

# **City of Scottsbluff, Nebraska**

**Monday, July 6, 2020**

**Regular Meeting**

## **Item Reports2**

**Council to discuss and consider action on approving the cost proposal for a recodification of the Scottsbluff Municipal Code and authorize the Mayor to sign the proposal.**

**Staff Contact: Rick Kuckkahn, City Manager**

# **Ordinance Codification Proposal Scottsbluff, Nebraska**



**American Legal Publishing Corporation  
One West Fourth St. Cincinnati, Ohio 45202  
[www. amlegal.com](http://www.amlegal.com)**

**Colleen T. Engle  
Codification Consultant  
[cengle@amlegal.com](mailto:cengle@amlegal.com)  
714.348.9529**

## Table of Contents

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|                                 | Section    |
|---------------------------------|------------|
| Cover Letter.....               | 1          |
| Business Profile.....           | 2          |
| Experience/Qualifications.....  | 3          |
| Description of Services .....   | 4          |
| Internet Features.....          | 5          |
| Pricing .....                   | 6          |
| Agreement.....                  | 7          |
| Sample Legal Review Report..... | attachment |



**AMERICAN LEGAL**  
Publishing Corporation

May 14, 2020

Ms. Elizabeth Hilyard  
Finance Director  
2525 Circle Drive  
Scottsbluff, NE 69361

Dear Ms. Hilyard:

Please accept the following proposal to recodify and host your Scottsbluff Code of Ordinances. Based on our recent conversations, I have been able to draft the following cost proposal specifically meeting the needs of Scottsbluff.

As a partner of the LEAGUE OF NEBRASKA MUNICIPALITIES (LONM) Ordinance Codification Program we are the most qualified company to handle such a project. Our familiarity with Nebraska cities such as Scottsbluff, have led us to be one of the top producers of Codes within Nebraska. With over 100 Nebraska cities and villages as our clients, we have a very unique understanding of the needs of cities such as Scottsbluff. American Legal Publishing has produced the Nebraska Basic Code in partnership with the League of Nebraska Municipalities for years now. It illustrates how familiar we are with Nebraska municipal code requirements.

Our recodification of a code includes incorporating all permanent nature ordinances, creating an index and tables as needed, formatting the pages into a new typestyle, including single column print, and printing complete copies of the entire code book. It also includes a legal review and written report by one of our staff attorneys. The review will uncover inconsistencies between sections in the code and state statutes.

In future years, new ordinances can be easily added to your code with American Legal's supplement services. And, when you need a model ordinance, simply call us; we don't charge for providing model ordinances or you can search all codes on our website for free!

Should you have any questions about the proposal, please do not hesitate to call me.

Best Regards,

Colleen T. Engle  
Codification Consultant  
[cengle@amlegal.com](mailto:cengle@amlegal.com)  
714.348.9529

AMERICAN LEGAL PUBLISHING • ONE WEST FOURTH STREET • CINCINNATI, OH 45202  
800-445-5588 WWW.AMLEGAL.COM Fax: 513-763-3562

## 2. BUSINESS PROFILE

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|   |  |
|---|--|
| <b>American Legal Publishing</b><br><b>One West Fourth Street</b><br><b>Cincinnati, OH 45202</b><br><b>PH: 800-445-5588</b><br><b>Fax: 513-763-3562</b><br><b>www.amlegal.com</b> | Contract Manager: Ray Bollhauer, Esquire<br>President<br>Email: <a href="mailto:rbollhauer@amlegal.com">rbollhauer@amlegal.com</a> |
|---|--|

American Legal Publishing began as the codification division of the Anderson Publishing Company of Cincinnati in 1934. We became a separate corporation in 1979. In 2006, American Legal Publishing became an independent employee owned corporation. We are extremely proud of our employee-owned status, unique in our industry. Our employees are self-motivated, knowing that the quality of each project enhances their future, as well as that of the government client.

- American Legal is the choice of the top cities in the country. We currently serve nearly 2,500 local government clients across the country, including several in Nebraska. Our ability to service large clients (**New York, Los Angeles, Chicago, Philadelphia, Cleveland, Boston, etc.**), and yet provide excellent service and products to the smaller Villages, Cities and Counties across the nation, separates us from many other Codifiers.
- We are the codification consultants to the International Municipal Lawyers Association and numerous state municipal leagues, including the League of Nebraska Municipalities.
- American Legal employs a highly skilled and professional staff, including 16 staff members with law degrees - the largest in the industry. The legal reviews that these attorneys are able to execute is what allows us to provide a high-quality product. Our editorial support staff consists of experienced editors skilled in the multiple disciplines required in providing codification services: editing, computer operation, proofreading and indexing. Our typical editor has a college degree in English or Law.
- American Legal offers a full-range of codification services, including:
  - Editing and updating municipal codes
  - Legal research/review and analysis of codes
  - Subscriber sales of codes in print and on CD
  - CD-ROM publishing
  - Hosting of municipal codes on the Internet
  - Roberts Rules of Order 11<sup>th</sup> Ed. on CD in the Folio search program
  - Meeting Minutes imaging and hosting online in a searchable format

- American Legal works quickly to put new codes online. We have the flexibility to update online and printed codes on any schedule our clients require, including as new ordinances are adopted.
- The hosted municipal codes located on our webserver are fully searchable and are easy for the general public to use, but also has advance features to assist legal professionals and City staff.
- The hosted municipal codes located on our webserver are available for use on **smartphones** and **tablets** such as **iPads**.
- American Legal is exclusively an ordinance codification company. It is our sole focus. We are dedicated to continual improvement of our expertise, procedures, product and staffing to ensure the premium level of service that has earned us the respect and business of America's premier cities and Municipal Associations. We are not distracted by other ventures. We do one thing, and we make every effort to do it as well as it can be done.

### **Municipal and County Leagues Affiliations**

American Legal's commitment to quality has led to affiliations with Municipal and County leagues across the country. Municipal Associations across the nation seek our expertise in municipal law and government, our advanced technology programs, and our unsurpassed customer service. We are extremely proud, that by allowing us to serve their members in their name, they show the greatest confidence in our services, reputation and integrity. We work hard every day to continue to earn that respect.

#### **We serve as the Information Management Consultant to the following Leagues:**

League of Wisconsin Municipalities  
Ohio Municipal League

#### **We serve as the Codification Consultant for the following:**

|  |   |
|--|---|
| <i>League of Nebraska Municipalities</i> | North Carolina League of Municipalities |
| League of Oregon Cities                  | Association of Arizona Counties         |
| League of Minnesota Cities               | League of Arizona Cities & Towns        |
| Indiana Association of Cities & Towns    | League of Kansas Municipalities         |

#### **We work with the following Leagues to publish model or basic codes:**

*League of Nebraska Municipalities*  
South Dakota Municipal League  
Virginia Municipal League  
League of Minnesota Cities

#### **We have produced publications for the following Leagues:**

League of California Cities  
Virginia Municipal League  
League of Wisconsin Municipalities

### 3. EXPERIENCE/QUALIFICATIONS

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- (1) **Years in Business:** American Legal Publishing has been in the ordinance codification business since 1934 as part of the Anderson Publishing Company. We became a separate corporation in 1979. We became an independent employee-owned corporation in 2006.
- (2) **Size and Experience:** American Legal is the choice of the top cities in the country. We currently serve nearly 2,500 local government clients across the country. Our clients include the Cities of New York, Los Angeles, Chicago, Philadelphia, Cleveland, Boston, Albuquerque, Honolulu, San Francisco, Tucson, and many others. We are the codification consultants to the International Municipal Lawyers Association and numerous state municipal leagues, including the League of Nebraska Municipalities.
- (3) **Project Attorneys:** American Legal employs 16 attorneys, including the company President, Executive Vice President (Editor in Chief), the Vice President of Client Relations, and the Vice President of Major Client Services.

#### **STEPHEN G. WOLF - CEO**

*Qualifications:*

- J.D., University of Cincinnati College of Law
- B.B.A., Management, University of Cincinnati
- Former City Law Director of an Ohio city, former Mayor and council person; with 35 years' experience as an elected city official
- Member, International Municipal Lawyers Association (IMLA)
- 37 years with American Legal

#### **RAY G. BOLLHAUER - PRESIDENT**

*Qualifications:*

- J.D., University of Cincinnati College of Law
- B.A., Economics, University of Cincinnati
- Past President and Trustee of local community Council
- Twenty years with American Legal
- Federal Bar member
- Presenter throughout the country regarding codification (Institute for Local Government Drafting Seminar at Tulane Law School; Milwaukee Bar Association, Ohio Municipal Clerks Association; Kent State Clerks Certification Program; League of Wisconsin Municipal Attorneys Association; North Carolina City and County Clerks Association at UNC; Arkansas County Clerks Association; Southwest Ohio Clerks Association; Ohio Municipal League; International Municipal Lawyers Association (New Orleans and Portland, OR); Queen City Chapter of the National Parliamentarians Association; and the International Institute of Municipal Clerks Association conferences)

**CYNTHIA POWELEIT - EXECUTIVE VICE PRESIDENT, EDITING**

- Qualifications:*
- Editor-in-Chief, oversees all aspects of code editing
  - J.D., Salmon P. Chase College of Law, Northern Kentucky University
  - B.A., English, Denison University.
  - Twenty-three years with American Legal Publishing.

*Role:* Oversees editing of new code and legal review

**AMY OAKS - SUPPLEMENT EDITING DIRECTOR**

- Qualifications:*
- Experience in editing and overseeing production of thousands of supplements
  - B.A., English, Northern Kentucky University
  - Fourteen years with American Legal

*Role:* Oversee supplement editing

**SARAH CRABTREE BAUER – DIRECTOR OF ELECTRONIC PUBLISHING**

- Qualifications:*
- Manages American Legal's CD-ROM and Internet publishing Department
  - Project manager for high level clients
  - B.A., English, Northern Kentucky University
  - M.A., English, University of Cincinnati
  - Eleven years with American Legal

*Role:* Responsible for production of Code's online; primary technical contact for the City

**Project Support Staff:** American Legal employs 36 staff members. Our editorial support staff consists of experienced editors skilled in the multiple disciplines required in providing codification services: editing, computer operation, proofreading and indexing. Our typical editor has a college degree in English or Law



## 4. Description of Services:

### **American Legal Publishing will:**

- (1) Examine the city's prior code of ordinances and all ordinances or resolutions provided by the city and determine which materials are to be codified.
- (2) *Legal Review.* Utilize its staff of attorneys to review all materials to be codified and prepare a written report for the municipal attorney.
  - (a) The report may include notice of and suggestions for resolving the following:
    - Apparent conflicts with referenced state and federal statutes and administrative regulations;
    - Repealed, renumbered, or obsolete state and federal statutory citations;
    - Apparent conflicts with prominent federal case law; and
    - Internal discrepancies such as duplications, ambiguities, and obsolete terminology.
  - (b) Suggest new provisions which the city should consider including in the code, and suggest deleting old provisions which are no longer necessary.
  - (c) At the option of the city, hold a conference with municipal representatives to review the report. The city will not be billed for time of the American Legal staff attorney if it chooses this option, but will be billed for travel expenses.
- (3) Classify all ordinances and resolutions which are of a general and permanent nature into titles, chapters, and sections, according to subject matter.
- (4) Make changes to effect uniformity of style and to correct typographical and spelling errors, grammar, and usage. Substantive changes shall not be made in the wording of the ordinances. Suggestions for additions or changes in the ordinances will be submitted to the Municipal Attorney.
- (5) Prepare:
  - (a) Title, chapter, and section headings.
  - (b) A table of contents and sectional analysis for each chapter.
  - (c) A legislative history for each section, citing the ordinance number and date of passage, as indicated on copies of ordinances supplied to the Publisher.
  - (d) Statutory cross-references to sections of the state statutes and to other pertinent parts of the Code where applicable. These references shall appear at the end of the section to which they apply.

- (e) Tables of Special Ordinances listing chronologically those ordinances in certain subject areas that the city finds to be pertinent.
- (f) Parallel Reference Tables showing:
  - 1. The disposition of ordinances (in numeric sequence) included in the codification (Ordinance to Code).
  - 2. A listing of code sections based on state statutes (Statute to Code).
  - 3. A listing of prior code sections incorporated into the new code if applicable (Old Code to New Code).
- (g) An index (which will be created after the first draft of the Code is submitted).
- (6) Provide the city with model or sample ordinances when available and upon request, at no additional charge.
- (7) Deliver to the city, within 6 months from receipt of the materials deemed necessary by the Publisher to begin the codification (prior code, ordinances and new code questionnaire), one copy of a draft of the Code for the city's examination.
- (8) If necessary, hold a conference to make final corrections, additions, and deletions to the Code. The city will be billed for the travel expenses of the American Legal staff attorney. The city may present changes to pages of the draft at the conference. After the final conference, any further changes, additions, or deletions shall be made in the future supplements to the Code. When the draft, and any changes thereto made by the city, is returned to the Publisher, such return of the draft shall be deemed final authorization by the city to publish the Code as returned. If additional conferences are requested by the city which require the travel of a member of the staff of the Publisher, then the city shall be advised what the additional cost, if any, for such conference will be.
- (9) Deliver to the city, within 3 months of receipt of the corrected draft, 5 printed copies of the Code meeting the following specifications:
  - (a) Type to be single column, at the request of the city
  - (b) Page size to be 8½" x 11"
  - (c) Printed on high quality paper
  - (d) All copies to be in hard-covered, 3-ring, loose leaf binders. All binders shall have the city's name stamped in gold and shall contain divider tabs.
- (10) Provide a sample adopting ordinance to the city.

## **Web Hosting/Online Posting:**

Post the Code online in a fully indexed searchable database. American Legal Publishing's technical team will convert the electronic version of the code documents into a fully indexed and searchable format. All of our codes contain an electronic table of contents and extensive hypertext linking (for the table of contents, cross-references, chapter analyses and title analyses). The fully indexed code will allow users to perform fast searches of the entire code at once. Typically PDF posted documents only allow chapter/title searches one by one and do not allow for synonym searches, which is a critical element to our searchable codes.

Users can search for words, phrases, section numbers – anything they want. Our codes also offer an electronic table of contents that allows users to navigate and browse the code, as well as a hypertext linking feature that allows users to connect or “jump to” related pieces of information (such as cross-references).

To assist City staff and private citizens in reaping the full benefits of the extensive search capabilities, American Legal has developed a convenient, online tutorial providing clear, simple instructions on making full use of our online database. This Web Demonstration video is conveniently located on our website at <http://www.amlegal.com/codification-services/electronic-publishing> Scroll to the bottom of the page and click PLAY.

American Legal's website with over 1000 codes for municipalities nationwide, allows users the ability to print, save and email material (such as one section, one chapter or an entire code) from our website with just a few clicks of the mouse. Users are also able to set links to specific chapters or sections of the code for faster, repeat lookups.

## **Future Supplements:**

*Online supplements.* American Legal's editors can update the online Code as often as the City desires – including weekly or whenever new legislation is adopted and provided to American Legal. The online code will state on the front page what the most recent legislation is that has been included in the Code. Each section amended will include a history with the legislation number and adoption date.

*Paper supplements.* The printed version of the Code in loose-leaf format can be updated weekly as well, or on any other schedule chosen by the City, such as monthly, quarterly, every six months or annually. Supplements will include Instruction Pages with information on which pages in the Code are to be replaced.

## **New Legislation Online:**

American Legal can post new ordinances on the internet with a link to the full text of the ordinance until they are incorporated into the Code. Ordinances can be linked in an Ordinance List or at the code sections they amend. Once the online code is updated, the list can be updated to remove ordinances from the list that have been incorporated into the code, or the ordinances can remain permanently.

## **Model Ordinance Service:**

You can simultaneously search nearly 1000 municipal and county codes on our website for model language **at no cost**. You may search one code at a time, all codes in a state, or all online codes at once. And, it's all for free! Most codifiers do not provide this service to their clients.

**Please note**, that many other publishers permit a free search of only one code at a time, requiring a paid subscription to search multiple cities simultaneously. While they may offer to waive the subscription fee for City staff, your citizens (including law firms, developers, realtors, etc.) will be restricted to single code searches or forced to pay a subscription fee.

## **Codes on Media:**

American Legal can provide the City's Code on a CD or USB in a fully indexed and searchable format, MS Word or PDF. This will allow the employees responsible for maintaining the code the option of having their own version where they may create separate files for annotating with popup notes and highlighting.

## **Subscriber Services:**

American Legal can provide the City and its citizens with a subscriber service for the purpose of providing copies of the code to requesting entities. Subscriber services include the sale of codes in print and on CD.

## **Our Web hosting service offers:**

An on-line **Internet query template** that allows our clients to search ALL the Codes in our Internet collection.

**ADA** compliant features integrated.

A single search screen which includes a **Quick Search** feature, as well as an **Advanced Search** feature (with **Boolean** searching, exact phrase searching and other features) so that users can choose the type of search they want to perform with one click access.

A **specially-designed interface** that allows you to see the text of your document, the table of contents, the query dialog box, and a ranked hit list at the same time. Our specially-designed interface allows you to quickly and easily access the portion of the document you need to utilize (whether it's the table of contents, the search feature or the document itself). *We can also customize the look and feel of the site in case you want to develop a unique appearance for your document.*

**Easy-to-use navigation options** that allow you to move from search hit to search hit, and from document to document (both forward and backward) **without having to return to a results list to move to the next search find.** This feature is available in both the desktop and mobile view versions.

The ability to **print individual chapters or sections** of the document and the ability to **download** the document into numerous formats such as RTF (Word), PDF, HTML, EPUB and MOBI.

American Legal has integrated **Google Translate** features to our online Codes. Able to use alternate languages to read the code. Note: the official language of the codes is English.

Internal **hypertext links** to other sections of the code that are cross-referenced

## 5. INTERNET FEATURES

### The American Legal Publishing Difference

| <b>Online Features:</b>                                    | <b>Many features are included in current annual hosting fee at no additional cost</b>  | <b>Price:</b>   |
|--|--|-----------------|
| <b>PC, Tablet, Smart Phone versions</b>                    | <b>Frames version for PC; ADA Compliant View and Mobile View available for mobile devices.</b>                                 | <b>Included</b> |
| <b>Multiple Search formats</b>                             | <b>1. Quick Search Box<br/>2. Advanced Search Template<br/>3. Boolean Search Field</b>   | <b>Included</b> |
| <b>Automatic Stem Searches (finds plurals of words)</b>    | <i>Dog finds dog and dogs<br/>Fence finds fence, fences, fencing and fenced</i>  | <b>Included</b> |
| <b>Synonym Searches</b>                                    | <i>Grass finds grass, turf, lawn<br/>Garbage finds garbage, litter, trash, rubbish</i>   | <b>Included</b> |
| <b>Continuous Next Hit feature</b>                         | <b>You can go through all hits without having to go back to the Results List for each chapter</b>                              | <b>Included</b> |
| <b>Search Results List</b>                                 | <b>Advance searches lists results in order of relevancy; Quick searches lists results in order as found in the document</b>    | <b>Included</b> |
| <b>Table of Contents expands and links to sections</b>     | <b>View and navigate the TOC while also viewing code text and option to view TOC, Document and Search Results at same time</b> | <b>Included</b> |
| <b>Download text in multiple file choices from the web</b> | <b>Can download into RTF (for MS Word), HTML, TXT, PDF, MOBI and EPUB (can also use copy/paste feature)</b>                    | <b>Included</b> |
| <b>Email text in multiple file choices from the web</b>    | <b>Can email text RTF (for MS Word), HTML and TXT (actually attaches text, not just a link to the code)</b>                    | <b>Included</b> |
| <b>Cross-references hyperlinked</b>                        | <b>Cross-references to other sections, including Penalty references are hyperlinked</b>  | <b>Included</b> |
| <b>Color Graphics</b>                                      | <b>Yes - if provided in color by the City</b>  | <b>Included</b> |

|  |   |                 |
|--|---|-----------------|
| <b>Static Links to specific sections can be set</b>            | <b>Ability to links to titles, chapter or individual sections in the code</b>   | <b>Included</b> |
| <b>Scrolling tables - static header</b>                        | <b>The titles of table columns remain visible as you scroll through tables</b>  | <b>Included</b> |
| <b>Limit searches to specific sections</b>                     | <b>Use TOC feature to limit search to chapters or sections (or expand search to other municipal codes)</b>  | <b>Included</b> |
| <b>Electronic format</b>                                       | <b>Online document flows uninterrupted; no page breaks or page numbers to interrupt the text</b>  | <b>Included</b> |
| <b>Search over 900 municipal codes</b>                         | <b>Free access to all codes we publish online; no need to subscribe to any service</b>  | <b>Included</b> |
| <b>Searchable CD-ROM version provided</b>                      | <b>Searchable CD version of the documents in Folio is provided</b>  | <b>Included</b> |
| <b>Online help features</b>                                    | <b>Use online help features or contact our technical service reps via email or toll-free phone number</b>   | <b>Included</b> |
| <b>Translation into other languages</b>                        | <b>Apply Google Translate to the Code</b>   | <b>Included</b> |
| <b>OPTIONAL ONLINE SERVICES:</b>                               |   |                 |
| <b>Archive of prior versions of code online</b>                | <b>Prior versions of the code may be hosted online for research purposes.</b>   |                 |
| <b>New Ordinance List Service (Advance Legislation Notice)</b> | <b>Ordinances not yet codified listed with link to full text of ordinances(ordinances removed from list once they are codified)</b>                         |                 |
| <b>New Ordinance Notification</b>                              | <b>Notice posted at beginning of code section with link to ordinance that will amend that section (ordinances removed from code once they are codified)</b> |                 |
| <b>Comprehensive Ordinance List</b>                            | <b>New ordinances added to list of all ordinances codified and remain even after code is updated</b>  |                 |
| <b>Ordinances History Links within code section histories</b>  | <b>As new ordinances are added to the code section history list, links to the original ordinance can be set</b>   |                 |
| <b>Definition Links</b>  | <b>Defined terms in the code can be hyperlinked directly to their definition (See Cary, NC Land Development Ordinance)</b>                                  |                 |

## 6. PRICING

As a partner with the League of Nebraska Municipalities, American Legal Publishing proposes to recodify the Scottsbluff Municipal Code at the following price:

I. Base Cost\* \$14,945.

*\*The actual page count may vary from the estimate or you might add new ordinances during the codification process. If the page estimate is low, the cost will be higher than the initial base cost.*

### **Includes**

1. Number of Copies of Scottsbluff's Code (includes binders and divider tabs) 6
2. Legal Analysis
  1. Research Internal Consistency
  2. Research State Law Consistency
  3. Legal and Editorial Research and Report
3. Special Features
  1. Tables of Special Ordinances
  2. Parallel References
  3. Comprehensive Index
  4. Tabular Matter (Tables, Charts, Graphs)
  5. Code on CD-ROM (MS Word compatible)
4. Estimated Number Of Pages  
8 ½' x 11" Format  
Single column (12 point type) 800 pages
5. Scottsbluff Code Hosted on American Legal Publishing Website Included  
(First year free: Subsequent years will be \$450 per year)
6. Data converted to searchable electronic format (Folio – 1 license) Included
7. Phone and email support with American Legal Publishing Included



## II. Variable Cost

- |  |         |
|--|---------|
| 1. Per Page Increase Rate<br>8 ½ " x 11" Format<br>Single Column | \$19.50 |
| 2. Freight/Shipping<br>UPS Ground                                | TBD     |

## III. Time to Completion

- |   |            |
|---|------------|
| Number of Months until Draft                                  | 3-6 months |
| Number of Months until Completed Code (after return of draft) | 1-3 months |

## IV. Optional Services that may be ordered:

- |  |                |
|--|----------------|
| a. Additional Copies of Code                               |                |
| i. Minimum Number of Copies                                | No minimum     |
| ii. Cost per Extra Code with Binder                        | \$125          |
| iii. Cost per Extra Code without Binder                    | \$75           |
| b. Supplement Service                                      |                |
| i. 8 ½" x 11" Format                                       |                |
| ii. Single-column (includes both printed and online pages) | \$21./per page |

## V. Terms (can be budgeted over two fiscal years)

- |      |   |
|------|---|
| i.   | Forty Percent (40%) due upon acceptance of this agreement.            |
| ii.  | Forty Percent (40%) within 30 days of receiving the draft manuscript. |
| iii. | Balance 30 days after receiving delivery of the completed code.       |

American Legal Publishing Corporation  
One West Fourth Street  
Cincinnati, Ohio 45202

City of Scottsbluff  
2525 Circle Drive  
Scottsbluff, NE 69361

## **CODIFICATION AGREEMENT**

May 14, 2020

Whereas the League of Nebraska Municipalities ("League") has contracted with American Legal Publishing Corporation ("Publisher") to provide Codification Services to Nebraska municipalities under the supervision of the League; therefore

The City of Scottsbluff, a municipal corporation in the State of Nebraska ("Municipality") and American Legal Publishing Corporation ("Publisher"), an Ohio corporation, agree as follows:

### **I. THE PUBLISHER SHALL:**

- (1) Examine the Municipality's Charter (if any), and prior code of ordinances (if any), and all ordinances or resolutions provided by the Municipality and determine which materials are to be codified.
- (2) Utilize its staff of attorneys to review all materials to be codified and prepare a written report for the municipal attorney.
  - (a) The report may include notice of and suggestions for resolving the following:
    - Apparent conflicts with referenced state and federal statutes and administrative regulations;
    - Repealed, renumbered, or obsolete state and federal statutes and administrative regulations;
    - Apparent conflicts with prominent federal case law; and Internal discrepancies such as duplications, ambiguities, and obsolete terminology.
  - (b) Suggest new provisions which the Municipality should consider including in the new code, and delete old provisions which are no longer necessary or which might be improper or unlawful.
  - (c) The review will not involve re-drafting of entire chapters by the Publisher. However, the Publisher will provide model ordinances to the Municipality upon request if available.
  - (d) At the option of the municipality, hold a manuscript conference with municipal representatives to review the report. The Municipality will not be billed for time of the American Legal staff attorney if it chooses this option, but will be billed for travel expenses.

Note: The review performed by the Publisher should not be considered as a substitute for the competent advice of your Municipal Attorney, especially based on his/her in-depth knowledge of the municipal practices and procedures, and American Legal Publishing is in no way assuming the role of attorney for the municipality. Land Use sections of the code are especially specific to the locality and are thus only subject to cursory review and comparison with the rest of the code.

- (3) Classify all ordinances and resolutions which are of a general and permanent nature into titles, chapters, and sections, according to subject matter.
- (4) Make changes to effect uniformity of style and to correct typographical and spelling errors, grammar, and usage. Substantive changes shall not be made in the wording of the ordinances. Suggestions for additions or changes in the ordinances will be submitted to the Municipal Attorney.
- (5) Prepare:
  - (a) Title, chapter, and section headings.
  - (b) A table of contents and sectional analysis for each chapter.
  - (c) A legislative history for each section, citing the ordinance number and date of passage, as indicated on copies of ordinances supplied to the Publisher.
  - (d) Statutory cross-references to sections of the state statutes and to other pertinent parts of the Code where applicable. These references shall appear at the end of the section to which they apply.
  - (e) Tables of Special Ordinances listing chronologically those ordinances in certain subject areas that the Municipality finds to be pertinent.
  - (f) Parallel Reference Tables showing:
    1. The disposition of ordinances (in numeric sequence) included in the codification (Ordinance to Code).
    2. A listing of code sections based on state statutes (Statute to Code).
    3. A listing of prior code sections incorporated into the new code if applicable (Old Code to New Code).
  - (g) An index (which will be created after the first draft of the Code is submitted).
- (6) Provide the Municipality with model or sample ordinances when available and upon request, at no additional charge.

- (7) Deliver to the Municipality, within 3-6 months from receipt of the materials deemed necessary by the Publisher to begin the codification (prior code, ordinances and new code questionnaire), one copy of a draft of the Code for the Municipality's examination.
- (8) If necessary, hold a conference to make final corrections, additions, and deletions to the Code. The Municipality will be billed for the travel expenses of the American Legal staff attorney. The Municipality may present changes to pages of the draft at the conference. After the final conference, no additional changes are to be made. Any further changes, additions, or deletions shall be made in the future supplements to the Code in accordance with III(3) of this Agreement. When the draft, and any changes thereto made by the Municipality, is returned to the Publisher, such return of the draft shall be deemed final authorization by the Municipality to publish the Code as returned. If additional conferences are requested by the Municipality which require the travel of a member of the staff of the Publisher, then the Municipality shall be advised what the additional cost, if any, for such conference will be.
- (9) Deliver to the Municipality, within 3 months of receipt of the corrected draft, 6 printed copies of the Code meeting the following specifications:
  - (a) Type to be single column, at the request of the Municipality
  - (b) Page size to be 8½" x 11"
  - (c) Printed on high quality paper
  - (d) All copies to be in hard-covered, 3-ring, loose leaf binders. All binders shall have the Municipality's name stamped in gold and shall contain divider tabs.
- (10) Provide a sample adopting ordinance to the Municipality.

## **II. THE MUNICIPALITY SHALL:**

- (1) The Municipality will provide clear copies of all materials necessary to perform the codification, including an up to date copy of any previously published code of ordinances, copies of ordinances and pertinent resolutions not previously codified, and a completed New Code Questionnaire (provided by the Publisher). (If the Municipality provides meeting minutes to the Publisher to review for legislation contained therein rather than actual ordinances or resolutions, there will be an additional charge of \$45.00 an hour to extract ordinances or resolutions from the minutes for use in the new code.)
- (2) After receipt of the draft of the code and legal report described in paragraph I (2), the Municipality shall have 60 days to review the draft and report and to return to the Publisher its comments about the draft and its answers to the legal report. In the alternative, if the Municipality opts for the legal conference described in paragraph I (9), it must contact the Publisher within 60 days to set up a meeting date. The meeting, itself, need not occur within the same 60 day period. If the Municipality fails to either return its comments and answers to

the legal report within 60 days or, if applicable, to set up a meeting date, the Municipality may request that the Publisher extend the deadline in writing. The Publisher may adjust the contract price to cover any increased costs due to the Municipality's delay.

- (3) The Publisher agrees to include in the final version of the Code all ordinances adopted by the Municipality up to the time the manuscript is originally due back to the Publisher under the provisions of (2) above. The Municipality agrees that any ordinances adopted after this date shall be included at the Publishers' supplement rates (as set out in paragraph III(3)(b)) at the time of the inclusion of these ordinances into the code.

- (4) (a) Pay to the Publisher for shipping of the final code order as a base price, the sum of \$14,945.00 for its services set out in Section I, payable as follows:

Forty percent (40%) due upon acceptance of this agreement;  
 Forty percent (40%) within 30 days after submission of the manuscript and invoice;  
 The balance 30 days after receiving final delivery of the printed Code books plus invoice.

- (b) The price above is based upon a code of the following number of pages according to the format option chosen by the Municipality. Should the final page count of the code be more pages than this estimate, the base price will increase accordingly at the time of the final invoice:

| FORMAT                          | NUMBER OF PAGES | INCREASE         |
|---------------------------------|-----------------|------------------|
| 8½" x 11"<br>Single-column page | 800             | \$19.50 per page |

- (5) Pay any invoices within 30 days of the invoice date. Invoices outstanding beyond the 30 day period shall be subject to a late payment equal to 1.5% of the unpaid balance per month, or part thereof.

### III. OPTIONAL SERVICES.

The Municipality, by the initials of the person executing the agreement on its behalf, exercises the following options:

INITIAL

- (1) Five year supplemental service plan:

\_\_\_\_\_

For a period of five years after delivery of the code:

- (a) The Publisher shall:

1. Incorporate into the code new pertinent ordinances submitted by the Municipality.

2. Revise or make additional entries to the table of contents, parallel reference tables, and index as necessary to reflect the incorporation of additional, changed or deleted material.
3. Deliver to the Municipality 6 printed copies of supplemental pages with an instruction sheet for directing the placement of the new pages in the code.

(b) The Municipality shall:

1. Provide a copy of ordinances or resolutions passed subsequent to publication of the previous code supplement;
2. Pay to the Publisher the sum of \$19.50 per reprinted single column page.

The prices above are for a five-year period and cannot be changed except for adjustments in the second, third, fourth, and fifth years of this agreement to reflect any decrease or increase in the United States Consumer Price Index calculable from the month of delivery of the Code.

If the code page contains an image (diagram, photograph, graph, etc.) or table, there is an additional \$10.00 per page charge.

3. Pay to the Publisher the sum of \$1.50 per online hosted page update.

(c) Upon completion of the five-year period, this agreement shall automatically renew itself from year to year except that either party may alter or cancel the terms of this agreement at any time upon ninety days written notice.

(3) Code Hosted on American Legal Publishing website \$450 per year (1<sup>st</sup> year free) \_\_\_\_\_

#### IV. TRANSMITTAL AS OFFER.

The transmittal of this Agreement to the Municipality is an offer by the Publisher to perform the stated services at the prices and terms referenced within the Agreement. This offer will expire if not executed by the Municipality by December 31, 2020, unless such date is extended in writing by the Publisher.

IN WITNESS WHEREOF the parties to this contract have hereunto set their hands on the date(s) indicated:

CITY OF SCOTTSBLUFF, NEBRASKA

AMERICAN LEGAL PUBLISHING CORPORATION

By \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

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# LEGAL AND EDITORIAL RESEARCH AND REPORT

## SHELBY, NEBRASKA

### AMERICAN LEGAL PUBLISHING CORPORATION

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#### *Introduction*

This editorial report has been created in conjunction with the preparation of a preliminary manuscript of the code of ordinances for Shelby, Nebraska, and is intended to assist in the review of the preliminary manuscript of your code. It describes editorial decisions made in creating the manuscript and provides a list of questions which need to be addressed by the village.

**Please note that any questions of a legal nature contained in this report should be addressed to your village attorney. This editorial report should not be considered as a substitute for the competent advice of your village attorney, and we are in no way assuming the role of attorney for the village.**

Upon receipt of your answers to the following comments, we will be able to complete production of your new code. The general review period (during which the village is to review the preliminary manuscript and respond to these notes) is **60 days** following the receipt of these notes, or approximately **March 20, 2020**. If you will need to extend this review period, please let us know as soon as possible, so that we can adjust our schedule accordingly. Please feel free to make changes and suggestions to the preliminary manuscript in addition to those discussed in the following comments. Upon receipt of your responses, we will finish and ship the first of edition of the code to you within ten to twelve weeks.

Also, remember that the “preliminary” manuscript is for review purposes only. An index and parallel reference tables, designed to indicate the location of each statute and each ordinance within the code, will be inserted in the final version of the code. The final code will also contain tabbed dividers before each chapter, the index, and the parallel reference tables, and its pages will be printed on white paper.

#### *General Comments*

- 1) We have organized your new code into titles with chapters, subchapters, and sections:

|           |                    |            |                      |
|-----------|--------------------|------------|----------------------|
| Title I   | General Provisions | Title IX   | General Regulations  |
| Title III | Administration     | Title XI   | Business Regulations |
| Title V   | Public Works       | Title XIII | General Offenses     |
| Title VII | Traffic Code       | Title XV   | Land Usage           |

- 2) Definitions and rules of construction contained in Title I will not be repeated throughout the code unless a variation of the definition or rule applies to a particular code provision.

- 3) As histories for the code sections, our style is to list the former code section, then the specific number and passage date of the original ordinance and the amending ordinances, if any. Example: (Prior Code § 1-101) (Ord. 317, passed 5-13-60; Ord. 515, passed 1-1-70; Ord. 820, passed 1-1-80; Ord. 25, passed 1-1-85)
- 4) A Neb. RS cite included in the history indicates that the text of the section reads either verbatim or substantially the same as the statute. Example: (Neb. RS 17-541) ('73 Code, § 1-101) (Ord. 409, passed 10-18-77). A Neb. RS cite set forth as a “statutory reference” following the text of the section indicates that the reader should refer to that statute for further information. Example:

**§ 38.10 PUBLIC RECORDS AVAILABLE.**

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

***Statutory reference:***

*For provisions concerning the inspection of public records,  
see Neb. RS 84-712*

- 5) Note that the titles in your new code are separately paginated, for ease of supplementation. If, for example, the village adds material to Title III during a supplement, then the page numbers in Title III will shift accordingly. The page numbers in the remaining titles (V through XV) will not shift, because they have self-contained pagination. Because the village will pay a charge per changed page in supplementation, this style of pagination will actually save the village money. If someone is concerned about ability to locate material quickly, please remember that the final product will have tabbed dividers before each title, clearly marked with the name of that title.
- 6) In order to complete your new code, we need you to return to us the below-listed items, all in one packet if possible:
  - a) Your responses to this report. We recommend that you simply write your responses directly on this report. Or, you may return your responses on a separate sheet of paper, or mark them on your blue manuscript and return it to us;
  - b) A copy of each new ordinance passed since Ord. 2018-90, passed 11-13-2018; and
  - c) Other changes you wish to make, if any. We suggest that you mark such changes directly on your blue draft manuscript, and return it to us. Please note that we will retain the returned manuscript, so you may want to make a copy of the affected pages for your records.
- 7) Your codification contract base price is based upon an estimated 400 pages. Your draft manuscript is currently 338 pages. The index will probably add another 30 pages. Please note that, under your codification contract, pages above the estimate are charged on a per page basis. This is not a penalty, but is intended to compensate for the overage as if it had been included in the initial estimate and price.



*Research and analysis**Responses*

- 8) Old dollar amounts. The following code sections contain fees, fines, or other dollar amounts which are more than five years old and may need to be updated. If you wish to revise any of the below amounts, please specify the code section, the old amount, and the new amount. Unless otherwise instructed, we will retain these provisions as presently edited.

Title I: (none)  
 Title III: 30.40, 30.99, 31.99, 32.99, 33.99, 34.99, 35.02, 35.99  
 Title V: 50.99, 51.03, 51.99, 52.02, 52.16, 52.99, 53.01, 54.04(E), 54.05, 54.99  
 Title VII: 70.99, 71.99, 72.21, 72.99  
 Title IX: 90.99, 91.99, 92.050, 92.051, 92.065, 92.066, 92.082, 92.999, 93.99, 94.04, 94.09, 94.99, 95.99, 96.99, 97.99  
 Title XI: 111.02  
 Title XIII: (none)  
 Title XV: 150.01(B), 150.06, 150.99, 151.99, 152.99, 153.99

- 9) The titles “County Sheriff” and “Chief of Police” are both used throughout the code. Should both titles be used, or is there a consistent title that should be used in the code?

**TITLE I: GENERAL PROVISIONS**

- 10) Chapter 10: General Provisions. The purpose of this chapter is to reduce duplication and create consistency throughout the code. To this end, we have replaced obsolete and repetitive ordinance sections with comprehensive, general code provisions, most of which are self-explanatory in nature and need no particular comment; however, we ask that you review the chapter and advise if anything is unclear or unsatisfactory.

**TITLE III: ADMINISTRATION**

- 11) § 30.40 Municipal Officials. Division (F) of this section lists rates of compensation for officials. The rates have not been updated since 2008. Please review this section to determine if the rates need to be updated.
- 12) § 30.25 Reorganizational Meeting. This section cites Neb. RS 17-203.01, which was repealed. If possible, please provide a replacement citation for this repealed statute. Otherwise, we recommend deleting this citation. Do you wish to delete this reference?

*Research and analysis**Responses*

- 13) § 32.07 Municipal Engineer. This section references Neb. RS 81-839, which has been repealed. If possible, please provide a replacement citation for this repealed statute. Otherwise, we recommend deleting this citation. Do you wish to delete this reference?
- 14) § 32.08 Overseer of Streets. This section references Neb. RS 17-214, which has been transferred to Neb. RS 18-3301. We will update this citation. Is this acceptable?
- 15) § 33.02 Planning Commission. This section includes a reference to Neb. RS 19-924 through 19-929. Neb. RS. 19-924 has been repealed. Therefore, we recommend updating this citation to read: Neb. RS 19-925 through 19-929. Shall we make this change?
- 16) § 33.06 Housing Authority Board. This section references Neb. RS 71-1524 through 71-1526 and 71-1552, which have been repealed. If possible, please provide replacement citations for these repealed statute. Otherwise, we recommend deleting these citations. Do you wish to delete these references?
- 17) § 34.11 Inability to Assume Office. This section references Neb. RS 32-626, which has been repealed. If possible, please provide a replacement citation for this repealed statute. Otherwise, we recommend deleting this citation. Do you wish to delete this reference?
- 18) § 34.13 Petition Candidates; Procedure. Division (A)(2) references Neb. RS 32-626, which has been repealed. If possible, please provide a replacement citation for this repealed statute. Otherwise, we recommend deleting this citation. Do you wish to delete this reference?

**TITLE V: PUBLIC WORKS**

- 19) § 52.17 Sewer Use Charge. Please provide the missing rate in division (L).
- 20) § 53.01 Classes for Rates and Charges for Natural Gas Service.
  - a) Division (A) of this section references the Nebraska Municipal Natural Gas Regulation Act, Neb. RS 19-4601 et seq., which has been repealed. The State Natural Gas Regulation Act is codified in Neb. RS 66-1801 et seq. Do you wish to update this reference?

*Research and analysis**Responses*

## § 53.01 Classes for Rates and Charges for Natural Gas Service. (cont'd)

- b) Division (C)(1) of this section references Neb. RS 19-4609(1), which has been repealed. Gas utility rates are covered in Neb. RS 66-1825, however, we recommend reviewing Neb. RS 66-1801 et seq. to determine a replacement citation. In the alternative, the citations can be deleted and in replaced with general language, to read: “pursuant to state law”.

**TITLE VII: TRAFFIC CODE**

21) Attached to this report as Exhibit A are traffic provisions from the Nebraska Basic Code, which are more detailed than your current Chapters 70 and 71. We recommend reviewing these provisions to determine if you wish any of the material to be include in your Title VII. If you would like to incorporate any of the traffic provisions from the Nebraska Basic Code, please indicate which sections.

22) § 72.15 Designation of On-Street Parking Spaces; Display of Permits.

- a) Division (A)(1)(a) of this section references Neb. RS 60-311.14, which is an incorrect citation. We believe the correct citation is Neb. RS 60-3,113.04. Shall we correct this citation?
- b) Division (A)(1)(c) of this section references Neb. RS 18-1739, which has been repealed. We recommend changing this reference to Neb. RS 60-3,113.04. Shall we make this change?

23) § 72.16 Designation of Off-Street Parking Stalls or Spaces.

- a) Division (A)(1) of this section references Neb. RS 60-311.14, which is an incorrect citation. We believe the correct citation is Neb. RS 60-3,113.04. Shall we correct this citation?
- b) Division (A)(2) of this section references Neb. RS 18-1739, which has been repealed. We recommend changing this reference to Neb. RS 60-3,113.04. Shall we make this change?

*Research and analysis**Responses*

## 24) § 72.17 Definitions.

- a) The definition of Handicapped Parking Infraction includes a reference to the Federal Americans with Disabilities Act of 1990. To assist code book users in locating this Act, we suggest inserting, “being 42 U.S.C. 12101 et seq.”
- b) This sections references Neb. RS 18-1738, which has been repealed. The definitions of “handicapped or disabled person” and “temporarily handicapped or disabled person” are found in Neb. RS 60-352.01 and 60-331.02. We recommend updating the citation accordingly. Shall we make this change?

## 25) § 72.18 Permit Issuance. This section includes references to Neb. RS 18-1738 and 18-1738.02, which have been repealed. The issuance of handicapped parking permits is covered in Neb. RS 60-3,113.02. We recommend updating the citation accordingly. Shall we make this change?

## 26) § 71.19 Motor Vehicle Permit Issuance. This section includes references to Neb. RS 18-1738.01 and Neb. RS 18-1738.02, which have been repealed. Motor vehicle permit issuance is covered in Neb. RS 60-3,113.03. We recommend updating the citation accordingly. Shall we make this change?

## 27) § 72.20 Permit Contents; Prohibited Issuance; Duplicate Permits. This section includes a reference to Neb. RS 18-1739, which has been repealed. The topics in this section are covered in Neb. RS 60-3,113.04. We recommend updating this citation accordingly. Shall we make this change?

## 28) § 72.21 Permits; Permit Valid; Renewal; Fee. This section includes a reference to Neb. RS 18-1740, which has been repealed. Permit renewal is covered in Neb. RS 60-3,113.05. We recommend updating this citation accordingly. Shall we make this change?

## 29) § 72.22 Permits Nontransferable; Violations; Suspension. This section includes a reference to Neb. RS 18-1741, which has been repealed. Permit transferability is covered in Neb. RS 60-3,113.02. We recommend updating this citation accordingly. Shall we make this change?

## 30) § 72.24 Citation; Issuance; Complaint; Trail; Dismissal. This section references Neb. RS 18-1718 and 18-1738.01, which have been repealed. The issuance of handicapped parking permits are covered in Neb. RS 60-3,113.02 and Neb. RS 60-3,113.03. We recommend updating these citations accordingly. Shall we make this change?

*Research and analysis**Responses*

- 31) § 72.35 Current License. This section references Neb. RS 60-323, which does not exist in the Nebraska State Statutes. Please provide a replacement citation, or advise if you would prefer to delete this reference.

**TITLE IX: GENERAL REGULATIONS**

- 32) § 93.36 Sale. We removed the phrase "...and between December 28, 1999, and January 1, 2000." from this section, since it was time sensitive. Is this acceptable?

**TITLE XI: BUSINESS REGULATIONS**

We have no comments regarding this Title

**TITLE XIII: GENERAL OFFENSES**

We have no comments regarding this Title

**TITLE XV: LAND USAGE**

- 33) § 150.05 Plans, Specifications, Plats, and Reports; Municipal Officials; Duty. This section references Neb. RS 31-3538, which has been repealed. If possible, please provide a replacement citation for this repealed statute. Otherwise, we recommend deleting this citation. Do you wish to delete this reference?
- 34) § 150.07 Zoning Regulations; Manufactured Homes; Standards. Division (E)(2) references Neb. RS § 7-1-1557, which is an incorrect reference. The correct reference is Neb. RS § 71-1557. Shall we correct this reference?
- 35) § 150.20 Building Code; Adopted by Reference; Revisions. This section adopts the 2003 Edition of the International Building Code. We recommend adopting a newer version of the International Building Code.
- 36) § 150.21 Residential Code; Adopted by Reference; Revisions. This section adopts the 2003 Edition of the International Residential Code. We recommend adopting a newer version of the International Residential Code.
- 37) § 150.22 International Property Maintenance Code; Adopted by Reference; Revisions. This section adopts the 2006 Edition of the International Property Maintenance Code. We recommend adopting a newer version of the International Property Maintenance Code.

*Research and analysis*

*Responses*

- 38) § 150.55 Vacant Buildings. We did not receive a complete copy of Ord. 07-02.  
Please provide a complete copy of the ordinance.

Editorial Report Prepared By:

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Laura Moser, Staff Attorney  
January 15, 2020

**EXHIBIT A (See Comment #21)****NEBRASKA BASIC CODE  
CHAPTER 70: GENERAL PROVISIONS****Section**

- 70.01 Definitions
- 70.02 Traffic regulations; general authority
- 70.03 Regulation of highways; police powers
- 70.04 Prohibitions on operation of vehicles
- 70.05 Ordinances contrary to state law prohibited
- 70.06 Placement and maintenance of traffic control devices
- 70.07 Enforcement of rules and laws
- 70.08 Failure or refusal to obey order
- 70.09 Obedience to traffic control devices; exceptions
- 70.10 Authorized emergency vehicles; privileges
- 70.11 Traffic officers

- 70.99 Traffic infractions; penalty

**Statutory reference:**

*Nebraska Rules of the Road, see Neb. RS 60-601*

**§ 70.01 DEFINITIONS.**

For the purpose of this title, the following definitions and the other definitions in Neb. RS 60-606 through 60-676 shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A highway intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

(Neb. RS 60-607)

**AUTHORIZED EMERGENCY VEHICLE.** Such fire department vehicles, police vehicles, rescue vehicles, and ambulances as are publicly owned, such other publicly or privately owned vehicles as are designated by the Director of Motor Vehicles, and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General pursuant to Neb. RS 55-133.

(Neb. RS 60-610)

**BUSINESS DISTRICT.** The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including, but not

limited to, hotels, banks, office buildings, railroad stations, or public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of a highway.

(Neb. RS 60-613)

**HIGHWAY.** The entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Neb. RS 60-624)

**MANUAL.** The Manual on Uniform Traffic Control Devices adopted by the Department of Transportation pursuant to Neb. RS 60-6,118.

(Neb. RS 60-631)

**MOTOR VEHICLE.** Every self-propelled land vehicle, not operated upon rails, except bicycles, mopeds, self-propelled chairs used by persons who are disabled, and electric personal assistive mobility devices.

(Neb. RS 60-638)

**PEACE OFFICER.** The Village Marshal or other chief law enforcement official, any village police officer, or any other person authorized to enforce village ordinances. With respect to directing traffic only, peace officer shall also include any person authorized to direct or regulate traffic.

(Neb. RS 60-646)

**RESIDENTIAL DISTRICT.** The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

(Neb. RS 60-654)

**ROADWAY.** That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes 2 or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively.

(Neb. RS 60-656)

**SCHOOL CROSSING ZONE.** The area of a roadway designated to the public by the Board of Trustees as a school crossing zone through the use of a sign or traffic control device as specified by the Board in conformity with the Manual but does not include any area of a freeway. A school crossing zone starts at the location of the first sign or traffic control device identifying the school crossing zone and continues until a sign or traffic control device indicates that the school crossing zone has ended.

(Neb. RS 60-658.01)

**SHOULDER.** That part of the highway contiguous to the roadway and designed for the accommodation of stopped vehicles, for emergency use, and for lateral support of the base and surface courses of the roadway.

(Neb. RS 60-661)



**TRAFFIC.** Pedestrians, ridden or herded animals, and vehicles and other conveyances either singly or together while using any highway for purposes of travel.  
(Neb. RS 60-669)

**TRAFFIC CONTROL DEVICE.** Any sign, signal, marking, or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of the Board of Trustees or any official having jurisdiction for the purpose of regulating, warning, or guiding traffic.  
(Neb. RS 60-670)

**TRAFFIC CONTROL SIGNAL.** Any signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.  
(Neb. RS 60-671)

**TRAFFIC INFRACTION.** The violation of any provision of the Nebraska Rules of the Road or of any law, ordinance, order, rule, or regulation regulating traffic which is not otherwise declared to be a misdemeanor or a felony or, in this title, an offense.  
(Neb. RS 60-672)

**VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.  
(Neb. RS 60-676)

## **§ 70.02 TRAFFIC REGULATIONS; GENERAL AUTHORITY.**

(A) The Board of Trustees may, in its jurisdiction, enact regulations permitting, prohibiting, and controlling the use of motor vehicles, minibikes, motorcycles, off-road recreation vehicles of any and all types, other powered vehicles, electric personal assistive mobility devices, and vehicles which are not self-propelled. Any person who operates any of such vehicles without the permission of the Board or its designated representative or in a place, time, or manner which has been prohibited by the Board shall be guilty of an offense.

(B) The Board may further authorize the supervising official of any area under its ownership or control to permit, control, or prohibit operation of any motor vehicle, minibike, motorcycle, off-road recreational vehicle of any or all types, other powered vehicle, electric personal assistive mobility device, or vehicle which is not self-propelled on all or any portion of any area under its ownership or control at any time by posting or, in case of an emergency, by personal notice. Any person operating any such vehicle where prohibited, where not permitted, or in a manner so as to endanger the peace and safety of the public or as to harm or destroy the natural features or manmade features of any such area shall be guilty of an offense.

(Neb. RS 60-678) Penalty, see § 10.99

**§ 70.03 REGULATION OF HIGHWAYS; POLICE POWERS.**

(A) The Board of Trustees with respect to highways under its jurisdiction and within the reasonable exercise of the police power may:

- (1) Regulate or prohibit stopping, standing, or parking;
- (2) Regulate traffic by means of peace officers or traffic control devices;
- (3) Regulate or prohibit processions or assemblages on the highways;
- (4) Designate highways or roadways for use by traffic moving in one direction;
- (5) Establish speed limits for vehicles in public parks;
- (6) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
- (7) Restrict the use of highways as authorized in § 70.04;
- (8) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
- (9) Regulate operation of electric personal assistive mobility devices;
- (10) Regulate or prohibit the turning of vehicles or specified types of vehicles;
- (11) Alter or establish speed limits authorized in the Nebraska Rules of the Road;
- (12) Designate no-passing zones;
- (13) Prohibit or regulate use of controlled-access highways by any class or kind of traffic except those highways which are a part of the state highway system;
- (14) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Transportation;
- (15) Establish minimum speed limits as authorized in the Rules;
- (16) Designate hazardous railroad grade crossings as authorized in the Rules;
- (17) Designate and regulate traffic on play streets;

(18) Prohibit pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in the Rules;

(19) Restrict pedestrian crossings at unmarked crosswalks as authorized in the Rules;

(20) Regulate persons propelling push carts;

(21) Regulate persons upon skates, coasters, sleds, and other toy vehicles;

(22) (a) Notwithstanding any other provision of law, adopt and enforce an ordinance or resolution prohibiting the use of engine brakes on the National System of Interstate and Defense Highways that has a grade of less than 5 degrees within its jurisdiction.

(b) For the purpose of this division, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**ENGINE BRAKE.** A device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss;

(23) Adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and

(24) Adopt other traffic regulations except as prohibited by state law or contrary to state law.

(B) The Board of Trustees shall not erect or maintain any traffic control device at any location so as to require the traffic on any state highway or state-maintained freeway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Transportation.

(C) No ordinance or regulation enacted under division (A)(4), (5), (6), (7), (10), (11), (12), (13), (14), (16), (17), or (19) shall be effective until traffic control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.

(Neb. RS 60-680)

#### **§ 70.04 PROHIBITIONS ON OPERATION OF VEHICLES.**

(A) The Board of Trustees may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed 180 days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which the Board is responsible whenever any such highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. The Board shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that

portion of any highway affected thereby, and the ordinance or resolution shall not be effective until such signs are erected and maintained.

(B) The Board may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(Neb. RS 60-681)

#### **§ 70.05 ORDINANCES CONTRARY TO STATE LAW PROHIBITED.**

The Board of Trustees shall not enact or enforce any ordinance directly contrary to the Nebraska Rules of the Road unless expressly authorized by the Legislature.

(Neb. RS 60-6,108)

#### **§ 70.06 PLACEMENT AND MAINTENANCE OF TRAFFIC CONTROL DEVICES.**

The Board of Trustees shall place and maintain such traffic control devices upon highways under its jurisdiction as it deems necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. All such traffic control devices erected pursuant to this title shall conform with the Manual.

(Neb. RS 60-6,121)

#### **§ 70.07 ENFORCEMENT OF RULES AND LAWS.**

(A) All peace officers are hereby specifically directed and authorized and it shall be deemed and considered a part of the official duties of each of such officers to enforce the provisions of Nebraska Rules of the Road and this title, including the specific enforcement of maximum speed limits, and any other state or village law regulating the operation of vehicles or the use of the highways.

(B) To perform the official duties imposed by this section, peace officers shall have the power:

(1) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of the Motor Vehicle Operator's License Act or this title or of any other law regulating the operation of vehicles or the use of the highways, if and when designated or called upon to do so as provided by law;

(2) To make arrests upon view and without warrant for any violation committed in their presence of any provision of the laws of this state relating to misdemeanors or felonies or of similar village ordinances if and when designated or called upon to do so as provided by law;

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

(4) When in uniform, to require the driver of a vehicle to stop and exhibit his or her operator's license and registration certificate issued for the vehicle and submit to an inspection of such vehicle and the license plates and registration certificate for the vehicle and to require the driver of a motor vehicle to present the vehicle within 5 days for correction of any defects revealed by such motor vehicle inspection as may lead the inspecting officer to reasonably believe that such motor vehicle is being operated in violation of the statutes of Nebraska, the rules and regulations of the Director of Motor Vehicles, or any village ordinance or regulation;

(5) To inspect any vehicle of a type required to be registered according to law in any public garage or repair shop or in any place where such a vehicle is held for sale or wrecking;

(6) To serve warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways; and

(7) To investigate traffic accidents for the purpose of carrying on a study of traffic accidents and enforcing motor vehicle and highway safety laws.

(Neb. RS 60-683)

***Statutory reference:***

*Motor Vehicle Operator's License Act, see Neb. RS 60-462*

**§ 70.08 FAILURE OR REFUSAL TO OBEY ORDER.**

(A) Any person who knowingly fails or refuses to obey any lawful order of any peace officer who is controlling or directing traffic shall be guilty of a traffic infraction.

Penalty, see § 70.99

(B) Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of an offense whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or this title or of a person whom such officer reasonably believes has violated the Rules or this title.

(Neb. RS 60-6,110) Penalty, see § 10.99

**§ 70.09 OBEDIENCE TO TRAFFIC CONTROL DEVICES; EXCEPTIONS.**

(A) The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto placed in accordance with the Nebraska Rules of the Road or this title, unless otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle in the Rules and this title.

(B) No provision of the Rules or this title for which traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by a reasonably observant person. Whenever any

provision of the Rules or this title does not state that traffic control devices are required, such provision shall be effective even though no devices are erected or in place.

(C) Whenever traffic control devices are placed in position approximately conforming to the requirements of the Rules or this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(D) Any traffic control device placed pursuant to the Rules or this title and purporting to conform with the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of the Rules or this title unless the contrary is established by competent evidence.

(Neb. RS 60-6,119) Penalty, see § 70.99

## **§ 70.10 AUTHORIZED EMERGENCY VEHICLES; PRIVILEGES.**

(A) Subject to the conditions stated in the Nebraska Rules of the Road and this title, the driver of an authorized emergency vehicle, when responding to an emergency call, when pursuing an actual or suspected violator of the law, or when responding to but not when returning from a fire alarm, may:

(1) Stop, park, or stand, irrespective of the provisions of the Rules and this title, and disregard regulations governing direction of movement or turning in specified directions; and

(2) Except for wreckers towing disabled vehicles and highway maintenance vehicles and equipment:

(a) Proceed past a steady red indication, a flashing red indication, or a stop sign but only after slowing down as may be necessary for safe operation; and

(b) Exceed the maximum speed limits so long as he or she does not endanger life, limb, or property.

(B) Except when operated as a police vehicle, the exemptions granted in division (A) shall apply only when the driver of such vehicle, while in motion, sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary and when such vehicle is equipped with at least 1 lighted light displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

(C) The exemptions granted in division (A) shall not relieve the driver from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect such driver from the consequences of his or her reckless disregard for the safety of others.

(D) Authorized emergency vehicles operated by police and fire departments shall not be subject to the size and weight limitations of sections Neb. RS 60-6,288 to 60-6,290 and 60-6,294.  
(Neb. RS 60-6,114)

**§ 70.11 TRAFFIC OFFICERS.**

The Board of Trustees or the village police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer notwithstanding the directive of a stop sign or signal device that may have been placed at any such intersection.

Penalty, see § 70.99

**§ 70.99 TRAFFIC INFRACTIONS; PENALTY.**

(A) Unless otherwise declared in this title with respect to particular offenses, a violation of any provision of this title shall constitute a traffic infraction.

(Neb. RS 60-682)

(B) Any person who is found guilty of a traffic infraction in violation of this title for which a penalty has not been specifically provided shall be fined:

(1) Not more than \$100 for the first offense;

(2) Not more than \$200 for a second offense within a 1-year period; and

(3) Not more than \$300 for a third and subsequent offense within a 1-year period.

(Neb. RS 60-689)

***Statutory reference:***

*Other provisions on traffic infractions, see Neb. RS 60-684 through 60-694.01*

**NEBRASKA BASIC CODE****CHAPTER 71: TRAFFIC REGULATIONS**

## Section

*General Provisions*

- 71.01 Restrictions on direction of travel
- 71.02 Right-of-way; stop and yield signs
- 71.03 Interference with traffic control devices or railroad signs or signals
- 71.04 Signs, markers, devices, or notices; prohibited acts
- 71.05 Tire requirements and prohibitions; permissive uses

*Speed Limits*

- 71.20 Basic rule
- 71.21 Maximum limits
- 71.22 Bridges and other elevated structures
- 71.23 Alternative maximum limits
- 71.24 Near schools
- 71.99 Violations; fines

**GENERAL PROVISIONS****§ 71.01 RESTRICTIONS ON DIRECTION OF TRAVEL.**

(A) The Board of Trustees with respect to highways under its jurisdiction may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all times or at such times as shall be indicated by traffic control devices.

(B) Except for emergency vehicles, no vehicle shall be operated, backed, pushed, or otherwise caused to move in a direction which is opposite to the direction designated by competent authority on any deceleration lane, acceleration lane, access ramp, shoulder, or roadway.

(C) A vehicle which passes around a rotary traffic island shall be driven only to the right of such island.

(Neb. RS 60-6,138)



**§ 71.02 RIGHT-OF-WAY; STOP AND YIELD SIGNS.**

(A) The Board of Trustees may provide for preferential right-of-way at an intersection and indicate such by stop signs or yield signs erected by such authorities.

(B) Except when directed to proceed by a peace officer or traffic control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard if such driver moved across or into such intersection.

(C) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection.

(Neb. RS 60-6,148) Penalty, see § 70.99

**§ 71.03 INTERFERENCE WITH TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS.**

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic control device, any railroad sign or signal, or any part of such a device, sign, or signal. (Neb. RS 60-6,129) Penalty, see § 70.99

**§ 71.04 SIGNS, MARKERS, DEVICES, OR NOTICES; PROHIBITED ACTS.**

(A) Any person who willfully or maliciously shoots upon the public highway and injures, defaces, damages, or destroys any signs, monuments, road markers, traffic control devices, traffic surveillance devices, or other public notices lawfully placed upon such highways shall be guilty of an offense.

(B) No person shall willfully or maliciously injure, deface, alter, or knock down any sign, traffic control device, or traffic surveillance device.

(C) It shall be unlawful for any person, other than a duly authorized representative of the Department of Transportation, the county, or the village, to remove any sign, traffic control device, or traffic surveillance device placed along a highway for traffic control, warning, or informational purposes by

official action of the department, county, or village. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this division.

(D) Any person violating division (B) or (C) of this section shall be guilty of an offense and shall be assessed liquidated damages in the amount of the value of the sign, traffic control device, or traffic surveillance device and the cost of replacing it.

(Neb. RS 60-6,130) Penalty, see § 10.99

#### **§ 71.05 TIRE REQUIREMENTS AND PROHIBITIONS; PERMISSIVE USES.**

(A) Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least 1 inch thick above the edge of the flange of the entire periphery.

(B) No tire on a vehicle moved on a highway shall have on its periphery any clock, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:

(1) This prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding  $\frac{5}{16}$  of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than  $\frac{7}{64}$  of an inch between November 1 and April 1, except that school buses, mail carrier vehicles, and emergency vehicles shall be permitted to use metal or metal-type studs at any time during the year;

(2) It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and

(3) It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid.

(C) (1) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer:

(a) Having any metal tire in contact with the roadway; or

(b) Equipped with solid rubber tires.

(2) Division (C)(1) shall not apply to farm vehicles having a gross weight of 10,000 pounds or less or to implements of husbandry.

(D) The village may, in its discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

(Neb. RS 60-6,250)

#### ***Statutory reference:***

*Rubber tired cranes, see Neb. RS 60-6,288*

***SPEED LIMITS*****§ 71.20 BASIC RULE.**

No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. A person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(Neb. RS 60-6,185) Penalty, see § 70.99

**§ 71.21 MAXIMUM LIMITS.**

(A) Except when a special hazard exists that requires lower speed for compliance with § 71.20, the limits set forth in this section and Neb. RS 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be the maximum lawful speeds unless reduced pursuant to division (B), and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:

- (1) Twenty-five miles per hour in any residential district;
- (2) Twenty miles per hour in any business district;
- (3) Fifty miles per hour upon any highway that is gravel or not dustless surfaced;
- (4) Fifty-five miles per hour upon any dustless-surfaced highway not a part of the state highway system;
- (5) Sixty-five miles per hour upon any four-lane divided highway not a part of the state highway system;
- (6) Sixty-five miles per hour upon any part of the state highway system other than an expressway, a super-two highway, or a freeway.

(B) The maximum speed limits established in division (A) may be reduced by the Department of Transportation or the Board of Trustees pursuant to § 71.23 or Neb. RS 60-6,188.

(C) The Board may erect and maintain suitable signs along highways under its jurisdiction in such number and at such locations as it deems necessary to give adequate notice of the speed limits established pursuant to division (A) or (B) upon such highways.

(Neb. RS 60-6,186) Penalty, see § 71.99

**§ 71.22 BRIDGES AND OTHER ELEVATED STRUCTURES.**

(A) No person shall drive a vehicle over any public bridge, causeway, viaduct, or other elevated structure at a speed which is greater than the maximum speed which can be maintained with safety thereon when such structure is posted with signs as provided in division (B).

(B) The Department of Transportation or the Board of Trustees may conduct an investigation of any bridge or other elevated structure constituting a part of a highway under its jurisdiction, and if it finds that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible, the Department or the Board shall determine and declare the maximum speed of vehicles which the structure can safely withstand and shall cause suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(C) Upon the trial of any person charged with a violation of division (A), proof of the determination of the maximum speed by the Department or the Board and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety on the bridge or structure.

(Neb. RS 60-6,189) Penalty, see § 71.99

**§ 71.23 ALTERNATIVE MAXIMUM LIMITS.**

(A) Whenever the Department of Transportation determines, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway, except that the maximum rural and freeway limits shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs.

(B) On all highways within its corporate limits, except on state-maintained freeways which are part of the state highway system, the Board of Trustees shall have the same power and duty to alter the maximum speed limits as the Department if the change is based on engineering and traffic investigation, except that no imposition of speed limits on highways which are part of the state highway system in the village shall be effective without the approval of the Department.

(C) Not more than 6 such speed limits shall be set per mile along a highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 20 miles per hour.

(D) When the Department or the Board determines by an investigation that certain vehicles in addition to those specified in Neb. RS 60-6,187, 60-6,305, and 60-6,313 cannot with safety travel at the speeds provided in §§ 71.21 and 71.22 and Neb. RS 60-6,187, 60-6,305, and 60-6,313 or set pursuant

to this section, § 71.22, or Neb. RS 60-6,188, the Department or the Board may restrict the speed limit for such vehicles on highways under its respective jurisdiction and post proper and adequate signs. (Neb. RS 60-6,190)

#### **§ 71.24 NEAR SCHOOLS.**

(A) It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes, during school recess or while children are going to or leaving school during the opening or closing hours, to drive the vehicle at a rate of speed in excess of 15 miles per hour past the premises.

Penalty, see § 71.99

(B) The driver shall stop at all stop signs located at or near such school premises, and it shall be unlawful for the driver to make a U-turn at any intersection where such stop signs are located at or near such school premises.

Penalty, see § 70.99

#### **§ 71.99 VIOLATIONS; FINES.**

(A) Any person who operates a vehicle in violation of any maximum speed limit established for any highway or freeway is guilty of a traffic infraction and upon conviction shall be fined:

- (1) \$10 for traveling 1-5 miles per hour over the authorized speed limit;
- (2) \$25 for traveling over 5 miles per hour but not over 10 miles per hour over the authorized speed limit;
- (3) \$75 for traveling over 10 miles per hour but not over 15 miles per hour over the authorized speed limit;
- (4) \$125 for traveling over 15 miles per hour but not over 20 miles per hour over the authorized speed limit;
- (5) \$200 for traveling over 20 miles per hour but not over 35 miles per hour over the authorized speed limit; and
- (6) \$300 for traveling over 35 miles per hour over the authorized speed limit.

(B) (1) The fines prescribed in division (A) shall be doubled if the violation occurs within a maintenance, repair, or construction zone established pursuant to Neb. RS 60-6,188.

(2) For the purpose of this division (B), the following definition shall apply unless the context clearly indicates or requires a different meaning.

***MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE.***

(a) (i) The portion of a highway identified by posted or moving signs as being under maintenance, repair, or construction; or

(ii) The portion of a highway identified by maintenance, repair, or construction zone speed limit signs displayed pursuant to Neb. RS 60-6,188; and

(iii) Within such portion of a highway where road construction workers are present.

(b) The maintenance, repair, or construction zone starts at the location of the first sign identifying the maintenance, repair, or construction zone and continues until a posted or moving sign indicates that the maintenance, repair, or construction zone has ended.

(C) The fines prescribed in division (A) shall be doubled if the violation occurs within a school crossing zone.

(Neb. RS 60-682.01)