

ORDINANCE NO. 750

AN ORDINANCE OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA, AMENDING CHAPTER 5, ARTICLE 515, OF THE MUNICIPAL CODE TO ADD PROVISIONS REGARDING SNOW EMERGENCIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA.

Section 1. That Chapter 5, Article 515 of the Gothenburg Municipal Code, shall be amended by the addition of 5-515.1, 5-515.2, 5-515.3, 5-515.4, 5-515.5, 5-515.6, 5-515.7, and 5-515.8, which sections shall appear in the following form:

5-515.1 ESTABLISHMENT OF SNOW EMERGENCY ROUTES. The following streets are declared to be snow emergency routes within the City. The Mayor (or someone designated by the Mayor, but always referred to herein as the Mayor) shall, at the Mayor's 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 affect any previous designation of that street, avenue, road, or highway for any other purposes but shall be in addition thereto. The following street or highways are designated as emergency snow arterial streets:

- (a) Highway 30 from east city limit to west city limit
- (b) Highway 47 from north city limit to south city limit
- (c) Highway 47 to Highway 30 Bypass (Ave. D from Highway 30 to 11th Street; then from Ave. D to Lake Avenue on 11th Street)
- (d) 20th Street from Avenue A to Avenue M
- (e) Avenue I from 12th Street to 20th Street
- (f) Avenue G from 11th Street to 12th Street
- (g) 12th Street from Ave. G to Ave. I
- (h) 27th Street from Lake Ave. to Ave. M
- (i) Ave. M from 12th Street to 27th Street
- (j) Ave. L from Highway 30 to 12th Street

5-515.2 DECLARATION OF EMERGENCY; PROHIBITION OF PARKING ON SNOW EMERGENCY ROUTES. Whenever the Mayor 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 by 5-515.1 be prohibited or restricted from snow plowing and other purposes, the Mayor 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 Mayor 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 Mayor. 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.

5-515.3 PROHIBITION OF PARKING ON DOWNTOWN COMMERCIAL AREAS DURING SNOW EMERGENCY. Upon declaration of snow emergency, such declaration may include or may later be expanded to include a prohibition of parking on downtown commercial areas. The declaration shall include a statement of the hours during which parking shall be prohibited for the purpose of snow removal from said downtown commercial area. Such prohibition shall not extend beyond the time reasonably required for such snow removal. The areas included are:

- (a) 9th Street from Ave. D to Ave. F
- (b) 10th Street from Ave. D to Ave. F
- (c) Lake Ave. from Highway 30 to 11th Street
- (d) Ave. F from Highway 30 to 11th Street

5-515.4 MOVEMENT OF SNOW FROM PRIVATE PROPERTY INTO CITY STREETS. Whenever a snow emergency has been declared, no person shall move the snow from lots, driveways or 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.

5-515.5 OPERATION OF MOTOR VEHICLES ON SNOW EMERGENCY ROUTES. Whenever an emergency has been declared pursuant to 5-515.2 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.

5-515.6 EMERGENCY DECLARATIONS OF THE MAYOR. The Mayor shall cause each declaration of a snow emergency which shall be made by him, pursuant to this Article, to be publicly announced by means of broadcasting 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 Mayor, including the time the emergency became or will become effective. The announcement shall specify the streets or areas affected. The Mayor 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 any emergency as is feasible.

Whenever the Mayor 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 the announcement or at a later specified time.

5-515.7 PROVISIONS TEMPORARILY EFFECTIVE TO TAKE PRECEDENCE. Any provision of this Article which becomes effective by declaration of the Mayor 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.

5-515.8 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:

- (a) The vehicle is parked on a snow emergency route on which a parking prohibition is in effect.
- (b) 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.
- (c) The vehicle is parked on any street in violation of any parking prohibition of provision of law contained in the 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 license plate number or VIN of each vehicle, and the nature and circumstances of such, 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 2. That any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 3. That this Ordinance shall be published in pamphlet form and shall become effective and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 16th day of Jan, 2000.

City of Gothenburg

Larry Franzen
Larry Franzen, Mayor

Attest:

Connie Stull
Connie Stull, City Clerk

Approved as to form:

Michael L. Bacon, City Attorney

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