ord. 16951 §54; March 11, 1996: prior Ord. 15630 §2; July 9, 1990: P.C. §10.16.030: Ord. 8152 §1; August 19, 1963: Ord. 7794 §4; July 16, 1962: Ord. 5699 §403; April 12, 1954).

10.06.030 Emergency Regulations.

The Director of Public Works and Utilities, the Chief of Police, or the commanding officer in charge of the Police Department is hereby authorized and empowered to make and enforce temporary traffic regulations to cover emergency or special conditions. (Ord. 16951 §55; March 11, 1996: prior Ord. 15630 §3; July 9, 1990: P.C. §10.16.020: Ord. 8364 §2; April 13, 1964: Ord. 5699 §402; April 12, 1954).

10.06.040 Central Records Bureau.

There is hereby established in the Police Department of the city a Central Records Bureau to be under the supervision of the Chief of Police. The Central Records Bureau shall keep a record of all violations of the traffic ordinances of the city and shall make such records available for use and study by the Department of Public Works and Utilities.

The Parking Services Division shall provide information to the Central Records Bureau, in a format determined by the Central Records Bureau, relating to all violations of the city ordinances delegated for enforcement to the Parking Services Division. The Parking Services Division or its designee shall be given access to the records kept by the Central Records Bureau for the enforcement purposes of the Parking Services Division. (Ord. 19433 §4; August 26, 2010; prior Ord. 16951 §56; March 11, 1996: Ord. 15630 §4; July 9, 1990: P.C. §10.08.010: Ord. 5699 §201; April 12, 1954: and P.C. §10.08.030: Ord. 7794 §2; July 16, 1962: Ord. 5699 §202; April 12, 1954).

10.06.050 Duty to Investigate Accidents and Receive Reports; Use of Reports.

It shall be the duty of the Police Department to investigate traffic crashes which are reportable under state law and to prepare reports thereof. The Central Records Bureau shall maintain a suitable system for filing traffic crash reports. All such reports shall be available for the use and information of the Department of Public Works and Utilities. A record shall be made of all reports received by the Central Records Bureau. Copies of all such crash reports shall be available to a party involved in such crash or to a representative of a party to such crash. (Ord. 19971 §3; December 16, 2013: prior Ord. 17400 § 2; August 17, 1998: Ord. 16951 §57; March 11, 1996: Ord. 15630 §5; July 9, 1990: P.C. §10.08.040: Ord. 12170 §1; January 3, 1978: Ord. 7794 §3; July 16, 1962: Ord. 5699 §204; April 12, 1954).

10.06.060 Annual Traffic Safety Report.

The Police Department shall annually prepare a traffic report to contain information on traffic matters in the city, setting forth the number of traffic crashes, the number of persons killed or

injured, other pertinent traffic crash data, the number of traffic crashes investigated, the number of drivers complained against, other pertinent data on the safety activities of the police, and plans and recommendations of the Police Department for future safety activities. (Ord. 19971 §4; December 16, 2013: prior Ord. 15630 §6; July 9, 1990: P.C. §10.08.050: Ord. 5699 §205; April 12, 1954).

10.06.070 Enumeration of Powers and Duties.

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

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

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

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

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

(5) To serve warrants relating to the enforcement of laws and of ordinances; and

(6) To investigate traffic crashes for the purpose of carrying on a study of traffic crashes and enforcing motor vehicle and street and highway safety laws and ordinances.

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

(2) This subsection shall not be construed as granting Parking Control Officers the power or authority of a peace officer or police officer. (Ord. 19971 §5; December 16, 2013: prior Ord. 19433 §5; August 16, 2010: Ord. 15630 §7; July 9, 1990: P.C. §10.44.080: Ord. 5699 §1008, as amended by Ord. 7517; July 14, 1961).

10.06.080 Issue of Citation.

Whenever there is any violation of any provision of this title, a police officer finding the violation shall, except as otherwise provided in this section, take the name and address of the person violating such ordinance and the license number of the motor vehicle involved. The officer shall issue a citation or otherwise notify such person in writing to appear at a time and place specified in the citation. The citation shall include a description of the crime or offense charged, the time and place at which the person cited is to appear, a warning that failure to appear in accordance with the command of the citation is a punishable offense, and such other matters as is deemed appropriate. The time of appearance shall be at least three days after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and the duplicate thereof shall be signed by such

person, giving his or her promise to appear at the time and place stated therein. Such person thereupon shall be released from custody.

The foregoing provisions for issuance of citation and for release of the person arrested shall not apply when the arresting officer has reasonable grounds to believe that:

- (a) The accused will refuse to respond to the citation;
- (b) Such custody is necessary to protect the accused or others when the accused's continued liberty would constitute a risk of immediate harm;
- (c) Such action is necessary in order to carry out legitimate investigative functions;
- (d) The accused has no ties to the jurisdiction reasonably sufficient to assure the accused's appearance;
- (e) The accused has previously failed to appear in response to a citation; or
- (f) The accused has committed a felony. (Ord. 15630 §8; July 9, 1990: P.C. §10.60.290: Ord. 13973, as amended by Ord. 14216 §1; September 9, 1985: Ord. 11359 §1; May 12, 1975: Ord. 5699 §1429, as amended by Ord. 6782; June 30, 1957).

10.06.100 Parking Services; Rules; Collect and Account for Money.

The Parking Services Division shall collect and account for all monies paid in accordance with the provisions of this title and shall issue receipts therefor, shall remit all monies collected under the provisions of this title to the City Treasurer; and shall keep records of all violators, showing the name, time, and date of violation and disposition. It shall be the duty of the City Treasurer to credit to the city such amounts as shall be collected for the payment of administrative costs. The balance of the monies collected shall be disbursed by the City Treasurer as provided by law.

The Parking Services Division may accept credit card payments of any fines and costs payable to the Parking Services Division, on terms to be determined by the Director. The impoundment and immobilization provisions of this title shall be automatically deferred until the completion or termination of such payment plan. Any such payment plan shall automatically terminate upon failure to comply with the terms thereof, and the vehicle involved in the violation shall be subject to impoundment or immobilization as otherwise provided in this title. (Ord. 19676 §1; February 27, 2012: prior Ord. 19492 §2; January 24, 2011: Ord. 16668 §1; September 6, 1994: Ord. 15630 §10; July 9, 1990: P.C. §10.68.020: Ord. 14127 §3; June 10, 1985: Ord. 9163 §4; February 20, 1967: Ord. 5699 §1602, as amended by Ord. 6561; April 15, 1957).

10.06.110 Issuing Citations.

(a) It shall be the duty of any police officer to issue a citation which shall be processed originally through the Parking Services Division upon finding:

- (1) Any motor vehicle in violation of a motor vehicle parking ordinance or of a duly established parking regulation of the city;
- (2) Any motor vehicle stopped or parked in such a manner as to interfere with the lawful use of the street;
- (3) Any motor vehicle stopped or parked in violation of Chapter 10.32 of this title; or
- (4) Any motor vehicle parked on any street or other public property within the city which is in violation of a city ordinance regarding the registration certificate or registration or display of proper plates.

(b) It shall be the duty of any Parking Control Officer to issue a citation, within the Parking Service Enforcement area, which shall be processed originally through the Parking Services Division upon finding:

(1) Any motor vehicle stopped or parked in violation of any of the following sections of the Lincoln Municipal Code: 10.08.030, 10.08.050, 10.32.010, 10.32.015, 10.32.020, 10.32.050, 10.32.070, 10.32.080, 10.32.090, 10.32.100, 10.32.110, 10.32.140, 10.32.150, 10.32.160, 10.32.170, 10.32.190, 10.32.200, 10.32.210, 10.32.220, 10.32.240, 10.32.250, 10.32.260, 10.32.280, 10.32.290, 10.32.300, 10.32.310, 10.32.320, 10.32.330, 10.32.350, 10.34.050, 10.34.060, 10.40.040, 10.40.050, 10.41.110, and 10.44.030.

(2) Any motor vehicle parked on any street or other public property within the city which is in violation of a city ordinance regarding the registration certificate or registration or display of proper plates.

(3) The provisions of this subsection shall not be construed to restrict or prohibit any police officer or city employee from also enforcing parking or registration violations in the City of Lincoln. (Ord. 20100 §1; October 20, 2014: prior Ord. 19492 §3; January 24, 2011: Ord. 19433 §6; August 16, 2010: Ord. 18759 §1; June 26, 2006: Ord. 15630 §11; July 9, 1990: P.C. §10.68.030: Ord. 14383 §2; May 12, 1986: Ord. 14127 §4; June 10, 1985: Ord. 10311 §2; December 6, 1971: Ord. 9863 §1; September 22, 1969: Ord. 9193 §2; April 3, 1967: Ord. 9163 §5; February 20, 1967: Ord. 5699 §1603, as amended by Ord. 6561; April 15, 1957).

10.06.120 Payment of Fines and Costs; Administrative Hearing Process; Appeal.

(a) Any person accused of any of the following violations of the Lincoln Municipal Code may waive arraignment and right to a hearing and pay the sum indicated for those complaints as listed below:

- (1) Violation of a motor vehicle parking ordinance or duly established parking regulation not otherwise herein-after specified, or parking on or obstructing a fire lane in violation of Title 19 of this code..... \$ 2.00
- (2) Parking or stopping of a motor vehicle in such a manner as to interfere with the lawful use of the street, street intersection or sidewalk, or parking in an alley in violation of Section 10.32.150, or the parking or stopping of a motor vehicle in a bus stop zone, or parking near street intersections in violation of Section 10.32.140, or obstructing private driveways in violation of Section 10.32.110. \$ 12.00
- (3) Parking or stopping of a motor vehicle too close to a fire hydrant in violation of Section 10.32.320 \$ 32.00
- (4) Parking or stopping of a motor vehicle in violation of Sections 10.40.030, 10.40.040, 10.40.080, or 10.41.100 regarding prohibition of parking on snow emergency routes, arterials, bus routes, and now removal districts. \$ 42.00

- (5) Parking of a motor vehicle in violation of Section 10.40.050 relating to parking on residential streets during a snow emergency. \$ 27.00
- (6) Violation of Section 10.32.020 relating to handicapped parking:
 - First offense within a one-year period. \$ 92.00
 - Second offense within a one-year period. \$192.00
 - Third or subsequent offense within a one-year period. \$292.00
- (7) Failure to carry registration certificate as required by Section 10.08.010. \$ 2.00
- (8) Failure to have motor vehicle registered and displaying proper plates (other than violations subject to the penalty set forth in Section 10.08.050). \$ 92.00
- (9) Parking a motor vehicle in violation of Section 10.32.070 relating to parking of trucks and other oversized vehicles on streets adjacent to residentially zoned property. \$ 32.00

In the event the payment for violation, as specified above, and waiver of arraignment and right to a hearing and entry of a plea of guilty occurs within seven (7) days of service of the complaint, the person charged in the complaint shall pay, in addition to the amount specified above, the administrative costs of eight dollars and no cents (\$8.00); in the event such payment for violation and waiver occurs after such seven-day period the person charged in the complaint shall pay, in addition to the amount for the violation specified above, administrative costs of twenty-three dollars and no cents (\$23.00); provided, however, that persons making such payments online shall be entitled to deduct one dollar (\$1.00) from the administrative costs that would otherwise be payable according to the terms of this section.

(b) (1) For a period of 14 calendar days from the issuance of a notice of parking violation, a person may request an initial review of the notice by the Parking Services Division. The request may be made by telephone, in writing, or in person. The review shall occur within seven days of such request and there shall be no charge for this review. If, following the initial review, the Parking Services Division is satisfied that the violation did not occur, that the registered owner was not responsible for the violation, or that extenuating circumstances make dismissal of the citation appropriate in the interest of justice, the Parking Services Division shall cancel the notice of parking violation or notice of delinquent parking violation. The Parking Services Division shall mail the results of the initial review to the person contesting the notice.

(2) If the person is dissatisfied with the results of the initial review, the person may, no later than 14 calendar days following the initial review, request an administrative hearing of the violation. The request may be made in writing or in person. The person requesting an administrative hearing shall, at the time of making the appeal request, deposit the amount of the parking penalty with the Parking Services Division. Notice of this procedure shall be provided to all persons requesting an administrative hearing. An administrative hearing shall be held within 30 calendar days following the receipt of a request for an administrative hearing.

(3) If a person has requested either the review in subsection (b)(1) or the appeal in subsection (b)(2), the impoundment and immobilization provisions of this title shall be automatically deferred until the completion of the review and/or appeal process.

(4) The administrative hearing process shall include the following:

(i) The person requesting a hearing may present any written statements or documentary evidence relevant to the determination. All hearings shall be conducted within the jurisdictional limits of the City of Lincoln.

(ii) If the person requesting a hearing is a minor under the age of 18, that person shall be permitted to appear at a hearing or admit responsibility for the parking violation without the necessity of the appointment of a guardian. The Parking Services Division may proceed against the minor in the same manner as against an adult.

(iii) The administrative hearing shall be conducted in accordance with written procedures established by the Parking Services Division and approved by the Director of Urban Development.

(iv) The Director of Urban Development may delegate conducting the administrative hearings to another city employee or to a company contracting with the City to provide parking services. If the hearing is delegated to someone other than the Director of Urban Development, such delegatee shall make written findings and conclusions and a recommendation to the Director of Urban Development for the final determination of the matter.

(v) The officer or person who issues a notice of parking violation shall not be required to participate in the administrative hearing. The Parking Services Division shall not be required to produce any evidence other than the notice of parking violation or copy thereof and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be prima facie evidence of the violation.

(vi) The Director of Urban Development shall make a final and binding determination, within fifteen days following the administrative hearing. Such determination shall then be sent by first-class mail to the person requesting the appeal.

(c) Any person aggrieved by the decision of the Director of Urban Development in Subsection (b) may appeal such decision to district court through the provisions established in Nebraska Revised Statutes § 15-1201 et seq. (Ord. 20100 §2; October 20, 2014: prior Ord. 19676 §2; February 27, 2012: Ord. 19596 §1; August 10, 2011: Ord. 19492 §4; January 24, 2011: Ord. 18759 §2; June 26, 2006: Ord. 17867 §1; June 25, 2001; Ord. 17601 §1; February 7, 2000: Ord. 16668 §2; September 6, 1994: Ord. 16646 §1; July 25, 1994: Ord. 15630 §12; July 9, 1990: P.C. §10.68.040: Ord. 13968, Ord. 14122, as amended by Ord. 14127 §5; June 10, 1985: Ord. 12892 §1; April 7, 1980: Ord. 12380 §11; September 11, 1978: Ord. 10311 §3; December 6, 1971: Ord. 9163 §6; February 20, 1967: Ord. 5699 §1604, as amended by Ord. 6561; April 15, 1957).

10.06.140 Mailing Notice of Complaint.

In the event that a person accused of a violation does not appear before the Parking Services Division within seven days after the date of the issuance of the citation, notice shall be mailed to the last known address of the registered owner of the vehicle found to be in violation of the ordinance or regulation setting forth the date and the nature of the alleged offense, the disposition that can be made of the matter by appearing at the Parking Services Division within fifteen days of the issuance of the citation, and that upon the expiration of the fifteen-day period such vehicle may be impounded or immobilized pursuant to Chapter 10.44 or as otherwise allowed by law. (Ord. 19676 §3; February

27, 2012: prior Ord. 19492 §5; January 24, 2011: Ord. 16646 §3; July 25, 1994: Ord. 15630 §14; July 9, 1990: P.C. §10.68.050: Ord. 14127 §7; June 10, 1985: Ord. 9163 §7; February 20, 1967: Ord. 5699 §1605, as amended by Ord. 6561; April 15, 1957).

10.06.150 Violation of Rules and Regulations.

The violation of any provision of the rules and regulations promulgated by the Director of Public Works and Utilities pursuant to and in accordance with the provisions of this title relating to the regulation of traffic upon the streets and alleys of the city shall constitute a violation of this title. (Ord. 16951 §58; March 11, 1996: prior Ord. 15630 §15; July 9, 1990: P.C. §10.72.010: Ord. 8282 §48; December 16, 1963: Ord. 7794 §17; July 16, 1962: Ord. 5699 §1701; April 12, 1954).

10.06.160 Penalty for Violation.

Any person upon whom a duty is placed by the provisions of this title who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this title for which a penalty is not otherwise specifically provided, shall be deemed guilty of a traffic infraction and upon conviction thereof shall be fined not more than \$100.00 for the first offense, not more than \$200.00 for a second offense within a one-year period, and not more than \$300.00 for a third and subsequent offense within a one-year period, recoverable with costs. Each day that a violation of this title continues shall constitute a separate and distinct offense and shall be punishable as such. The penalty provided herein shall be cumulative with and in addition to the revocation, cancellation, suspension, or forfeiture of any license, permit, right, or privilege elsewhere in this title provided for violation thereof, or as provided by law. (Ord. 18453 §1; October 11, 2004: prior Ord. 15630 §16; July 9, 1990: P.C. §10.72.050: Ord. 12519 §9; March 12, 1979: Ord. 9037 §1; June 13, 1966: Ord. 5699 §1901, as amended by Ord. 6871; January 26, 1959).