

## **CHAPTER 6: POLICE REGULATIONS**

### Article

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## ARTICLE 1: DOGS AND CATS

### § 6-101 DOGS AND CATS; LICENSE; COLLECTION OF MUNICIPAL AND STATE FEES.

Any person who shall own, keep, or harbor a dog or cat over the age of four (4) months within the Municipality shall, within thirty (30) days after acquisition of said dog or cat, or upon said dog or cat attaining the age of four (4) months, whichever occurs last, acquire a license for each such dog or cat from the Municipality. Licenses shall be issued by the Municipal Clerk upon the payment of a license tax of five dollars (\$5.00) for each male dog or cat and spayed female dog or cat and ten dollars (\$10.00) for each unspayed female dog or cat. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog or cat. The owner shall state at the time the license is purchased, the name and address of the owner, and the breed, color and sex of each dog or cat owned or kept by such owner. A certificate that the dog or cat has had a rabies shot effective for the licensing year shall be presented when the license is purchased and no license shall be issued until the certificate is shown. Said license shall be renewed for the ensuing year prior to the first day of March of each year, and licenses purchased during the license year shall not be pro-rated. All dog and cat licenses which are current at the time of adoption of this section or which are issued after the adoption of this section, shall expire on February 28, 2010, and shall be renewed annually prior to March 1, 2010 and each anniversary thereof. In addition to the Municipal license fees imposed herein on the owner or harbinger of any cat(s) or dog(s), the Municipal Clerk shall also collect from said licensee an additional fee of one dollar (\$1.00) for each such license on behalf of the State of Nebraska. The City Clerk or her designee shall collect said license fee and shall act as agent for the State of Nebraska in the collection thereof. From each one dollar (\$1.00) fee collected, the City shall retain three cents (\$.03) and shall remit the balance to the State Treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund, to be credited to the Municipality's General Fund. The remittance to the State Treasurer shall be made at least annually at the conclusion of the licensing jurisdiction's fiscal year, or such other time as shall be designated by the State of Nebraska. Any person who shall violate the provisions of Chapter 6, Article I which are not related to dangerous dogs, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to the violations penalty set forth in § 12-101 of the Municipal Code. (*Ref. 17-526, 54-603, 71-4412 RS Neb.*) (*Amended by Ord. Nos. 595, 6/2/92; 726, 7/2/02; 824, 6/2/09; 836, 10/5/10; 871, 3/5/13*)

### § 6-102 DOGS AND CATS; LICENSE TAGS.

Upon the payment of the license tax, the Municipal Clerk shall issue to the owner of a dog or cat a metallic license tag for each so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs or cats so licensed and shall entitle the owner to keep or harbor the said animal until one (1) minute after midnight on the anniversary date of the purchase of said license. In the event that

a license tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the Municipal Clerk shall issue a new tag for the balance of the year for which the license tax has been paid. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Municipal Clerk to obtain and issue license tags of a suitable design. The Municipal Clerk shall keep an accurate file of all licenses issued in accordance with this Article. The file shall contain the name and address of each owner, a complete description of the animal, the number on the license tag, and the date it was issued. (*Ref. 17-526, 54-603 RS Neb.*) (*Amended by Ord. No. 595, 6/2/92*)

#### **§ 6-103 DOGS AND CATS; WRONGFUL LICENSING.**

It shall be unlawful for the owner, keeper, or harbinger of any dog or cat to permit or allow such animal to wear any license, metallic tag or other Municipal identification than that issued by the Municipal Clerk for dogs or cats, nor shall the owner, keeper, or harbinger wrongfully and knowingly license an unspayed female dog or cat with a license prescribed for a male or spayed female animal. (*Ref. 17-526, 54-603 RS Neb.*)

#### **§ 6-104 DOGS AND CATS; OWNER DEFINED.**

Any person who shall harbor or permit any dog or cat to be for ten (10) days or more in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such animal and shall be deemed to be liable for all penalties herein prescribed. (*Ref. 54-606, 71-4401 RS Neb.*)

#### **§ 6-105 DOGS AND CATS; PROCLAMATION.**

It shall be the duty of the Governing Body whenever in its opinion the danger to the public safety from rabid dogs or cats is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog or cat to muzzle the same, or to confine it for a period of not less than thirty (30) days or more than ninety (90) days from the date of such proclamation, or until such danger is passed. The dogs or cats may be harbored by any good and sufficient means in a house, garage, or yard on the premise wherein the said owner may reside. Upon issuing the proclamation it shall be the duty of all persons owning, keeping, or harboring any dog or cat to confine the same as herein provided. (*Ref. 17-526 RS Neb.*)

**§ 6-106 DOGS AND CATS; UNLICENSED.**

All dogs and cats found running at large upon the streets and public grounds of the Municipality without a collar or harness with the metal tag affixed as aforesaid, are hereby declared a public nuisance. Unlicensed dogs and cats found running at large shall be impounded in the Municipal Dog Shelter, or the place designated by the Governing Body as such, by the Municipal Police. (*Ref. 17-526, 71-4408 RS Neb.*)

**§ 6-107 DOGS AND CATS; UNCOLLARED.**

All dogs and cats found running at large upon the streets and public grounds of the Municipality without a collar or harness are hereby declared a public nuisance. Uncollared dogs and cats found running at large shall be killed or impounded in the Municipal Dog Shelter by the Municipal Police. (*Ref. 54-605 RS Neb.*)

**§ 6-108 DOGS AND CATS; RUNNING AT LARGE; MINIMUM PENALTIES.**

It shall be unlawful for any person to allow his or her dog or cat to run at large within the municipality. It shall be the duty of the Municipal Police to cause any dog or cat running at large within the Municipality to be taken up and impounded. "Running at Large" shall mean any dog or cat found off the premises of the owner, and not under the control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. Then penalty for violation of this section shall be a minimum fine of fifty dollars (\$50.00) on condition that the dog or cat is currently licensed, or is licensed within five (5) days of the offense. In the event the dog or cat is unlicensed and the owner fails to procure a license for said dog or cat within five (5) days of the offense, then the minimum fine hereunder shall be one hundred dollars (\$100.00). The maximum fine shall be five hundred dollars (\$500.00). (*Ord. No. 823, 4/7/09*)

**§ 6-109 DOGS AND CATS; CAPTURE IMPOSSIBLE.**

The Municipal Police shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved. (*Ref. 54-605 RS Neb.*)

**§ 6-110 DOGS AND CATS; LIABILITY OF OWNER.**

It shall be unlawful for any person to allow a dog owned, kept, or harbored by him, or under his charge or control, to injure or destroy any real or personal property of any description belonging to

another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (*Ref. 54-601, 54-602 RS Neb.*)

#### **§ 6-111 DOGS AND CATS; REMOVAL OF TAGS.**

It shall be unlawful for any person to remove or cause to be removed, the collar, harness, or metallic tag from any licensed dog or cat without the consent of the owner, keeper, or possessor thereof. (*Ref. 17-526 RS Neb.*)

#### **§ 6-112 ANIMALS; IMPOUNDING; IMPOUNDMENT FEES; AND REQUIREMENTS FOR RELEASE OF IMPOUNDED ANIMALS.**

(1) It shall be the duty of the Municipal Police and/or person designated as the Animal Control Officer to capture, secure, remove, and impound in a humane manner, any animal found to be in violation of any of the provisions of this Article, The animals shall be impounded at the Municipal Animal Shelter where they shall be treated in a humane manner. They shall be provided with a sufficient supply of food and fresh water each day. Each impounded animal shall be kept and maintained at the shelter for a period of time not to exceed seventy-two (72) hours after a written public notice of the impoundment shall include breed, sex, and coloring information, as well as a description of any other significant identifying marks.

(2) This written notice shall be posted at the office of the Municipal Clerk within twenty-four (24) hours after the impoundment as a public notification of the action. Any animal may be reclaimed by its owner during the period of impoundment by paying the impoundment fee of fifty dollars (\$50.00), and in addition to said impoundment fee, a boarding fee of five dollars (\$5.00) per day or any portion thereof for boarding. The owner shall be required to license the animal, prior to its release, if it does not already have a current license, Also the owner must show proof, within seventy-two (72) hours of release, that the animal has received a current rabies vaccination. The Municipality shall acquire legal title to any unlicensed animal impounded at the Animal Shelter for a period longer than the required waiting period after giving notice.

(3) If an animal is not claimed by the end of the required seventy-two (72) hour period after the public notice has been posted, the City may dispose of the animal in accordance with the applicable rules and regulations pertaining to same; provided, that if, in the judgment of the Chief of Police a suitable home can be found for any such animal, the said animal shall be turned over to that person. The new owner shall be required to pay an adoption fee which is made up of the licensing tax and an amount equal to any unpaid impound fee before obtaining the animal, unless waived by the Chief of Police, Animals not claimed by their owners, or those for which a suitable home cannot be found, will be destroyed and

buried in a summary and humane manner, All such animals will be disposed of in compliance with rules provided by the Municipal Board of Health and the Department of Environmental control. (*Ref. 17-121, 17-548, 71-4408, 81-1502, 81-1516 RS Neb.*) (*Amended by Ord. Nos. 434, 11/15/77; 595, 6/2/92; 727, 7/2/02; 822, 4/7/09*)

**§ 6-113 DOGS AND CATS; ANIMAL SHELTER.**

The Animal Shelter shall be safe, suitable, and conveniently located for the impounding, keeping, and destruction of dogs and cats. The said shelter shall be sanitary, ventilated, and lighted. (*Ref. 17-548 RS Neb.*)

**§ 6-114 DOGS AND CATS; RABIES SUSPECTED.**

(A) (1) Any animal which is owned by a person and has bitten any person or caused an abrasion of the skin of any person shall be seized by the rabies control authority for a period of not less than ten (10) days if:

(a) The animal is suspected of having rabies, regardless of the species and whether or not the animal has been vaccinated;

(b) The animal is not vaccinated and is a dog, cat, or another animal of a species determined by the Department to be a rabid species; or

(c) The animal is of a species which has been determined by the department to be a rabid species not amenable to rabies protection by immunization, whether or not the animal has been vaccinated.

(2) If, after observation and examination by a veterinarian, at the end of the ten (10)-day period the animal shows no clinical signs of rabies, the animal may be released to its owner.

(B) (1) Except as provided in division (B)(2) of this section, whenever any person has been bitten or has an abrasion of the skin caused by an animal owned by another person, which animal has been vaccinated in accordance with state law, or if such an injury to a person is caused by an owned dog, cat, or other animal determined by the department to be a rabid species amenable to rabies protection by immunization which has been vaccinated, the animal shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least ten (10) days and shall be observed and examined by a veterinarian at the end of the ten (10)-day period. If no clinical signs of rabies are found by the veterinarian, the animal may be released from confinement.

(2) A vaccinated animal owned by a law enforcement or governmental military agency which bites or causes an abrasion of the skin of any person during training or the performance of the animal's

duties may be confined as provided in division (B)(1) of this section. The agency shall maintain ownership of and shall control and supervise the actions of the animal for a period of fifteen (15) days following the injury. If during such period the death of the animal occurs for any reason, a veterinarian shall within twenty-four (24) hours of the death examine the tissues of the animal for clinical signs of rabies.

(C) Any dog, cat, or other animal of a rabid species which has bitten a person or caused an abrasion of the skin of a person and which is unowned or the ownership of which cannot be determined within seventy-two (72) hours of the time of the bite or abrasion shall be immediately subject to any tests which the department believes are necessary to determine whether the animal is afflicted with rabies. The seventy-two (72)-hour period shall include holidays and weekends and shall not be extended for any reason. The tests required by this subsection may include tests which require the animal to be destroyed. (*Ord. No. 800, 3/4/08*)

#### **§ 6-115 DOGS AND CATS; CONSENT OF PROPERTY OWNER.**

It shall be unlawful for any person or persons to permit any dog or cat, collared or uncollared, owned by or under the control of such person or persons, to run at large on the streets and public ground of the Municipality, or upon private property in the Municipality unless such owner or owners, or persons in control of such animals first secure the consent of the owners of such property; provided, however, this section shall not apply to animals under control of the owner or a responsible person by leash, cord, chain, wire, rope or other suitable means of physical restraint. (*Ord. No. 466, 11/20/79*)

#### **§ 6-116 DANGEROUS DOGS; DEFINITIONS.**

**ANIMAL CONTROL AUTHORITY** shall mean an entity authorized to enforce the animal control laws of a City, and includes any local law enforcement agency or other agency designated by the city to enforce the animal control laws of the city .

**ANIMAL CONTROL OFFICER** shall mean any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and shall include any state or local law enforcement or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

**DANGEROUS DOG** shall mean:

- a. Any dog that, according to the records of an animal control authority:
  - (i) Has killed a human being;

(ii) Has inflicted injury on a human being that requires medical treatment;

(iii) Has killed a domestic animal without provocation; or

(iv) Has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice of such determination from an animal control authority or an animal control officer, and the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

b. A dog shall not be defined as a dangerous dog if the individual was tormenting, abusing, or assaulting the dog at the time of the injury or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog.

c. A dog shall not be defined as a dangerous dog if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass as defined in sections 20-203, 28-520, or 28-521 RS Neb., was committing any other tort upon the property of the owner of the dog, was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

d. A dog shall not be defined as a dangerous dog if the dog is a police animal as defined in section 28-1008 RS Neb.

**DOMESTIC ANIMAL** shall mean a cat, a dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit;

**MEDICAL TREATMENT** shall mean treatment administered by a physician or other licensed health care professional that results in sutures or surgery or treatment for one (1) or more broken bones.

**OWNER** shall mean any person, firm, corporation, organization, political subdivision, or department possessing , harboring, keeping, or having control or custody of a dog;

**POTENTIALLY DANGEROUS DOG** shall mean:

a. Any dog that when unprovoked;

(i) Inflicts an injury on a human being that does not require medical treatment; or

(ii) Injures a domestic animal, or;

(iii) Chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or;

b. Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals; and *(Ref. 54-617 RS Neb.) (Ord. No. 569, 12/5/89)*

#### **§ 6-117 DANGEROUS DOGS; MUZZLE AND LEASH RESTRAINTS.**

No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is securely muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals, and is securely leashed with a leash no longer than four feet in length controlled by a person who is the age of 18 years or older, and who is capable of controlling and restraining said dog. *(Ord. No. 569, 12/5/89) (Amended by Ord. No. 821, 3/3/09)*

#### **§ 6-118 DANGEROUS DOGS; CONFINED.**

(1) No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog without such dog being confined so as to protect the public from injury.

(2) While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at least one foot. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least ten (10) feet from any property line of the owner. The owner of a dangerous dog shall post warning signs on the property where the dog is kept that are clearly visible from all areas of public access and that informs persons that a dangerous dog is on the property. Each warning sign shall be no less than ten inches by twelve (12) inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background. *(Ref. 54-619 RS Neb.) (Ord. No. 569, 12/5/89)*

#### **§ 6-119 DANGEROUS DOGS; FAILURE TO COMPLY.**

(1) Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this article.

(2) In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner. *(Ref. 54-620 RS Neb.) (Ord. No. 569, 12/5/89)*

(3) (a) Any owner whose dangerous dog inflicts on a human being a serious bodily injury as defined in section 28-109 RS Neb. is guilty of a Class I misdemeanor for the first offense, whether or not the same dangerous dog is involved.

(b) It is a defense to a violation of subsection (3)(a) of this section that the dangerous dog was, at the time of the infliction of the serious bodily injury, in the custody of or under the direct control of a person other than the owner or the owner's immediate family. *(Ref. 54-622.01 RS Neb.)*

**§ 6-120 DANGEROUS DOGS; ADDITIONAL REGULATIONS.**

Nothing in this article shall be construed to restrict or prohibit any governing body of the City from establishing and enforcing laws or ordinances at least as stringent as the provisions of this article. *(Ref. 54-624 RS Neb.) (Ord. No. 569, 12/5/89)*

**§ 6-121 DOGS; BARKING AND OFFENSIVE.**

It shall be unlawful for any person to own, keep or harbor any dog which by loud, continued, or frequent barking, howling or yelping shall annoy or disturb any neighborhood, or person, or which habitually barks at or chases pedestrians, drivers or owners of vehicles while they are on any public sidewalk, street, or alley in the Municipality. *(Ord. No. 508, 8/7/84)*

**§ 6-122 PIT BULL DOGS AND CROSS BREEDS PROHIBITED.**

It shall be unlawful for any person to keep or maintain, or permit the keeping or maintenance within the corporate limits of the municipality, of any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier, or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier, or American Staffordshire Bull Terrier, including dogs which have the appearance and characteristics of being predominately of the breeds of dogs known as the Staffordshire Bull Terrier, the American Staffordshire Terrier, or the American Pit Bull Terrier. This section shall not apply to owners of registered pit bulls that are currently license or are under the age of six months and these dogs shall hereby be grandfathered. *(Ord. No. 819, 3/3/09)*

**§ 6-123 PENALTY FOR POSSESSION OF PIT BULL AND CROSS BREEDS.**

Any person who shall violate the provisions of Chapter 6, Article 1, Section 122 shall be deemed guilty of a misdemeanor and upon conviction there shall be fined not less than \$250 for a first offense; \$350 for a second offense; and not less than \$500.00 for a third offense, but no more than \$500 for any offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (*Ord. No. 819, 3/3/09*)

**§ 6-124 PENALTIES; DANGEROUS DOGS.**

Any person who shall violate the provisions of Chapter 6, Article 1, relating to dangerous dogs, shall be deemed guilty of a misdemeanor and upon conviction there shall be fined not less than \$250 for a first offense; \$350 for a second offense; and not less than \$500 for a third offense, but no more than \$500 for any offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (*Ord. No. 820, 3/3/09*)

## **ARTICLE 2: ANIMALS GENERALLY**

### **§ 6-201 ANIMALS; BANNED FROM MUNICIPALITY.**

It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat, swine or other livestock. (*Ref. 17-547 RS Neb.*)

### **§ 6-202 FOWLS; BANNED FROM MUNICIPALITY.**

It shall be unlawful for any person to keep or maintain within the corporate limits any chickens, turkeys, geese, or any other fowls. (*Ref. 17-547 RS Neb.*)

### **§ 6-203 DANGEROUS ANIMALS AND REPTILES.**

It shall be unlawful for any person to keep or maintain within the corporate limits, any boa constrictor, poisonous snake, or other dangerous reptile or any wild or nondomesticated animal. (*Ref. 17-547 RS Neb.*) (*Ord. No. 504, 10/4/83*)

### **§ 6-204 NUMBER OF DOGS, CATS PETS OR OTHER ANIMALS TO BE KEPT.**

(A) It shall be unlawful for any person or persons to keep, or permit to be kept upon any premises occupied by person or persons, or under the charge or control of such person or persons, more than three (3) dogs; three (3) cats; or three (3) animals or pets of the same species. Provided, however, the provisions of this section shall not apply to an Animal Shelter or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska, keeping animals for others for treatment or boarding, which are properly zoned for such purposes. This section shall not apply to small caged birds or aquatic or amphibian animals kept solely as pets. Owners possessing more than three (3) licensed animals of the same species at the time this section becomes effective, may keep said animals as long as they are licensed by the City. This exception only applies to those animals who are licensed at the time this section becomes effective, and does not apply to animals subsequently acquired by the owner.

(B) *Penalty.* Any person violating any portion of this section shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00). (*Ord. No. 860, 10/2/12*)



### **ARTICLE 3: MISCELLANEOUS MISDEMEANORS**

#### **§ 6-301 MISDEMEANORS; IMPERSONATING AN OFFICER.**

It shall be unlawful for any person other than a Municipal or State Police Officer to wear an official badge or uniform, or to falsely and willfully impersonate the said officials. *(Ref. 28-715.01 RS Neb.)*

#### **§ 6-302 MISDEMEANORS; REFUSING TO ASSIST OFFICER.**

It shall be unlawful for any person to refuse to assist a Municipal Police Officer when lawfully requested to do so by him. Any person who refuses to assist an officer when lawfully requested to do so shall be fined in any amount not exceeding fifty (\$50.00) dollars. *(Ref. 28-728 RS Neb.)*

#### **§ 6-303 MISDEMEANORS; ABUSING OFFICER.**

It shall be unlawful for any person to abuse a police officer or Municipal official in the execution of his office. *(Ref. 28-729 RS Neb.)*

#### **§ 6-304 MISDEMEANORS; TRESPASSING.**

It shall be unlawful for any person to trespass upon any private grounds within the Municipality, or to break, cut, or injure any tree, shrub, plant, flower, or grass growing thereon, or without the consent of the owner or occupant to enter upon an improved lot or grounds occupied for residence purposes and to loiter about the same. *(Ref. 28-588, 28-588.01 RS Neb.)*

#### **§ 6-305 MISDEMEANORS; MALICIOUS DESTRUCTION OF PROPERTY.**

It shall be unlawful for any person within the corporate limits to purposely, willfully, or maliciously injure in any manner, or destroy any real or personal property of any description belonging to another. *(Ref. 28-572, 28-573 RS Neb.)*

#### **§ 6-306 MISDEMEANORS; LARCENY.**

It shall be unlawful for any person within the corporate limits to steal any money, goods, or chattels

of any kind whatever. Any person who shall steal property of any kind, whether the same be entirely in money or entirely property of the value of less than three hundred (\$300.00) dollars shall be deemed to be guilty of a misdemeanor. *(Ref. 28-512, 28-514 RS Neb.) (Amended by Ord. No. 396, 12/16/75)*

#### **§ 6-307 MISDEMEANORS; ARSON.**

Any person who willfully or maliciously sets on fire any property when the injury or damage therefrom shall be of a less value than thirty-five dollars (\$35.00), shall be deemed to be guilty of a misdemeanor. *(Ref. 28-503 RS Neb.)*

#### **§ 6-308 MISDEMEANORS; INJURY TO TREES.**

It shall be unlawful for any person to purposely or carelessly, and without lawful authority, cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by them, shall make an application to the Governing Body to do so, and the written permit of the Governing Body in accordance with their decision to allow such an action shall constitute the only lawful authority on the part of the company to do so. *(Ref. 28-519 RS Neb.) (Amended by Ord. No. 416, 3/1/77)*

#### **§ 6-309 MISDEMEANORS; FIRE EQUIPMENT.**

It shall be unlawful for any person who is not an active member of the Municipal Fire Department to deface, destroy, handle, or loiter about the equipment and property of the Fire Department.

#### **§ 6-310 MISDEMEANORS; TRASH.**

It shall be unlawful for any person to willfully, maliciously, or negligently place or throw upon the premise of another any filth, garbage, leaves, papers, or other matter to the annoyance of the owner or occupant thereon. *(Ref. 28-523 RS Neb.)*

#### **§ 6-311 MISDEMEANORS; DRUNKENNESS.**

*(Repealed by Ord. No. 598, 7/7/92)*

#### **§ 6-312 MISDEMEANORS; DRINKING IN PUBLIC.**

It shall be unlawful for any person to consume alcoholic beverages in the public streets, alleys,

roads, highways, or upon any property owned by the Municipality or other governmental subdivision thereof, or inside vehicles while upon the public streets, alleys, roads, or highways, in theaters, dance halls, or any other place open to the public; provided, the provisions of this section shall not apply to liquor establishments licensed by the State of Nebraska. (*Ref. 53-186 RS Neb.*)

**§ 6-313 MISDEMEANORS; MISREPRESENTATION OF AGE.**

It shall be unlawful for any person under the age of twenty-one (21) years, to represent that he or she is of the age of twenty-one (21) years or older for the purpose of asking for, purchasing, or receiving any alcoholic beverages. (*Ref. 53-180.01 RS Neb.*) (*Amended by Ord. No. 599, 7/7/92*)

**§ 6-314 MISDEMEANORS; MINORS; PROHIBITED ACTS INVOLVING ALCOHOLIC BEVERAGES.**

(A) For purposes of this section, the definitions found in section 53-103 RS Neb. shall apply, including, but not limited to, the definitions of the terms "alcoholic liquor," "consume," "minor," "sale," and "to sell."

(B) Except as otherwise provided, no minor may sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, or highways, upon property owned by the state or any subdivision thereof, or inside any vehicle while in or on any other place, including, but not limited to, the public streets, alleys, roads, or highways, or upon property owned by the state or any subdivision thereof, except that a minor may consume, possess, or have physical control of alcoholic liquor as a part of a bona fide religious rite, ritual, or ceremony or in his or her permanent place of residence.

(C) It shall be unlawful for any person under twenty-one (21) years of age to transport, consume, or knowingly possess or have under his or her control beer or other alcoholic liquor in or transported by any motor vehicle. (*Ref. 53-180.02 RS Neb.*) (*Amended by Ord. Nos. 600, 7/7/92; 801, 3/4/08*)

**§ 6-315 MISDEMEANORS; POSTED ADVERTISEMENTS.**

It shall be unlawful for any person to wrongfully and maliciously tear, deface, remove, or cover up the posted advertisement or bill of any person, firm, or corporation when said bill or advertisement is rightfully and lawfully posted, and the same remains of value.

**§ 6-316 MISDEMEANORS; POSTING.**

It shall be unlawful for any person to post, paste, or paint any sign, advertisement, or other writing of any nature upon a fence, pole, building, or other property without the written permission of the owner of the said property.

**§ 6-317 MISDEMEANORS; DISCHARGE OF FIREARMS.**

It shall be unlawful for any person, except an officer of the law in the discharge of his official duty, to fire or discharge any gun, pistol, or other fowling piece within the Municipality; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Governing Body. (*Ref. 17-556 RS Neb.*)

**§ 6-318 MISDEMEANORS; PROVOKING ASSAULT.**

It shall be unlawful for any person or persons within the Municipality to intentionally provoke or attempt to provoke an assault upon himself or another by the uttering of insulting words, cursing and swearing, or to use slander against any other person. Upon conviction a fine not to exceed ten (\$10.00) dollars shall be assessed. (*Ref. 28-412 RS Neb.*)

**§ 6-319 MISDEMEANORS; MENACING THREATS.**

It is hereby declared unlawful for any person within the corporate limits of this Municipality to assault or threaten another in a menacing manner or strike or injure another.

**§ 6-320 MISDEMEANORS; ASSAULT AND BATTERY.**

It shall be unlawful for any person to assault, threaten, strike, or injure any other person or persons. Any person who assaults or batters another person or persons shall be deemed to be guilty of a misdemeanor. (*Ref. 28-411 RS Neb.*)

**§ 6-321 MISDEMEANORS; DISTURBING THE PEACE.**

It shall be unlawful for any person or persons to assemble or gather within the Municipality with the intent to do an unlawful or disorderly act or acts, by force or violence against the Municipality, or residents therein, or who shall disturb the public peace, quiet, security, repose, or sense of morality. Any person or persons so assembled or gathered shall be deemed to be guilty of a misdemeanor. (*Ref. 28-818 RS Neb.*)

**§ 6-322 MISDEMEANORS; PROHIBITED FENCES.**

It shall be unlawful for any person to erect, or cause to be erected, and maintain any barbed wire or electric fence within the corporate limits, where such fence abuts a public sidewalk, street or alley.

**§ 6-323 MISDEMEANORS; APPLIANCES IN YARD.**

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children whether on private or public property unless he shall first remove all doors and make the same reasonably safe. (*Ref. 18-1720 RS Neb.*)



**§ 6-324 MISDEMEANORS; OBSTRUCTION OF PUBLIC WAYS.**

It shall be unlawful for any person to erect, maintain, or suffer to remain on any street or public sidewalk a stand, wagon, display, or other obstruction inconvenient to, or inconsistent with, the public use of the same.

**§ 6-325 MISDEMEANORS; REMOVING DIRT.**

It is hereby declared unlawful for any person to remove, disturb, or take away from any street, alley, or public grounds any dirt, earth, stones, or other materials forming a part of such street, alley, or public grounds without first having obtained written permission to do so from the Governing Body.

**§ 6-326 MISDEMEANORS; WEED REMOVAL.**

It shall be the duty of every owner of real estate in the Municipality to cut and clear such real estate, together with one half (1/2) of the streets and alleys abutting thereon, of all weeds and worthless vegetation that are noxious, obstruct travel on public ways, or create a fire or health hazard. Such weeds and worthless vegetation shall be cut so as not to extend more than six (6") inches above the ground. Subsequent to the cutting of the said weeds, all loose vegetation shall be immediately removed. Upon the failure of the owner, lessee, or occupant having control of any such real estate to cut and clear the said weeds and worthless vegetation as set forth hereinbefore, the Municipal Police shall serve notice on the said owner, lessee, or occupant to do so. In the event that the weeds and vegetation have not been removed after a period of five (5) days, the Governing Body may order the same to be done under the direction of the Municipal Police, and the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the Municipality after being properly billed, the cost may be assessed against the real estate and the Governing Body shall have the assessment certified to the County Treasurer and the same shall be collected in the manner provided by law. In the event the property owner is a nonresident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. (*Ref. 17-563.01, 18-1719 RS Neb.*)

**§ 6-327 MISDEMEANORS; NUISANCES; DEAD OR DISEASED TREES.**

(1) It is hereby declared a nuisance for a property owner to permit, allow or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the Municipality.

(2) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees on private property within the corporate limits of the Municipality. For the purposes of carrying out the provisions of this section the Municipal Police shall have the authority to enter upon private property to inspect the trees thereon.

(3) Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within thirty (30) days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the Municipality may have such work done and may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied or assessed. *(Ref. 17-555, 18-720, 28-1321 RS Neb.) (Amended by Ord. No. 639, 6/6/95)*

### § 6-328 MISDEMEANORS; ABANDONED AUTOMOBILES.

(A) (1) No person shall cause any vehicle to be an abandoned vehicle as described in division (B) of this section. *(Ref. 60-1907 RS Neb.)*

(2) No person other than one authorized by the Municipality or appropriate state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. *(Ref. 60-1908 RS Neb.)*

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

#### **ABANDONED VEHICLE.**

(a) 1. A motor vehicle is an **ABANDONED VEHICLE**:

a. If left unattended, with no license plates or valid "in transit" stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six (6) hours on any public property;

b. If left unattended for more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted;

c. If left unattended for more than forty-eight (48) hours after the parking of the vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

d. If left unattended for more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

e. If left for more than thirty (30) days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under division (E) of this section;  
or

f. If removed from private property by the City pursuant to a City ordinance or this Code.

2. An all-terrain vehicle or minibike is an **ABANDONED VEHICLE**:

a. If left unattended for more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted;

b. If left unattended for more than forty-eight (48) hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

c. If left unattended for more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

d. If left for more than thirty (30) days in the custody of a village law enforcement agency after the agency has sent a letter to the last-registered owner under division (E) of this section; or

e. If removed from private property by the City pursuant to a City ordinance or this Code.

(b) No motor vehicle subject to forfeiture under section 28-431 RS Neb. shall be an **ABANDONED VEHICLE** under this division (B). (*Ref. 60-1901 RS Neb.*)

(C) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid "in transit" stickers issued pursuant to section 60-376 RS Neb. affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of two hundred fifty dollars (\$250.00) or less, title shall immediately vest in the Municipality. (*Ref. 60-1902 RS Neb.*)

(D) (1) Except for vehicles governed by division (C) of this section, the Municipality shall make an inquiry concerning the last registered owner of an abandoned vehicle as follows:

(a) Abandoned vehicle with license plates affixed, to the jurisdiction which issued the license plates; or

(b) Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

(2) The Municipality shall notify the last registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:

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(a) It will be sold or will be offered at public auction after five (5) days from the date the notice was mailed; or

(b) Title will vest in the Municipality thirty (30) days after the date the notice was mailed.

(3) If the Municipality is notified that a lien or mortgage exists, the notice described in division (D)(2) of this section shall also be sent to the lienholder or mortgagee. Any person claiming the vehicle shall be required to pay the cost of removal and storage of the vehicle.

(4) Title to an abandoned vehicle, if unclaimed, shall vest in the Municipality:

(a) Five (5) days after the date the notice is mailed if the vehicle will be sold or offered at public auction under division (D)(2)(a) of this section;

(b) Thirty (30) days after the date the notice is mailed if the Municipality will retain the vehicle; or

(c) If the last registered owner cannot be ascertained, when notice of that fact is received.

(5) After title to the abandoned vehicle vests pursuant to division (D)(4) of this section, the Municipality may retain for use, sell, or auction the abandoned vehicle. If the Municipality has determined that the vehicle should be retained for use, the Municipality shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the Municipality intends to retain the abandoned vehicle for its use and that title will vest in the Municipality thirty (30) days after publication. *(Ref. 60-1903 RS Neb.)*

(E) (1) If the municipal law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, it shall send a certified letter to each of the last registered owners stating that the vehicle is in the custody of the agency, that the vehicle is no longer needed for law enforcement purposes, and that after thirty (30) days the agency will dispose of the vehicle.

(2) This division shall not apply to motor vehicles subject to forfeiture under section 28-431 RS Neb.

(3) No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this division unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. *(Ref. 60-1903.01 RS Neb.)*

(F) Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the Municipality, shall be held by the Municipality without interest, for the benefit of the owner or lienholders of the vehicle, for a period of two (2) years. If not claimed within that two-year period, the proceeds shall be paid into the general fund of the Municipality. *(Ref. 60-1905 RS Neb.)*

(G) Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed, nor the Municipality, shall be liable for any loss or damage to the vehicle which occurs during its removal or while in the possession of the Municipality or its contractual agent or as a result of any subsequent disposition. *(Ref. 60-1906 RS Neb.)*

(H) The last registered owner of an abandoned vehicle shall be liable to the Municipality for the costs of removal and storage of the vehicle. *(Ref. 60-1909 RS Neb.)*

(I) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PRIVATE PROPERTY.** Any privately owned property which is not included within the definition of public property.



**PUBLIC PROPERTY.** Any public right-of-way, street, highway, alley, or park, or other state, county, or municipally owned property. (*Ref. 60-1901 RS Neb.*) (*Amended by Ord. No. 418, 3/1/77*)

**§ 6-329 MISDEMEANORS; UNLICENSED OR INOPERABLE VEHICLES.**

It shall be unlawful for any person in charge or control of any property within the Municipality, whether as owner, tenant, occupant, lessee, or otherwise, to allow any nonoperating, wrecked, junked, or partially dismantled vehicle to remain on such property longer than thirty (30) days. It shall be unlawful for any person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, to allow any vehicle which has been unregistered for more than thirty (30) days to remain on such property. This section shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise; a vehicle in an appropriate storage place or depository maintained in a lawful place and manner, or a vehicle on the premises of a person who has obtained a hobbyist permit for the restoration of said vehicle. (*Amended by Ord. Nos. 419, 3/1/77; 673, 9/2/97*)

**§ 6-329.01 HOBBYIST PERMIT.**

A hobbyist permit for the restoration or repair of not more than two (2) nonoperating, wrecked, junked, or partially dismantled vehicles on any premises used for residential purposes may be granted to the resident of such premises as follows:

(1) Application for the hobbyist permit shall be filed in writing with the City Clerk on a form provided by the City and shall contain the name and address of the applicant and the make, model, year and vehicle identification number of each vehicle to be restored or repaired.

(2) The vehicle(s) to be restored or repaired shall be owned by the applicant.

(3) The fee for such hobbyist permit shall be fifty dollars (\$50.00) per vehicle.

(4) All such permits shall expire on the one hundred eightieth (180th) day following issuance thereof. (*Ord. No. 673, 9/2/97*)

**§ 6-330 MISDEMEANORS; UNENCLOSED SWIMMING POOLS.**

Every family swimming pool having a depth of eighteen inches (18") or more shall be completely surrounded by a fence or wall not less than four feet (4') in height, which shall be so constructed as not

to have openings, holes, or gaps larger than four inches (4") in any dimension except for doors and gates; and if a picket fence is erected and maintained, the horizontal dimension shall not exceed four inches between pickets. A dwelling house or accessory building may be used as part of such enclosure.

All gates or doors opening through such enclosure shall be equipped with sufficient latches and/or locks for keeping the gate or door securely closed at all times when not in actual use, and shall be kept securely closed at all times except when in actual use.

Any person upon whom a duty is placed by the provisions of this Chapter who fails, neglects or refuses to perform such duty or who shall violate any provision hereof, shall be deemed guilty of a violation of this Municipal ordinance and shall be fined in any sum not to exceed one hundred dollars (\$100.00) and costs of prosecution. Each day that a violation of this Chapter continues shall constitute a separate and distinct offense and shall be punishable as such. (*Ord. No. 501, 10/4/83*)

#### **§ 6-331 MISDEMEANORS; URINATING AND/OR DEFECATING IN PUBLIC.**

It shall be unlawful for any person to perform bodily toilet functions upon any public street, way, alley, or other public property, or upon private property belonging to other persons, except in restroom facilities specifically provided for such bodily toilet functions. (*Ref. 28-806 RS Neb.*) (*Ord. No. 505, 10/4/83*)

#### **§ 6-332 MISDEMEANORS; DISPENSING OF TOBACCO PRODUCTS FROM VENDING MACHINES PROHIBITED; EXCEPTIONS.**

(1) Except as provided in subsection (2) of this section, it shall be unlawful to dispense cigarettes or other tobacco products from a vending machine or similar device.

(2) Cigarettes or other tobacco products may be dispensed from a vending machine or similar device when such machine or device is located in an area, office, business, plant, or factory which is not open to the general public or on the licensed premises of any establishment having a license issued under the Nebraska Liquor Control Act for the sale of alcoholic liquor for consumption on the premises when such machine or device is located in the same room in which the alcoholic liquor is dispensed. (*Ref. 28-1429.02 RS Neb.*) (*Ord. No. 616, 5/4/93*)

#### **§ 6-333 MISDEMEANORS; DISCHARGING OF FIREWORKS.**

(1) It shall be unlawful for any person to discharge, fire, launch or throw any fireworks, or any object which is lighted to explode, or which explodes upon contact with another object:

- (a) From, onto or into a motor vehicle;
- (b) Onto any street, highway or public sidewalk;
- (c) At or near any person;
- (d) Into any building;
- (e) Into or upon the premises of another person; or
- (f) In any of the Municipal parks.

However, subsection (f) shall not prohibit the Governing Body from issuing special written permission to organizations authorizing them to use the City parks for public fireworks displays.

(g) The discharge and exploding of permissible fireworks within the Municipality shall be allowed only on the following dates and between the following hours:

- June 24 through July 3 - 8:00 A.M. to 11:00 P.M.
- July 4 - 8:00 A.M. to Midnight
- July 5 - 8:00 A.M. to 11:00 P.M.

(2) The discharge and exploding of any fireworks within the Municipality on dates or times other than those set out in this section shall be unlawful. *(Ref. 17-137, 28-1241 through 28-1252 RS Neb.) (Ord. No. 631, 6/7/94) (Amended by Ord. No. 699, 1/4/00)*

**§ 6-334 MISDEMEANORS; EXCESSIVE NOISE.**

It shall be unlawful for any person within the City to operate any radio, tape player, compact disc player, stereophonic sound system, or similar device which reproduces or amplifies radio broadcasts, or musical recordings, in or upon any street, or alley or public place in such a manner as to be audible to any person at any point or place more than fifty (50) feet from the source. The prohibition set forth herein shall not apply to such activity:

- (1) When conducted in connection with an activity or event sponsored by a school, church, or governmental entity;
- (2) When conducted in connection with an activity opened to the public such as a carnival, circus or athletic event; and

(3) If a permit for same has been issued by the City Council, or its designee, which permit may include such conditions as the City Council or its designee, shall deem necessary and appropriate; provided however such conditions shall be reasonably related to preserving the public peace, and shall not infringe upon the applicants right to free speech.

*(Ord. No. 709, 11/7/00)*

### § 6-335 SEXUAL PREDATORS/SEX OFFENDERS; REGISTRATION; PROHIBITED ACTS.

#### (A) *Findings and intent.*

(1) The Nebraska Legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act.

(2) Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant.

(3) It is the intent of this section to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

#### (B) *Definitions.* For the purposes of this section the following definitions shall apply.

**CHILD CARE FACILITY.** A facility licensed pursuant to the Child Care Licensing Act.

**RESIDE.** To sleep, live, or dwell at a place, which may include more than one (1) location, and may be mobile or transitory.

**RESIDENCE.** A place where an individual sleeps, lives, or dwells, which may include more than one (1) location, and may be mobile or transitory.

**SCHOOL.** A public, private, denominational, or parochial school which meets the requirements for state accreditation or approval.

**SEX OFFENDER.** An individual who has been convicted of a crime listed in section 29-4003 RS Neb. and who is required to register as a sex offender pursuant to the Sex Offender Registration Act.

**SEXUAL PREDATOR.** An individual who is required to register under the Sex Offender Registration Act, who has been classified as Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under section 29-4013 RS Neb., and who has victimized a person eighteen (18) years of age or younger.

(C) *Residency restrictions; penalties and exceptions.*

(1) *Prohibited location of residence.* It is unlawful for any sexual predator to reside within five hundred (500) feet from a school or child care facility.

(2) *Measure of distance.* For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.

(3) *Penalties.* A person who violates this section shall be punished as provided generally in the Code.

(4) *Exceptions.* This section shall not apply to a sexual predator who:

(a) Resides within a prison or correctional or treatment facility operated by the state or a political subdivision; or

(b) Established a residence before July 1, 2006, and has not moved from that residence; or

(c) Established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at that location. (*Ref. 29-4003 and 29-4013 RS Neb.*)

(D) *Violation.* Any person who shall violate or refuse to comply with the enforcement of any other the provisions of the section shall be deemed to have committed a new violation every twenty-four (24) hours of such failure to comply. (*Ord. No. 778, 6/6/06*)

### **§ 6-336 MISDEMEANORS; CONCEALED WEAPONS.**

(A) It shall be unlawful for any permit holder under the Concealed Handgun Permit Act, to carry a handgun into or onto any place or premises where handguns are prohibited by law or rule or regulation, or into or onto any Municipal building or property, Municipal park, ball field, fire station, swimming pool or other Municipal property of the City other than a public street, alley, parking lot, or sidewalk.

(B) Any person violating this section shall be subject to a fine not exceeding five hundred dollars (\$500.00). (*Ord. No. 788, 2/6/07*)

**§ 6-337 MISDEMEANORS; CURFEW.**

It shall be unlawful for any person fifteen (15) years of age or younger to loiter, idle, wander, stroll, play, drive or be in or upon any of the streets, roads, alleys, parks, or public places in the City or be in any vehicle upon the streets, roads, alleys or parks of the City or in any places of public amusement or recreation in said City after the hour of 11:00 p.m. and before the hour of 6:00 a.m. unless such person is:

(A) Accompanied by a parent, guardian or other adult having the legal care, custody or control of such person;

(B) Traveling in connection with some business purpose required by employment;

(C) Attending a school or religious function; or

(D) Responding to an emergency.

(*Ord. No. 784, 11/7/06*)

## **ARTICLE 4: DISORDERLY HOUSES**

### **§ 6-401 DISORDERLY HOUSES; SUPPRESSION OF NUISANCES.**

Any room, house, building, structure or place and any property kept and used in maintaining the same, where, in violation of the ordinances of the City, where unlawful or illegal acts are committed, is hereby declared to be an unreasonable interference with the health, safety, welfare and property of the citizens of the City, a disorderly house, and a public or common nuisance, may be restrained or suppressed by the City in any manner provided by law, and the City Attorney is hereby authorized and empowered to take such legal action as may be necessary to restrain or suppress such nuisances.

*(Ord. No. 718, 10/2/01)*

### **§ 6-402 DISORDERLY HOUSES; MAINTAINING.**

The term **DISORDERLY HOUSE** as used in this Article shall be deemed any room, house, building, structure or premises where unlawful or illegal acts are being committed. It shall be unlawful for the owner, lessee or proprietor of any room, house, building, structure or premises who to knowingly collects or permits to be collected therein persons who are engaging in any unlawful act, or who to knowingly makes, causes, permits or suffers to be made therein any loud or improper noise to the annoyance or disturbance of any person or neighborhood.

*(Ord. No. 718, 10/2/01)*

### **§ 6-403 DISORDERLY HOUSES; INMATES.**

It shall be unlawful for any person to be an inmate of or visit or frequent any disorderly house as declared in section 6-402 with knowledge of and participation in the illegal activities occurring therein.

*(Ord. No. 718, 10/2/01)*

### **§ 6-404 DISORDERLY HOUSES; FAILURE TO DISPERSE.**

(1) Whenever a police officer has probably cause to believe that a person or persons creating a disturbance of the peace and quiet of any person or neighborhood, such police officer may order said person or persons not residing on the premises to disperse for the purpose of abating the said disturbance.

(2) It shall be unlawful for any person to refuse to comply with a lawful order to disperse given by a police officer in the performance of the officer's duties under this section.

*(Ord. No. 718, 10/2/01)*

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## **ARTICLE 5: PENAL PROVISIONS**

### **§ 6-501 VIOLATION; PENALTY.**

*(Repealed by Ord. No. 703, 4/4/00)*

*For penalty provisions, see section 12-101 of Chapter 12.*

### **§ 6-502 ABATEMENT OF NUISANCE.**

Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case. *(Ref. 18-1720, 18-1722 RS Neb.)*

### **§ 6-503 UNCLAIMED PROPERTY; DISPOSITION.**

Any property that shall come into the possession of the Chief of Police by virtue of his or her office, the disposition of which is not otherwise provided for by law, and which appears to be abandoned or unclaimed, may be sold at auction or disposed of as provided in §§ 6-503.01 to 6-503.02. *(Ord. No. 855, 11/1/11)*

#### **§ 6-503.01 UNCLAIMED PROPERTY; SALE; DISPOSAL; PROCEDURE.**

If the property described in § 6-503 shall remain unclaimed for a period of not less than one hundred eighty (180) days, the Chief of Police may sell such property at auction. Prior to such sale the Chief of Police shall cause a list of all property subject to sale to be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the county in which he or she holds office. If such property is not bid upon at sale or the Chief of Police reasonably believes that such property has little or no sale value, he or she may dispose of such property. Before the Chief of Police may dispose of such property he or she shall submit a plan for disposing of such property to the City Council for its approval. Upon the approval of the Council, the Chief of Police may dispose of such property in the manner approved and shall be exempt from any civil liability for such action. *(Ord. No. 855, 11/1/11)*

**§ 6-503.02 UNCLAIMED PROPERTY; SALE PROCEEDS; DISPOSITION.**

The Chief of Police shall pay over to the City Clerk/Treasurer the proceeds of any sale authorized, less the reasonable expenses of such sale. The City Clerk/Treasurer shall hold such proceeds for a period of two (2) years from the date of sale. If at the end of such period no person has presented a lawful claim to the proceeds of such sale, the Clerk/Treasurer shall deposit such proceeds, including any interest thereon, to the General Fund of the City and any claims thereon shall be extinguished. (*Ord. No. 855, 11/1/11*)