

**OMAHA TRIBAL CODE (2013)**

**TITLE 10. TRAFFIC CONTROL**

**Table of Contents**

CHAPTER 1. GENERAL PROVISIONS:..... 1

SECTION 10-1-1. Citation, Application and Purpose..... 1

SECTION 10-1-2. Repeal of Prior Inconsistent Ordinances and Resolutions..... 1

SECTION 10-1-3. Statute of Limitations..... 1

SECTION 10-1-4. Enforcement..... 1

SECTION 10-1-5. Definitions..... 1

CHAPTER 2. ENFORCEMENT PROVISIONS..... 2

SECTION 10-2-1. Arresting Procedures..... 2

SECTION 10-2-2. Uniform Traffic Complaint and Summons..... 3

SECTION 10-2-3. Enforcement Officers to Investigate Accidents..... 3

SECTION 10-2-4. Authority of Officer at Scene of Accident..... 3

SECTION 10-2-5. Fleeing or Attempting to Flee a Police Officer..... 3

CHAPTER 3. VEHICULAR SAFETY PROVISIONS..... 3

SECTION 10-3-1. Safety Inspection Stickers..... 3

SECTION 10-3-2. Unsafe Vehicles..... 3

SECTION 10-3-3. Mufflers, Prevention of Noise..... 4

SECTION 10-3-4. License or Registration Tag Required..... 4

SECTION 10-3-5. Head Lamps on Motorcycle..... 4

SECTION 10-3-6. Lamp or Flag on Projecting Load..... 4

SECTION 10-3-7. Motor Vehicle Safety Restraint..... 5

CHAPTER 4. PROVISIONS REGULATING TRAFFIC FLOW..... 5

SECTION 10-4-1. Traffic Control and Signal Devices..... 5

SECTION 10-4-2. Following too Closely..... 5

SECTION 10-4-3. School Buses; Stopping for and Rules Governing..... 6

SECTION 10-4-4. Failure to Yield Right-of-Way..... 6

SECTION 10-4-5. Failure to Stop at Stop Sign and Yielding Right-of-Way..... 6

SECTION 10-4-6. Driving on Right Side of Roadway..... 6

SECTION 10-4-7. Passing On-Coming Vehicles..... 7

SECTION 10-4-8. Overtaking and Passing a Vehicle on the Left..... 7

SECTION 10-4-9. Passing and Turning on Curve or Crest..... 7

SECTION 10-4-10. Speed Limits..... 7

SECTION 10-4-11. When Lights are Required to be On..... 8

SECTION 10-4-12. Cruising..... 8

CHAPTER 5. MISCELLANEOUS DRIVING PROVISIONS..... 9

SECTION 10-5-1. Duty to Give Information and Render Aid..... 9

SECTION 10-5-2. Drivers License Required..... 9

SECTION 10-5-3. Driving Under Suspension or Revocation..... 9

SECTION 10-5-4. Permitting Unauthorized Person to Drive..... 9

SECTION 10-5-5. Authorization to Move Illegally Parked and Abandoned Vehicles..... 10

SECTION 10-5-6. Stopping and Parking..... 10

SECTION 10-5-7. Careless Driving..... 10

SECTION 10-5-8. Reckless Driving..... 10

SECTION 10-5-9. Driving Under the Influence of Intoxicating Liquor..... 10

SECTION 10-5-10. Driving While Intoxicated..... 11

SECTION 10-5-11. Adoption of Nebraska Traffic Rules and Regulations..... 11

CHAPTER 6. PROVISIONS RELATING TO PEDESTRIANS..... 11

SECTION 10-6-1. Pedestrians Right-of-Way at Crosswalk..... 11

SECTION 10-6-2. Pedestrians on Roadways..... 11

SECTION 10-6-3. Crossing at Other Than Crosswalk..... 11

SECTION 10-6-4. Pedestrians Obedience to Regulations..... 12

SECTION 10-6-5. Soliciting Rides..... 12

SECTION 10-6-6. Traffic Laws Apply to Persons Riding Bicycles or Animals or Driving Animal Drawn Vehicles..... 12

# OMAHA TRIBAL CODE (2013)

## TITLE 10. TRAFFIC CONTROL

Source: Omaha Tribal Council Resolution No. 85-67 (12-30-85).

### CHAPTER 1. GENERAL PROVISIONS:

#### SECTION 10-1-1. Citation, Application and Purpose.

- (a) This Title shall be known and may be cited as the Omaha Tribe Traffic Code.
- (b) The Omaha Tribe Traffic Code shall apply to all Indians as defined in Section 1-8-8, Omaha Tribal Code.
- (c) The Omaha Traffic Code shall be applied as against non-Indians within this jurisdiction to the extent necessary to validate brief, custodial; detentions of non-Indians who engage in conduct of violation of this code and/or of any applicable State or Federal law, causing a risk of harm to Indians or Indian property within this jurisdiction, and which detentions shall be for the purpose of transporting said non-Indian offenders off the reservation or to appropriate State or Federal authorities for prosecution, as the case may be.
- (d) The purpose of this Omaha Traffic Code is to provide a comprehensive system for the safe and orderly flow of traffic upon the roadways of this jurisdiction.

#### SECTION 10-1-2. Repeal of Prior Inconsistent Ordinances and Resolutions.

Any and all prior ordinances or resolutions of the Tribal Council of the Omaha Tribe of Nebraska which deal with subjects herein or are inconsistent with the provisions contained herein are hereby repealed as of the effective date of this Omaha Traffic Code, save and except that offenses committed prior to the effective date hereof shall be resolved pursuant to the provisions of 25 CFR, Part II.1, et seq.

#### SECTION 10-1-3. Statute of Limitations.

No prosecution shall be entertained under this Title unless the action shall have been commenced within twelve (12) months after the commission of the offense.

#### SECTION 10-1-4. Enforcement.

- (a) All prosecutions for violations of the provisions of this Title shall be in the name of the Omaha Tribe and against the person charged with an offense, referred to as the defendant. Jurisdiction over prosecution of Indian traffic offenders under this code is hereby vested exclusively in the Omaha Tribal Court, the provisions of any assimilated State law to the contrary notwithstanding.
- (b) Unless otherwise provided, the penalty for offenses under this Traffic Code shall be the same as provided at Section 5-3-6, Omaha Tribal Code.

#### SECTION 10-1-5. Definitions.

Terms used in this section and terms within any assimilated State law, unless the context plainly requires otherwise, shall mean:

- (a) Vehicle. Every devise in, upon or by which any person or property is or may be transported or drawn upon a public highway excepting devises moved by human power or used exclusively upon stationary rails or tracks; provided that for the purposes of this Title, a bicycle or a ridden animal shall be deemed a vehicle.
- (b) Motor Vehicle. Every vehicle that is self-propelled.
- (c) Person. Any Indian as defined at Section 1-8-8(a), Omaha Tribal Code. For purposes of Section 10-1-1(c), non-Indians may be considered "persons" under this Code. Non-Indians shall not be considered

## OMAHA TRIBAL CODE (2013)

persons under this Code for purposes of any criminal prosecution in the Omaha Tribal Courts, and non-Indians shall not be subject to criminal prosecution in the Omaha Tribal Courts for violation of any provision of the Omaha Traffic Code.

(d) Reservation. The Omaha Indian Reservation shall be taken to include all territory within the jurisdiction of the Tribe as defined at Section 1-4-2 of this Code.

(e) Owners. Any person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vender or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vender or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

(f) Highway or Public Road. Every way or place of whatever nature open to use of the public, as a matter of right, for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons or institutions, except that driveways and roadways within Federal lands reserved for administrative purposes shall be deemed highways.

(g) Private Road or Driveway. Every road or driveway not open to the use of the public for purposes of vehicular travel.

(h) Intersection. The area embraced within the S prolongation of the lateral curb lines, or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other, but such area, in the case of the point where an alley and a street meet within a city or town, shall not be deemed an intersection.

(i) Right-of-Way. The privilege of the immediate use of the highway.

(j) Business District or Area. The territory contiguous to a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use of business or by public or government of buildings including schools.

(k) Residential District or Area. The territory contiguous to a highway not comprising a business district when the frontage on such highways for a distance of three hundred (300) feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(l) School Zone. The territory contiguous to a highway on which a school is located adjacent thereto and within 1/8 of a mile in either direction therefrom.

### CHAPTER 2. ENFORCEMENT PROVISIONS

#### SECTION 10-2-1. Arresting Procedures.

(a) When any person is found to be in violation of any of the provisions of this Traffic Code for which arrest would not normally be appropriate, the officer citing such person for any violation shall take the name and address of such person, the license number of the motor vehicle, and issue a summons notifying the person cited to appear at a time and place to be specified in such summons, according to procedures outlined in Section 10-2-2 pertaining to Uniform Traffic complaints and summons.

(b) When any person is cited for reckless driving, driving after revocation, or failure to stop for a police vehicle, or offense of comparable seriousness, and the officer, acting within his discretion, deems it inadvisable to release such person upon his promise to appear, the person may be taken into custody.

(c) When any person is cited for causing or contributing to an accident resulting in the serious injury or death of any person or for driving while under the influence of intoxicating liquor or a narcotic drug or for driving while intoxicated, the person shall not be entitled to release upon promise to appear and shall instead be placed under arrest.

(d) Except as provided at Section 10-1-1 (c), any person arrested for violations under this Code shall be processed in the manner and entitled to the same rights under the Omaha Rules of Criminal Procedure as are persons arrested for violations of the Criminal Code.

# OMAHA TRIBAL CODE (2013)

## SECTION 10-2-2. Uniform Traffic Complaint and Summons.

- (a) There is hereby established a uniform complaint and summons which may be used in cases involving violations of statutes or ordinances relating to the operation or use of motor vehicles.
- (b) Every arrest ticket issued by an enforcement officer within this jurisdiction shall be issued on the uniform arrest ticket consisting of an original and a carbon copy.
- (c) The original arrest ticket shall be given to the accused and delivered by him to the judge before whom it is returnable to be retained in the court record and the number noted and entered in the court docket.
- (d) The carbon copy of the arrest ticket shall be turned in by the arresting officer and filed in the individual case files.

## SECTION 10-2-3. Enforcement Officers to Investigate Accidents.

Enforcement officers of this jurisdiction who, during their regular tour, of duty, investigate a motor vehicle accident at the time of and at the scene of an accident or anytime thereafter, shall within twenty-four (24) hours after completing such an investigation, forward a written report of the accident to the Captain of Police.

## SECTION 10-2-4. Authority of Officer at Scene of Accident.

Except for felonies and offenses enumerated in this Code pertaining to arrests of motor vehicle violations, a police officer at the scene of a traffic accident may issue a written traffic summons or complaint, as provided in Section 10-2-2, to any Indian driver of a vehicle involved in the accident, when, based upon his own personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense contained in this traffic code. Non-Indians shall, where the situation warrants, be handled as provided in Section 10-1-1(c).

## SECTION 10-2-5. Fleeing or Attempting to Flee a Police Officer.

Any person driving a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing officer's vehicle, when given visual or audible signal, by hand, voice, emergency light or siren, shall be deemed guilty of an offense, under this section. Violations of this section are Class C offenses.

## CHAPTER 3. VEHICULAR SAFETY PROVISIONS.

### SECTION 10-3-1. Safety Inspection Stickers.

- (a) All motor vehicles that are operated upon a public road of this jurisdiction must have displayed a valid safety inspection sticker from the state of registration of the vehicle, if such state requires a safety inspection sticker.
- (b) Any person who fails to comply with the above provision shall be deemed guilty of an offense and upon conviction thereof shall be subject to a fine of \$20.00; provided, however, that if, within seven (7) days immediately following citation the accused shall secure the requisite inspection sticker such sentence shall be suspended.

### SECTION 10-3-2. Unsafe Vehicles.

(a) A person shall be deemed guilty of an offense under this section if he drives or causes or permits any motor vehicle to be driven on any public road of this jurisdiction knowing said vehicle to be in such unsafe condition so as to endanger any person or knowing or having reason to know said vehicle is not equipped with the following:

- (1) Headlights. One on each side of the front of the motor vehicle, said lights to be multibeam so that the driver can adjust lights from bright to dim, and such lights must be in proper working order at

## OMAHA TRIBAL CODE (2013)

all times so as to be seen by on-coming traffic for a reasonable distance during hours of darkness or other times when light conditions required the use of headlights.

(2) Rear Lamps. Not less than one lighted red lamp on the back of the motor vehicle that will be plainly visible for a reasonable distance to the rear, and such lamp must be in proper working order at all times.

(3) Stop Lights. All motor vehicles shall be equipped with a stop light in good working order at all times, such stop lights to be automatically controlled by application of the brakes.

(4) Brakes. Every motor vehicle shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle.

(5) Handbrakes. Every motor vehicle shall be equipped with a handbrake.

(6) Horn. Every motor vehicle shall be equipped with a horn in good working order.

(7) Windows Unobstructed - Wipers. No person shall drive any motor vehicle with any sign or other non-transparent material upon the windshield, side wings, side or rear windows of such vehicle that would obstruct the driver's view, other than a paper certificate required to be displayed by law. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other obstructions from the windshield and must be in proper working order at all times.

(b) Any person failing to have all of the above equipment on and in operating order on a motor vehicle being operated on any public road of this jurisdiction shall be deemed guilty of an offense and upon conviction thereof shall be subject to a fine of \$25.00; provided, however, that if, within seven (7) days immediately following citation for a violation of this section, the accused should cause to be fixed or affixed in proper working order the requisite equipment then payment of such fine shall be suspended.

### **SECTION 10-3-3. Mufflers, Prevention of Noise.**

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle while driving on a roadway.

### **SECTION 10-3-4. License or Registration Tag Required.**

Any person who drives a motor vehicle on any roadway within this jurisdiction who fails to display a license or registration tag valid under the laws of the issuing jurisdiction shall be deemed guilty of a Class C offense under this section.

### **SECTION 10-3-5. Head Lamps on Motorcycle.**

Every motorcycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall be so aimed and of such intensity as to reveal persons and vehicles at a distance of 350 feet for high intensity (brights) and lower intensity (dims) to reveal persons and vehicles at least 100 feet ahead. The high intensity portion of the beam shall not be directed to strike the eyes of any approaching driver. Violations of this section shall constitute a Class C offense.

### **SECTION 10-3-6. Lamp or Flag on Projecting Load.**

(a) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear of the load a red light or lantern plainly visible for a distance of at least 500 feet to the sides and to the rear during hours of darkness.

(b) In lieu of the red light or lantern during daytime hours only a red flag or cloth not less than sixteen (16) inches square may be displayed at the extreme rear of the load.

(c) Violations of this section shall constitute a Class C offense.

# OMAHA TRIBAL CODE (2013)

## SECTION 10-3-7. Motor Vehicle Safety Restraint

(a) All persons who are subject to this code shall while being inside or on any motor vehicle that has four or more wheels or is towed by such a vehicle shall properly wear such safety restraint as may be installed in the motor vehicle.

(b) No person may be inside or on any motor vehicle that has four or more wheels or is towed by such a vehicle in such area where no safety restraint is installed, except in the rear seat of a vehicle manufactured before 1974 that was not manufactured with rear safety restraints.

(c) All persons under 18 years of age subject to this code shall while being inside or on any motor vehicle that has four or more wheels or is towed by such a vehicle wear such safety restraint as may be installed in the motor vehicle, the exception detailed in section (2) above shall not apply.

(d) All persons subject to this code who have not attained either six (6) years of age or forty-five pounds (45 lbs.) shall be properly secured in an U.S. Department of Transportation (D.O.T.) approved child safety restraint system.

(e) Infractions of subsections (a) and (b) shall be secondary offenses and shall not constitute probable cause for a motor vehicle traffic stop.

(f) Infractions of subsections (c) and (d) shall be primary offenses and shall constitute probable cause for a motor vehicle traffic stop.

(g) Each infraction of subsection (a) or (b) above shall be assessed to the person operating the motor vehicle with a maximum penalty of \$25 and court costs and is a waivable offense.

(h) Each infraction of subsection (c) shall be assessed to the person operating the motor vehicle with a maximum penalty of \$75 and cost and is not a waivable offense.

(i) Each infraction of subsection (d) shall be assessed to the person operating the motor vehicle and shall be a Class C offense and shall not be a waivable offense. Subsequent violations of subsection (d) with reference to an individual minor child may sustain a charge of Endangering the Welfare of a Child and may be submitted as a pattern offense.

## CHAPTER 4. PROVISIONS REGULATING TRAFFIC FLOW.

### SECTION 10-4-1. Traffic Control and Signal Devices.

(a) Any person driving a motor vehicle upon any public road of this jurisdiction shall not turn such vehicle from a direct course until such movement can be made with safety and then only after giving an appropriate signal, either by hand and arm or by a directional signal device.

(b) The signals required shall be given either by means of the hand and arm or by a recognized signal lamp device. When signals are given by hand and arm, they shall be given from the left side of the vehicle and such signals shall be indicated as follows:

- (1) Left turn, left hand and arm extended horizontally.
- (2) Right turn, left hand and arm extended upward.
- (3) Stop or decrease speed, left hand downward and arm extended

(c) It shall be a Class C offense to fail to give an appropriate signal at least three (3) seconds prior to turning, changing lanes, passing or stopping.

### SECTION 10-4-2. Following too Closely.

The driver of a motor vehicle shall not follow another vehicle more closely than a reasonable and

## OMAHA TRIBAL CODE (2013)

prudent distance, having due regard for the speed of such vehicle and the traffic upon and condition of the highway. Violation of this section shall be a Class C offense.

### SECTION 10-4-3. School Buses; Stopping for and Rules Governing.

(a) The driver of a motor vehicle, when meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging passengers, shall stop immediately and shall not again proceed by the school bus until all passengers are received and discharged and the bus is again in motion.

(b) No driver shall drive a bus at a speed greater than 45 miles per hour while transporting school children on the roadways within this jurisdiction.

(c) The driver of a school bus stopping to either pick up children or discharge them shall stop at least 100 feet before said stop, place on the red flashing lights and place the stop sign in the appropriate position for a stop.

(d) Violation of any of the above subsections shall constitute a Class C offense.

### SECTION 10-4-4. Failure to Yield Right-of-Way.

(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from different roadways.

(b) When two vehicles enter an intersection from different roadways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(c) The driver of a vehicle within an intersection intending to turn left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(d) The driver of a vehicle having so yielded and having given a signal when and as required by this act, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to all vehicles approaching to make the left turn.

(e) The driver of a vehicle about to enter or cross a roadway, a private road or driveway shall yield the right-of-way to all vehicles approaching on said roadway.

(f) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to the right hand edge or curb of the roadway, clear any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the roadways.

### SECTION 10-4-5. Failure to Stop at Stop Sign and Yielding Right-of-Way.

(a) The driver of a motor vehicle shall come to a complete stop at all intersections marked by a stop sign before entering an intersection, unless otherwise directed by an officer directing traffic.

(b) The driver of a motor vehicle approaching an intersection marked by a sign requiring him to yield the right-of-way shall decrease the speed of such vehicle and shall yield the right-of-way to any traffic proceeding on the road given the right-of-way sign.

(c) Violation of either part of this section shall be a Class C offense.

### SECTION 10-4-6. Driving on Right Side of Roadway.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right side of the road, except as follows:

## OMAHA TRIBAL CODE (2013)

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
- (2) When the right half of a roadway is closed to traffic while under construction or repair.
- (3) Upon a roadway divided into three marked lanes for traffic under the rule applicable thereon,  
or
- (4) Upon a roadway designated and sign-posted for one-way traffic.

### SECTION 10-4-7. Passing On-Coming Vehicles.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic and in each direction each driver shall give to the other at least one-half (1/2) of their traveled portion of the roadways or as nearly as possible. Violation of this section shall be a Class C offense.

### SECTION 10-4-8. Overtaking and Passing a Vehicle on the Left.

- (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe speed and distance and shall not again drive to the right side of the roadway until he has safely cleared the overtaken vehicle.
- (b) Except when overtaking and passing on the right is permitted, the driver of the overtaken vehicle, on audible signal shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (c) No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven on the left side of the roadway under the following conditions.
  - (1) When approaching the crest of a grade or upon a curve in the highway where the drivers view along the highway is obstructed.
  - (2) When approaching within 100 feet of any bridge or viaduct.
  - (3) Unless the driver can see the road for a sufficient distance ahead to pass safely and such passing can be accomplished safely without colliding with on-coming traffic.
- (d) Violation of any of the provisions above shall be a Class C offense.

### SECTION 10-4-9. Passing and Turning on Curve or Crest.

- (a) No motor vehicle shall be driven so as to pass or turn in any direction on a curve or crest or on any approach to a crest unless such vehicle can pass or be turned safely and seen by traffic approaching in either direction.
- (b) Violation of this section shall be a Class C offense.

### SECTION 10-4-10. Speed Limits.

- (a) No person shall drive a motor vehicle at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, or winding roadway, and when special hazards exist with respect to pedestrians or to other traffic or by reason of weather or roadway conditions.
- (b) Unless otherwise designated by posted speed limits and subject to the provisions of subsection (1) above, no person shall drive a motor vehicle at a speed in excess of the following maximum limits upon the roadways of this jurisdiction:
  - (1) 25 miles per hour in residential areas.
  - (2) 25 miles per hour in a school zone.

## OMAHA TRIBAL CODE (2013)

(3) 25 miles per hour in business areas.

(4) 55 miles per hour in other locations.

Provided that for residential areas, school zones or business areas, wherein the roadway in question terminated in a dead end at a distance not exceeding 1/2 mile from its point of entrance onto the said dead end roadway, the speed limit shall be fifteen (15) miles per hour.

(c) Unless the Tribal Council of the Omaha Tribe of Nebraska shall, by enactment or a resolution or ordinance, establish speed limits or roadway warning signs to the contrary, speed limits posted under state laws shall hereafter likewise govern the speeds of motorists subject to this Tribal jurisdiction; provided, however, that the exclusive enforcement of Indian offenders under Tribal law shall be by the Omaha Tribal Courts.

(j) (d) Violation of any of the speed laws of this jurisdiction shall constitute a Class C offense.

### SECTION 10-4-11. When Lights are Required to be On.

(a) Every vehicle upon a public roadway at any time from a half hour after sunset to a half hour before sunrise or at any other time when objects on the road cannot be seen clearly at a distance of five hundred feet because of light conditions, shall display lighted lamps on the vehicles.

(b) Every vehicle stopped or parked on the side of any road or highway during the hours set forth above in such a manner as to pose a potential hazard to vehicles traveling the roadway shall be visibly marked by flares, lamps, or fuses so as to provide a visible warning to on-coming vehicles.

(c) Violation on any of the above provisions is a Class C offense.

### SECTION 10-4-12. Cruising.

*Source:* Omaha Tribal Council Ordinance No. 08-56 (5-2-08).

(a) Definitions.

(k) (1) Cruising shall mean the operation of a motor vehicle past a traffic control point three times within a two-hour period, from 12:00 a.m. to 6:00 a.m., Monday through Sunday, in a no-cruising area.

(l) (2) No-cruising area shall mean all streets within the Village of Macy, and all Tribal Roads, or an area so designated by the Tribal Council by resolution, and posted to identify it as such.

(m) (3) Traffic-control point shall mean any point or points within a no-cruising area established by Omaha Tribal Law Enforcement for the purpose of monitoring cruising.

(n) (b) Exceptions. This section shall not apply to:

(o) (1) Taxicabs, buses, or other vehicles being driven for business purposes unless the intent is specifically for cruising.

(p) (2) Authorized emergency vehicles as defined in the Omaha Tribal Code.

(q) (c) Designation of no-cruising areas; posting of signs.

(r) (1) The Tribal Council may designate a no-cruising area if it finds that cruising in the area contributes to traffic congestion, noise and pollution; obstructs streets, sidewalks or parking lots; impedes access to and egress from stores or other buildings open to the public; or interferes with the use of property or conduct of business in the area adjacent thereto.

(s) (2) At every point where a public street or alley becomes or provides ingress to a no-cruising area, there shall be posted a sign which designates the area as a no-cruising area between the hours of 12:00 a.m. and 6:00 a.m., Monday through Sunday.

(t) (d) Cruising prohibited; Authorization to Stop Vehicles

## OMAHA TRIBAL CODE (2013)

(u) (1) No person shall drive or permit a motor vehicle under his care, custody and control to be driven past a traffic-control point three times within a two-hour period, from 12:00 a.m. to 6:00 a.m., Monday through Sunday, in a posted no-cruising area.

(v) (2) No violation shall occur except upon the third passage by the same traffic-control point within the aforementioned two-hour period.

(w) (3) In enforcing this or any other Omaha Tribal Traffic Ordinance, Omaha Tribal Law Enforcement Officers are authorized to conduct routine stops of motor vehicles to check registration and operators licenses.

(x) (e) Penalty.

(y) Violation of this Section shall be a Class C Offense.

### CHAPTER 5. MISCELLANEOUS DRIVING PROVISIONS.

#### SECTION 10-5-1. Duty to Give Information and Render Aid.

(a) Any person who shall be the driver of any motor vehicle involved in an accident resulting in the injury to or the death of any person or damage to any vehicle or to the personal property of another which exceeds \$50.00 shall:

(1) Give his name, address and registration number of the vehicles.

(2) Upon request show his drivers license or similar driving permit.

(3) Render to any person injured reasonable assistance including carrying or making arrangements for carrying such person injured for medical treatment, if necessary, when requested by an injured person.

(4) If an unattended vehicle is involved, locate and notify owner or leave a written notice in a conspicuous place in or on the vehicle struck, providing the name and address of the driver inflicting the damage.

(5) Notify the police of this jurisdiction.

(6) If personal property is damaged, the driver shall make reasonable effort to locate and notify the owner of the property damaged.

(b) Any person who shall fail to comply with the above section shall be deemed guilty of a Class C offense.

#### SECTION 10-5-2. Drivers License Required.

(a) Any person who shall drive or operate a motor vehicle upon the public roadways of this jurisdiction shall be required to have in his possession at all times when operating a motor vehicle, a driver's license or similar permit valid under the display, same upon demand by a police officer or a judge of the Omaha Court.

(b) Violation of this section is a Class C offense, however, no person charged with violating this section shall be convicted if he produces in court a driver's license heretofore issued to him which was valid at the time of his arrest.

#### SECTION 10-5-3. Driving Under Suspension or Revocation.

Any person whose driver's license or driving privilege has been cancelled or revoked in this or any other jurisdiction who drives any motor vehicle upon the roadways within the jurisdiction of the Omaha Court while such license or privileges are cancelled, suspended, or revoked shall be deemed guilty of a Class C offense under this section.

#### SECTION 10-5-4. Permitting Unauthorized Person to Drive.

## **OMAHA TRIBAL CODE (2013)**

It shall be a Class C offense to knowingly cause or permit any unauthorized person to operate a motor vehicle upon any public road of this jurisdiction.

### **SECTION 10-5-5. Authorization to Move Illegally Parked and Abandoned Vehicles.**

(a) Any police officer finding a vehicle standing upon a roadway in violation of the provisions of this Code or in a location where it poses a potential hazard to vehicles traveling the roadways of this jurisdiction is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move same to a position off the roadway or to another place of safety. Moving of the vehicle will be at the owner's expense, however, no vehicle will be moved beyond this jurisdiction unless the owner so desires.

(b) Any police officer finding a vehicle standing or abandoned adjacent to a roadway in a location where it does not pose a potential hazard to vehicles traveling the roadways of this jurisdiction is hereby authorized to move or have moved at the owner's expense, but not beyond this jurisdiction without the owner's consent, any such vehicle which has been unattended or abandoned for a period of not less than eight (8) days. The costs of moving the vehicle shall be paid by the owner thereof before release of the vehicle.

### **SECTION 10-5-6. Stopping and Parking.**

(a) No person shall stop, park, or leave standing any motor vehicle, whether attended or unattended, upon the paved or improved or main-traveled part of any roadway within the jurisdiction of the Omaha Court, when it is practical to stop and park or so leave the vehicle off said roadways.

(b) This section shall not apply to the driver of any motor vehicle which is disabled while on the roadway to the extent that it is impossible to move.

(c) Violation of this section shall be a Class C offense.

### **SECTION 10-5-7. Careless Driving.**

Any person who shall operate any motor vehicle upon any public road in a careless or imprudent manner, without due regard of the width, grade, curves, corners, traffic, and the use being made of such road or other attendant circumstances, shall be deemed guilty of a Class C offense. This offense shall be a lesser included offense to the offense of reckless driving.

### **SECTION 10-5-8. Reckless Driving.**

Any person who shall drive any motor vehicle upon any public road in such a manner as to indicate either a wanton or willful standard for the safety of persons or property, shall be deemed guilty of a Class B offense, and the court may suspend said driving privileges within the boundaries of the Omaha Reservation for a period not to exceed six months. This offense shall be a lesser included offense to the offense of driving while under the influence of intoxicating liquor.

### **SECTION 10-5-9. Driving Under the Influence of Intoxicating Liquor.**

(a) It is unlawful for any person to drive or otherwise operate a vehicle within this jurisdiction while under the influence of intoxicating liquor.

(b) If, by chemical tests, chemical analysis of the person's breath, blood or urine, there is indicated a presence of ten one-hundredths percent (.10%) or more, but less than fifteen one-hundredths percent (.15%) by weight of alcohol in the person's blood, such fact shall give rise to a presumption that the person was under the influence of intoxicating liquor for the purposes of this section.

(c) Nothing in subsection (b) of this section shall be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the person was under the influence of intoxicating liquor.

(d) Driving under the influence of intoxicating liquor is a Class B offense and shall be a lesser

## **OMAHA TRIBAL CODE (2013)**

including offense to the offense of driving while intoxicated. A second conviction under this section within two years of the earlier conviction shall result in the suspension of driving privileges within this jurisdiction for a period of one year.

### **SECTION 10-5-10. Driving While Intoxicated.**

(a) It is unlawful for any person to drive or otherwise operate a vehicle within this jurisdiction while intoxicated.

(b) If, by chemical tests, chemical analysis of the person's breath, blood, or urine, there is indicated a presence of fifteen one-hundredths (.15%) or more by weight of alcohol in the person's blood, such fact shall give rise to a presumption that the person was intoxicated for purposes of this section.

(c) Nothing in subsection (2) of this section shall be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the person was driving while intoxicated.

(d) Persons driving while under the influence of any narcotic drugs shall likewise be deemed guilty under this section of driving while intoxicated.

(e) Driving while intoxicated is a Class B offense and in addition to other penalties which may be imposed for such offenses, a conviction hereunder shall result in the suspension of driving privileges within this jurisdiction for a period of one year.

### **SECTION 10-5-11. Adoption of Nebraska Traffic Rules and Regulations**

(a) Section 39-601 et. seq. of the Nebraska Code Annotated as now existing or as may be hereinafter amended, shall apply as the laws, rules and regulations of the Omaha Tribe of Nebraska, but only insofar as they do not conflict with or overlap any law, rules or procedure established in this traffic code or elsewhere in the Omaha Tribal Code, or where the Omaha Tribal Council shall, by resolution, specifically declare all or some part of such Nebraska laws, rules and regulations inapplicable hereunder.

(b) It shall be a Class C criminal offense for any person to do any act forbidden to be done under such laws, rules or regulations, or to fail to do any act required to be done under such laws, rules and regulations.

## **CHAPTER 6. PROVISIONS RELATING TO PEDESTRIANS.**

### **SECTION 10-6-1. Pedestrians Right-of-Way at Crosswalk.**

(a) When traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway or within any marked crosswalk or within any unmarked crosswalk at an intersection.

(b) Whenever any vehicle at a marked crosswalk or at any unmarked crosswalk or walk at an intersection is stopped to permit pedestrians to cross the roadway, the driver of any vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(c) Violations of this Section shall constitute a Class C offense.

### **SECTION 10-6-2. Pedestrians on Roadways.**

(a) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon roadways.

(b) Where sidewalks are not provided, any pedestrian walking along and upon a roadway shall, when practicable, walk on the left side of the road facing traffic.

(c) Violations of this section shall constitute a Class C offense.

### **SECTION 10-6-3. Crossing at Other Than Crosswalk.**

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within

## OMAHA TRIBAL CODE (2013)

an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions upon observing any child or any confused or incapacitated person upon a roadway.

(c) Violations of this section shall constitute a Class C offense.

### SECTION 10-6-4. Pedestrians Obedience to Regulations.

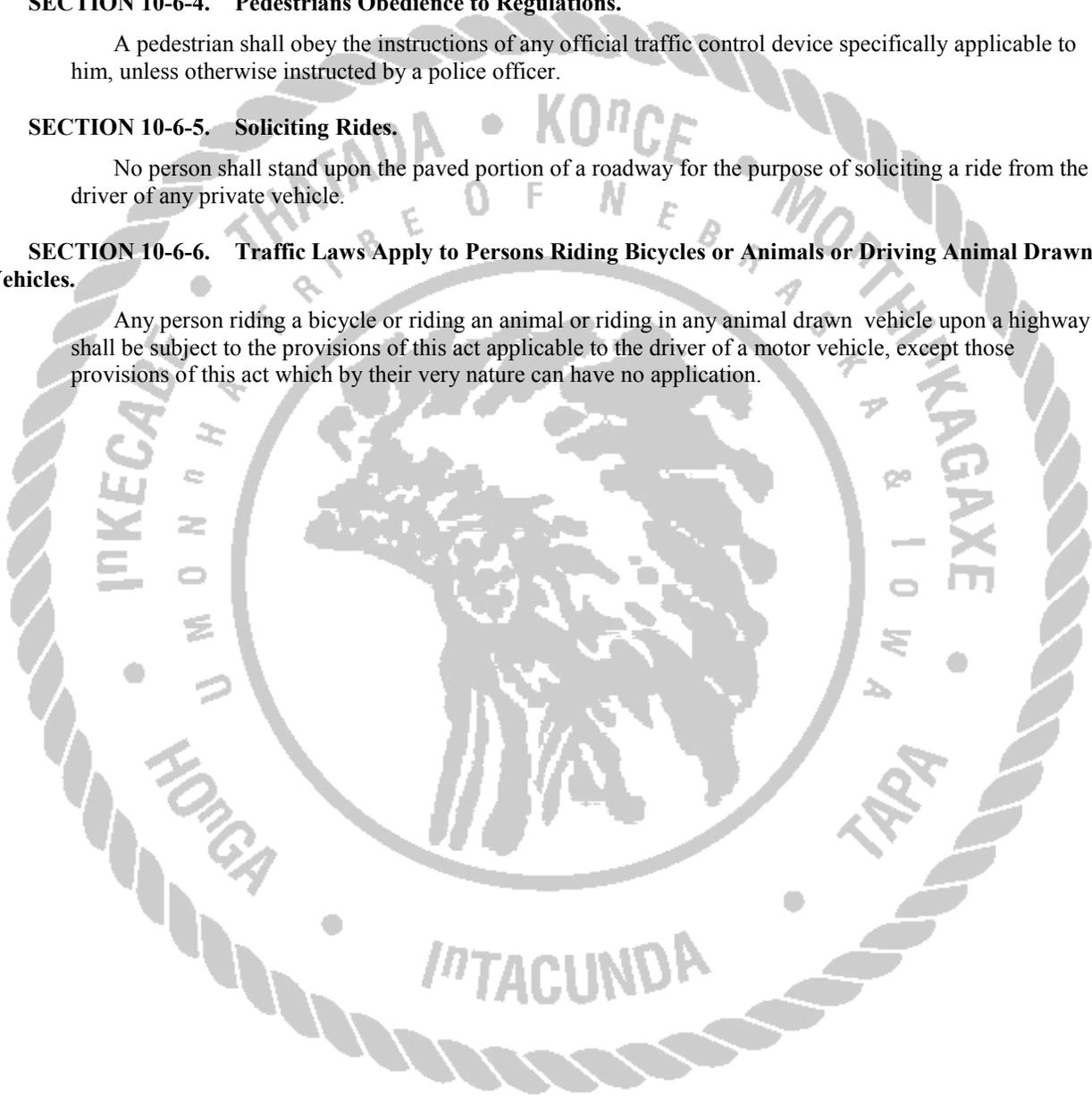
A pedestrian shall obey the instructions of any official traffic control device specifically applicable to him, unless otherwise instructed by a police officer.

### SECTION 10-6-5. Soliciting Rides.

No person shall stand upon the paved portion of a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

### SECTION 10-6-6. Traffic Laws Apply to Persons Riding Bicycles or Animals or Driving Animal Drawn Vehicles.

Any person riding a bicycle or riding an animal or riding in any animal drawn vehicle upon a highway shall be subject to the provisions of this act applicable to the driver of a motor vehicle, except those provisions of this act which by their very nature can have no application.



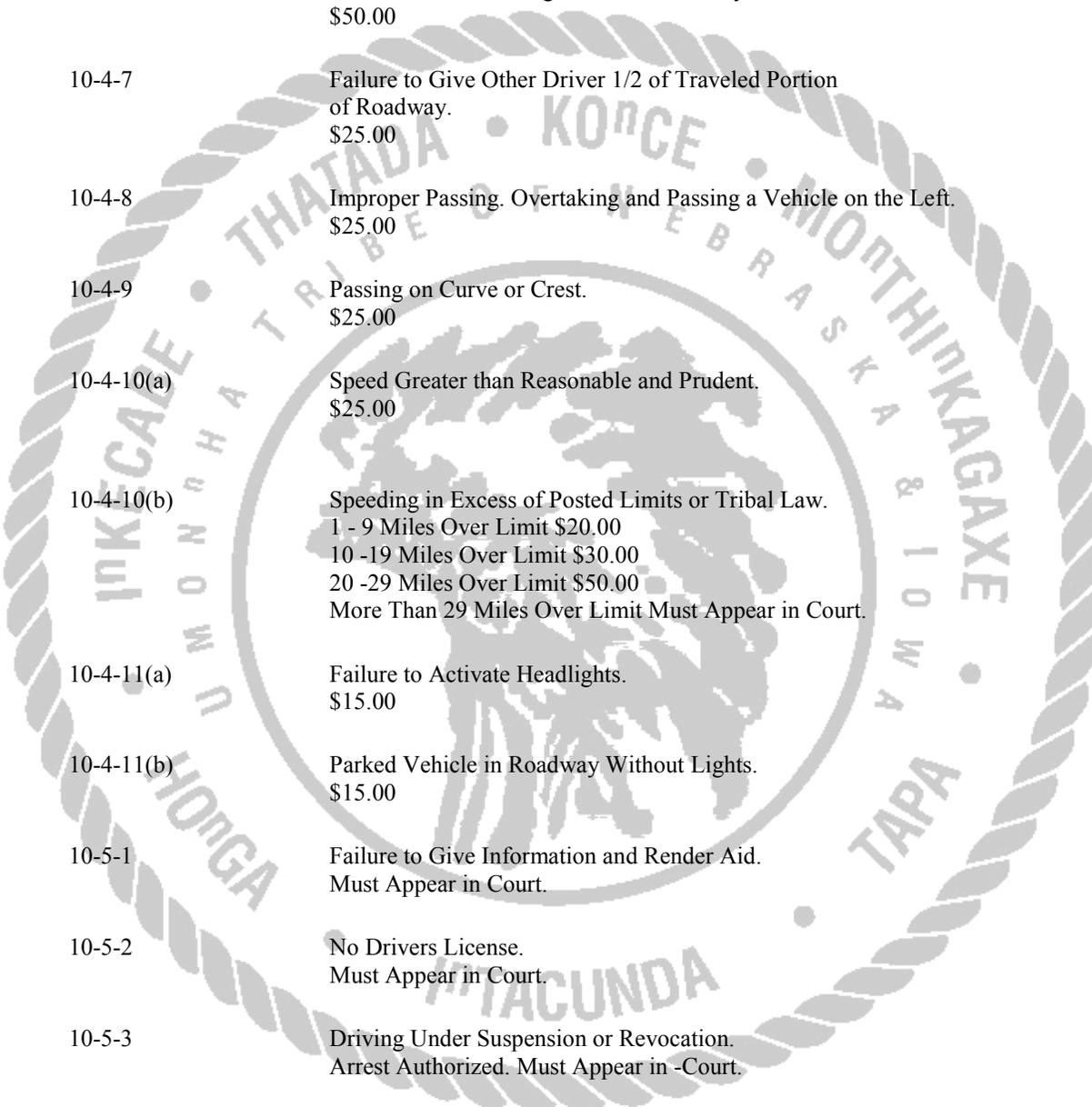
## OMAHA TRIBAL CODE (2013)

### SECTION FINES FOR TRAFFIC OFFENSES THAT CAN BE PAID WITHOUT GOING TO COURT

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10-2-5	Fleeing or Attempting to Flee a Police Officer. Must Appear in Court
10-3-1(a)	Arrest Authorized. Must Appear in Court. Failure to Display Valid Safety Sticker (of another state, where required). \$20.00
10-3-2(a)	Unsafe Vehicle. \$25.00
10-3-3	Muffler Violation. \$15.00
10-3-4	Failure to Display License or Registration Tag. 10-3-4 Must Appear in Court.
10-3-5	Failure to Equip Motorcycle With Headlamp. \$25.00
10-3-6	Failure to Use Lamp or Flag on Projecting Load. \$25.00
10-4-1(a)	Failure to Give Turn Signal. \$15.00
10-4-2	Following Too Closely. \$25.00
10-4-3(a)	Failure to Stop for School Bus. Must Appear in Court.
10-4-3(c)	Failure of School Bus Driver to Stop Properly. \$10.00
10-4-3(b)	Speeding by School Bus Driver. \$50.00
10-4-4	Failure to Yield Right of Way. \$25.00 for all subsections, except (f)
10-4-4(f)	Failure to Yield Right of Way to Emergency Vehicle. \$50.00

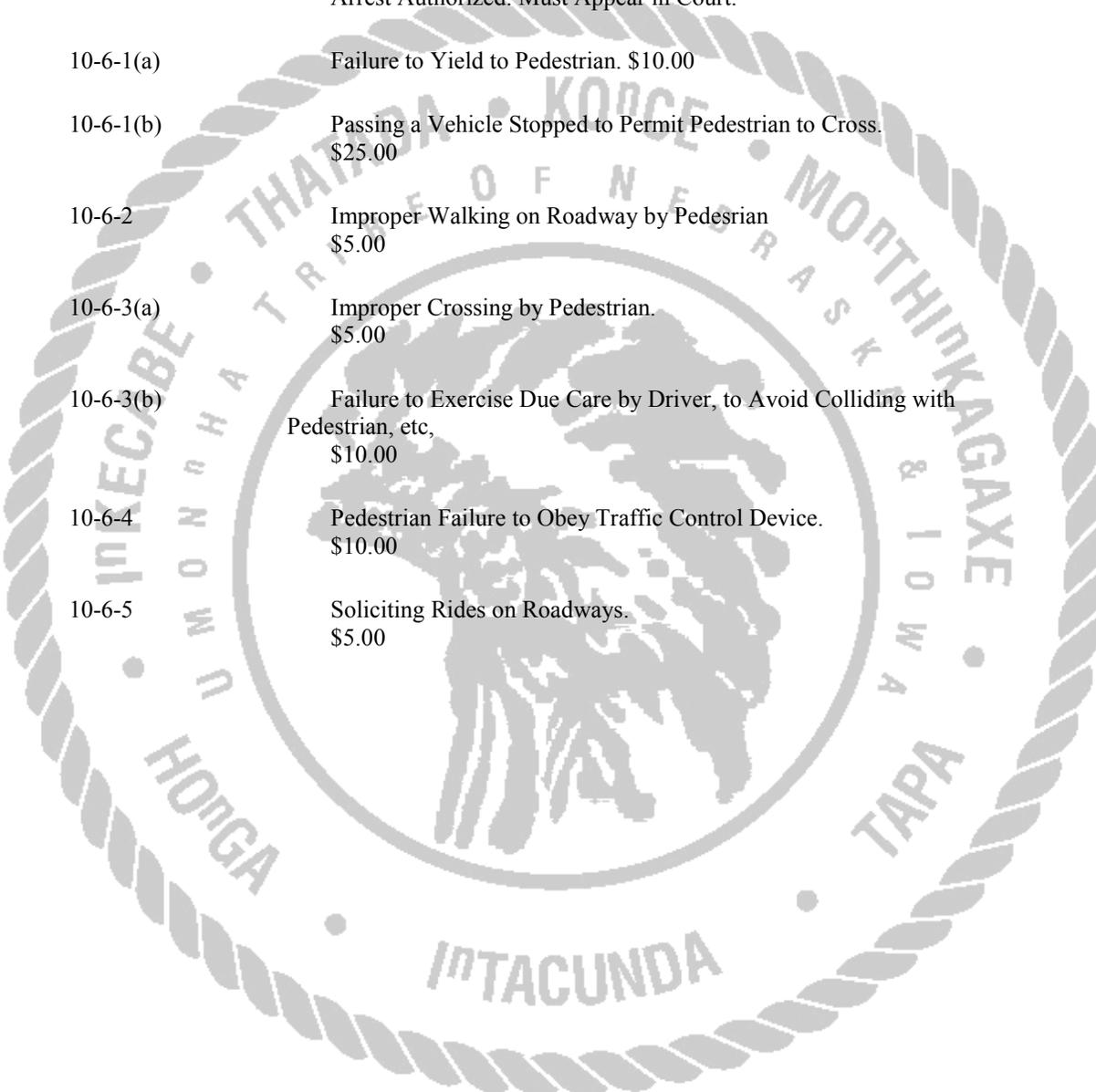
## OMAHA TRIBAL CODE (2013)



The seal of the Omaha Tribe of Nebraska is a large, circular watermark in the background. It features a central figure of a Native American on horseback, holding a bow and arrow. The text around the seal includes "OMAHA TRIBE OF NEBRASKA" and "TAPAKAGAXE" (Omaha). The seal is surrounded by a decorative rope-like border.

10-4-5(a)	Failure to Stop at Stop Sign. \$25.00
10-4-5(b)	Failure to Yield at Yield Sign. \$25.00
10-4-6	Failure to Drive on Right Side of Roadway. \$50.00
10-4-7	Failure to Give Other Driver 1/2 of Traveled Portion of Roadway. \$25.00
10-4-8	Improper Passing, Overtaking and Passing a Vehicle on the Left. \$25.00
10-4-9	Passing on Curve or Crest. \$25.00
10-4-10(a)	Speed Greater than Reasonable and Prudent. \$25.00
10-4-10(b)	Speeding in Excess of Posted Limits or Tribal Law. 1 - 9 Miles Over Limit \$20.00 10 -19 Miles Over Limit \$30.00 20 -29 Miles Over Limit \$50.00 More Than 29 Miles Over Limit Must Appear in Court.
10-4-11(a)	Failure to Activate Headlights. \$15.00
10-4-11(b)	Parked Vehicle in Roadway Without Lights. \$15.00
10-5-1	Failure to Give Information and Render Aid. Must Appear in Court.
10-5-2	No Drivers License. Must Appear in Court.
10-5-3	Driving Under Suspension or Revocation. Arrest Authorized. Must Appear in -Court.
10-5-6(a)	Improper Stopping or Parking. \$25.00
10-5-7	Careless Driving. \$50.00

## OMAHA TRIBAL CODE (2013)

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- The seal of the Omaha Tribe of Nebraska is a large, circular emblem with a rope-like border. It features a central figure of a Native American man in traditional dress. The text "OMAHA TRIBE OF NEBRASKA" is written around the inner circle, and "IN KECABE • THATA • KORCE • MOUTH KAGAXE • HONGA • TAPA • TACUNDA" is written around the outer circle.
- 10-5-8 Reckless Driving.  
Arrest Authorized. Must Appear in Court.
- 10-5-9 Driving Under the Influence.  
Arrest Authorized. Must Appear in Court.
- 10-5-10 Driving While Intoxicated.  
Arrest Authorized. Must Appear in Court.
- 10-6-1(a) Failure to Yield to Pedestrian. \$10.00
- 10-6-1(b) Passing a Vehicle Stopped to Permit Pedestrian to Cross.  
\$25.00
- 10-6-2 Improper Walking on Roadway by Pedestrian  
\$5.00
- 10-6-3(a) Improper Crossing by Pedestrian.  
\$5.00
- 10-6-3(b) Failure to Exercise Due Care by Driver, to Avoid Colliding with  
Pedestrian, etc.  
\$10.00
- 10-6-4 Pedestrian Failure to Obey Traffic Control Device.  
\$10.00
- 10-6-5 Soliciting Rides on Roadways.  
\$5.00