

ORDINANCE NO _____

AN ORDINANCE OF ESTABLISHING REGULATIONS FOR OPERATION AND PARKING OF MOTOR VEHICLES DURING SNOW EMERGENCIES AS DEFINED HEREIN AND DESIGNATED BY THE MAYOR AND CITY COUNCIL OF CITY OF HENDERSON, NEBRASKA, DURING SNOW AND ICE STORMS AND DURING SNOW AND ICE REMOVAL FROM MUNICIPAL STREETS; TO PROVIDE A PENALTY FOR VIOLATION THEREOF; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HENDERSON, NEBRASKA:

SECTION 1. Snow Emergencies.

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the streets and roads of the Municipality, the Mayor and City Council, in its discretion, may declare a snow or ice emergency (hereinafter referred to as a “snow emergency”). A snow emergency shall be defined as any weather condition in which any accumulation of snow greater than six (6) inches has fallen or is predicted to fall or sleet. Information on the existence of a snow emergency shall be: community access media, the Municipality’s website and any official social media pages for the Municipality, and the Police Department, in addition to posting at City Hall and Post Office and information regarding the termination of the emergency shall be given by the use of the same media.

A. After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person

1. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in subsection 2 below;
2. The following are designated as snow emergency routes:
 - a. 17th Street from Oak Street south to city limits
 - b. N Main Street from Oak Street to Birch Street
 - c. Front Street from Main Street to 17th Street
 - d. Birch Street from N Main Street to 17th Street
 - e. South Main Street from Birch Street south to city limits
 - f. Oak Street from N Main Street to 17th Street
 - g. 16th Street from Front Street north

Continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

SECTION 2. Parking during snow storm and snow removal on streets not designated as snow emergency routes, or on all Municipal streets during snow storms in which a snow emergency has not been declared.

During any snow storm (defined as any weather condition in which any accumulation of snow greater than two inches (2") has fallen or sleet or is predicted to fall, or in which there has been or is predicted any accumulation of ice) parking shall be regulated on all Municipal streets as follows:

- a. 17th Street from Oak Street south to city limits
- b. N Main Street from Oak Street to Birch Street
- c. Front Street from Main Street to 17th Street
- d. Birch Street from N Main Street to 17th Street
- e. South Main Street from Birch Street south to city limits
- f. Oak Street from N Main Street to 17th Street
- g. 16th Street from Front Street north

A. During the initial course of any snow storm, parking shall be prohibited on the uneven numbered side of all Municipal streets (i.e., house numbers are uneven numbers) until such time as plowing, salting, and/or sanding is completed on said side of the street.

B. Upon Notification from the Municipality and until after plowing, salting, and/or sanding is completed, parking shall be prohibited on the even numbered side of all Municipal streets (i.e., house numbers are even numbers) until such time as plowing, salting, and/or sanding is completed on said side of the street.

C. At all times during and after any snow storm, it shall be prohibited for any person to shovel, push, throw, or plow snow from a sidewalk, driveway, lot, or any other area into the street.

D. Municipal police are hereby authorized to have any vehicle parked in violation of this Section towed away at the expense of the owner of said vehicle.

E. There is, upon conviction, hereby imposed a fine not to exceed one hundred dollars (\$100.00) for any violation of the provisions of this Section. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

SECTION 3. Any ordinance or part of any ordinance that is in conflict with this Ordinance is hereby repealed. All ordinances not inconsistent with this Ordinance shall be and remain in full force and effect.

A. If at any time during a period of snow emergency declared under this Section a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere along a snow emergency route, the person shall be guilty of a violation of this section, and upon conviction, shall be fined as set forth in Section F below.

B. Any person who operates a motor vehicle upon any road or street or portion thereof listed in Subsection A, above, which vehicle shall become stalled upon any of the roads, streets or portions thereof listed above during a period of emergency declared as provided by this Section, if such stalling shall have been by reason of failure to have such vehicle equipped with the equipment prescribed in subsection C above, shall be guilty of a violation of this Section, and, upon conviction, shall be fined as set forth in Subsection G hereinbelow, and assessed costs for removal of said vehicle from the road or street.

C. The Municipal Police are hereby authorized to have any cars parked in violation of this Section towed away at the expense of the owner.

D. In order to assist operators of motor vehicles in determining the streets affected by this Section, there shall be placed, on signs on the roads and streets designated in Subsection A, above, signs reading as follows:

SNOW EMERGENCY ROUTE
NO PARKING DURING EMERGENCY
VEHICLES TOWED AWAY

F. Unless another penalty is expressly provided by the Nebraska Vehicle Code, any person who shall be convicted of violated or failing to comply with the provisions of this Section before any District Justice shall be punishable by a fine of not more than one hundred dollars (\$100.00), together with costs of prosecution and costs for towing and storing the vehicle(s).

SECTION 4. If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect the provisions of the Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 5. This Ordinance shall be effective five days following its legal enactment, and shall remain in force until modified, amended or rescinded by the City of Henderson, Nebraska.

PASSED AND APPROVED THIS ____ DAY OF _____, 2024.

Mayor

ATTEST:

City Clerk