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CHAPTER 2 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 2-101: RESISTING OR FAILING TO ASSIST OFFICER

It shall be unlawful for any person in this city to hinder, obstruct or resist any city policeman in making any arrest or performing any duty of his/her office, or to refuse or neglect to assist any such officer when called upon by him/her in making of any arrest or the conveying of a prisoner to jail. (Ref. Neb. Rev. Stat. Sec. 28-903, 28-904)

SECTION 2-102: IMPERSONATING OFFICER

It shall be unlawful for any person in said city, other than a regular policeman or other authorized officer or employee of the city, to wear a badge similar to or resembling the badges prescribed for or furnished the police force or any other officer or employee of the city, or to willfully impersonate, or endeavor to impersonate, any such policeman, officer or employee or seek to exercise authority as such. (Ref. Neb. Rev. Stat. Sec. 28-610)

SECTION 2-103: TRESPASSING

It shall be unlawful for any person to trespass upon any private grounds within the City, 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.

SECTION 2-104: SPITTING IN PUBLIC PLACES

It shall be unlawful for any person to spit on any sidewalk or street crossing, or in any entry way to a building from the sidewalk space, or on any floor, wall or stairway or any building.

SECTION 2-105: TRASH

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

SECTION 2-106: 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 City or other governmental subdivision thereof, or inside vehicles while upon the public streets, alleys, roads, or highways, in theatres, 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. (Neb. Rev. Stat. §53-186)

SECTION 2-107: DESTRUCTION OF 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 posting is rightfully and lawfully posted and the same remains of value.

SECTION 2-108: 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.

SECTION 2-109: DISCHARGE OF WEAPONS

It shall be unlawful for any person, other than law enforcement officers, to discharge a slingshot, air gun, BB gun, bow and arrow, crossbow or the like loaded with rocks, arrows or other dangerous missiles at any time or under any circumstances within the City except at city-approved locations. (Neb. Rev. Stat. §17-556) (Am. Ord. No. 604, 9/12/17)

SECTION 2-110: CONCEALED WEAPONS

Except as otherwise provided in this section, any person who carries a weapon or weapons concealed on or about his or her person such as a revolver, pistol, bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, or any other deadly weapon commits the offense of carrying a concealed weapon. This section shall not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon which the person is carrying is a handgun as defined in Neb. Rev. Stat. §69-2429. (Neb. Rev. Stat. §28-1202) (Am. by Ord. No. 576, 3/1/15)

SECTION 2-111: (REPEALED)

SECTION 2-112: EXCESSIVE NOISE

It is hereby determined to be unlawful to operate industrial equipment, heavy machinery, jack hammer and other industrial equipment emitting loud noise or to race automobile engines within the City between the hours of 8:00 P.M. and 7:00 A.M. in such a manner as to disturb the comfort, repose, peace and quiet of residents of the City, unless such activity has been approved in advance by the City Council.

SECTION 2-113: DISTURBING THE PEACE

It shall be unlawful for any person or persons to assemble or gather within the City with the intent to do an unlawful or disorderly act by force or violence against the City 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. Neb. Rev. Stat. Sec. 28-818)

SECTION 2-114: DISORDERLY CONDUCT

Persons who shall knowingly start a fight, fight, commit assault or battery, make unnecessary noise, or otherwise conduct themselves in such a way as to breach the peace shall be deemed to be guilty of a misdemeanor. (Ref. Neb. Rev. Stat. Sec. 17-129, 17-556)

SECTION 2-115: WINDOW PEEPING

It shall be unlawful for any person to maliciously or stealthily go upon the premises of another in said city and look or peep into any window, door or other opening in any building located thereon which is occupied as a place of abode, or to go upon the premises of another for the purpose of looking or peeping into any window, door or other opening in any building thereon which is occupied as a place of abode. It shall be unlawful for any person to use any electronic device to spy upon or invade the privacy of any resident of the City unless the same is authorized by a court of law.

SECTION 2-116: STALKING

Any person who willfully and maliciously harasses another person with the intent to terrify, threaten or intimidate commits the offense of stalking. For purposes of this section, "harass" shall mean to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose, and "course of conduct" shall mean a pattern of conduct composed of a series of acts of following, detaining, restraining the personal liberty of or stalking the person or repetitiously telephoning the person.

SECTION 2-117: OPERATING GAMBLING DEVICES OR LOTTERY

It shall be unlawful for any person or organization to operate or permit to be operated in this city any lottery, game of chance or gambling device of any kind unless sanctioned by the City and operated pursuant to Nebraska law. (Ref. Neb. Rev. Stat. Sec. 28-1101 through 28-1104)

SECTION 2-118: GAMBLING

It shall be unlawful for any person to participate in any lottery or game of chance, except bingo, in this city unless sanctioned by the City and authorized and licensed by

SECTION 2-119: PANDERING, PROSTITUTION, AND ILLICIT SEXUAL INTER-COURSE

It shall be unlawful for any person to engage in or commit any act of pandering, prostitution or illicit sexual intercourse within said city.

SECTION 2-120: HOUSE OF PROSTITUTION; DISORDERLY HOUSE

It shall be unlawful for any person to keep, operate or maintain or to be an inmate of or visit a house of prostitution or a disorderly house within this city. A house of prostitution shall be construed to mean a house or other place which is kept, used or operated as a place for hire for prostitution purposes. A disorderly house shall be construed to mean any place kept in such a manner as to disturb, annoy or scandalize the public generally or persons within the particular neighborhood, or any place used as a public resort by drunkards, prostitute or other idle or vicious persons, or any place of public resort where illegal practices are habitually carried on to the corruption of public morals.

SECTION 2-121: INDECENT EXPOSURE OF PERSON; PUBLIC URINATION; INDECENT BOOK, PICTURE, PLAY, DESIGN

It shall be unlawful for any person within this city to make an indecent exposure of his/her person; to urinate or defecate in public view; to commit any indecent or lewd act; or to sell or offer for sale, or to dispense of in any manner any obscene, lewd or indecent book, picture or other publication or thing; to exhibit or perform any indecent, immoral, lewd or obscene play or other representation; or in any public place to write, draw, or make any profane, obscene, indecent or lewd work, sentence, figure or design.

SECTION 2-122: LITTERING

A. Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:

1. Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or
2. The litter is placed in a receptacle or container installed on such property for such purpose.

B. The word litter as used in this section shall mean all waste material susceptible of being dropped, deposited, discarded or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing. Waste material as used in this section shall mean any material appearing in a place or in a context not associated with that material's function or origin.

C. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or watercraft commits the offense of littering.

SECTION 2-123: ALLOWING THE ACCUMULATION OF LITTER

It shall be unlawful for any person to allow the accumulation of litter on property owned or controlled by them. Upon notice by the municipal police of the accumulation of litter the owner or person in the control of such property shall promptly remove such litter within 24 hours of such notice or shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00.

SECTION 2-124: 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.

SECTION 2-125: APPLIANCES IN YARD

It shall be unlawful for any person to permit any household appliance to be stored in the open on private or public property. (Ref. Neb. Rev. Stat. Sec. 18-1720)

SECTION 2-126: 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.

SECTION 2-127: OBSTRUCTING WATER FLOW

It shall be unlawful for any person to stop or obstruct the passage of water in a street gutter, culvert, water pipe or hydrant.

SECTION 2-128: 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 City Council.

SECTION 2-129: POSSESSION OF TOBACCO BY MINORS

A. Except when required in the performance of a person's duty as an employee, it shall be unlawful for any person under the age of 18 years to possess any tobacco products, provided that the possession by a person under the age of 18 years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

B. Tobacco products shall be defined to mean any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

C. Persons convicted of violating the provisions of this section shall be punished by a monetary fine of not less than \$35.00 and not more than \$100.00.

SECTION 2-130: DESTRUCTION OF PROPERTY

It shall be unlawful for any person, wantonly or maliciously, in any manner to molest, injure or destroy any property of another.

SECTION 2-131: PARADE; DISTRIBUTION OF MATERIAL

It shall be unlawful for any person to do any activity which should induce an individual to enter the parade route, or to distribute material, candy, etc. from any parade entry, unless distributed by an individual walking and the material, candy, etc. is handed directly to observers or is tossed beyond the street and curb.

SECTION 2-132: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS

It shall be unlawful for any person 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, alley or other public place in such a manner as to be audible to other persons more than 50 feet from the source. Persons operating such devices while participating in licensed or permitted activities, such as parades, shall not be deemed in violation of this section.

SECTION 2-133: OPEN EXCAVATIONS

A. It shall be unlawful to create or maintain an open excavation in the earth to a depth of more than two feet below adjacent ground level unless the same is protected by a fence or other border barrier sufficient to prevent the fall of humans or animals into such excavation.

B. All open excavations as defined above shall be closed or otherwise covered within 15 days of their construction unless active construction is occurring on the premises which require such excavation be open for a longer period of time. In the event of an excavation for a retaining wall, the same shall be constructed within 30 days of creation of the excavation for such wall.

C. All open excavations not properly fenced or protected by a border barrier or being in existence for a period of more than 30 continuous days are hereby determined to be a nuisance.

Article 2 – Curfew

SECTION 2-201: CURFEW HOURS

A. It shall be unlawful for any person under the age of 16 years to loiter, idle, wander, stroll, play or be in or upon the public streets, public places and public buildings, places of amusement and entertainment, vacant buildings, vacant lots or otherwise operate any bicycle or other vehicle, in, upon, over or through the streets of other public places of the city between the hours of 11:00 P.M. and 5:00 A.M. on any day of the week, unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of said minor person or unless the minor person is upon an emergency errand or legitimate business, directed by his/her parents, guardian or legal custodian, except as hereinafter provided.

B. It shall be unlawful for any person under the age of 18 years to loiter, idle,

wander, stroll, play or be in or upon the public streets, public places and public buildings, places of amusement or entertainment, vacant buildings or lots or operate any bicycle or other vehicle in, upon, over or through the streets of other public places between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday, and between the hours of 12:00 midnight and 5:00 A.M. of the following day on the nights of Friday and Saturday, unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of said minor person or unless the minor person is upon an emergency errand or legitimate business, directed by his/her parents, guardian or legal custodian, except as hereinafter provided.

SECTION 2-202: CURFEW HOURS EXTENDED

Nothing herein contained shall prohibit said minor persons from attending special school functions or adult supervised entertainment conducted by any school, church or fraternal organization, which continue beyond the curfew hours as set out in Section 2-201 above. In all such cases the hours herein prohibited shall be extended for those minors attending said special social function or entertainment one hour after the closing of said special function.

SECTION 2-203: VIOLATION; PARENTAL LIABILITY

It shall be unlawful for the parent, guardian or other adult person, having the care and custody of minors under the age of 18 years to allow or permit said minor person to do any of the acts or things prohibited by Section 2-201 or 2-202. In the event that a parent violates the provisions herein, such parent shall be fined in a sum not to exceed \$500.00. Each violation shall constitute a separate offense.

SECTION 2-204: ENFORCEMENT; POLICE AUTHORIZATION

Every member of the police force, while on duty, shall be authorized to detain any such minor willfully violating the provisions of this ordinance, and upon apprehension of said minor shall forthwith notify by telephone or other appropriate means the parents or legal guardians or person in custody of said minor child.

SECTION 2-205: PENALTIES

Any violation of the foregoing provisions of this article shall constitute a misdemeanor and shall be punishable by a fine of \$10.00 for the first offense and \$50.00 for a second offense. For a third and any subsequent violation, the parents of said child shall be held liable pursuant to Section 2-203 herein. (Am. by Ord. No. 517, 7/13/10)

Article 3 – Dogs

SECTION 2-301: LICENSE

A. Any person who shall own, keep or harbor a dog over the age of six months within the City shall within 30 days after acquiring the said dog obtain a license for it annually by or before January 1 each year. The said tax shall be delinquent from and after May 1 of the same year; provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to January 1 of any year shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within 30 days of bringing the dog into the City. Licenses shall be issued by the city clerk upon the payment of a license fee for each neutered male or spayed female

dog and for each unneutered male or unspayed female dog. Said license shall not be transferable and no refund will be allowed in case of death, sale or other disposition of the licensed dog. The owner shall state at the time the application is made upon printed forms provided by the City his/her name and address and the name, breed, color and sex of each dog owned and kept by him/her. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (Ref. Neb. Rev. Stat. Sec. 17-526, 54-603, 71-4412) (Am. by Ord. No. 522, 11/9/10)

B. After the delinquent licensing date set forth in subsection (A), a delinquent license fee shall be assessed in an amount as set by the City Council for each neutered male or spayed female dog and for each unneutered male or unspayed female dog. (Ord. No. 514, 3/9/10)

SECTION 2-302: LICENSE TAGS

Upon the payment of the license fee, the city clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until December 31 following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the city clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee set by resolution of the City Council for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. Each and every tag shall have plainly engraved or stamped thereon in plain letters, "Dog Tax, Neligh, Nebraska," and in figures the year for which the same was given and the number, which shall represent the number of such plate or tag; provided that the shape and appearance of same be different each year and shall be numbered from one upward. (Ref. Neb. Rev. Stat. Sec. 17-526, 54-603)

SECTION 2-303: 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 without the consent of the owner, keeper or possessor thereof. (Ref. Neb. Rev. Stat. Sec. 17-526)

SECTION 2-304: WRONGFUL LICENSING

It shall be unlawful for the owner, keeper or harborer of any dog to permit or allow such dog to wear any license, metallic tag or other city identification than that issued by the city clerk for dogs, nor shall the owner, keeper or harborer wrongfully and knowingly license an unneutered male or unspayed female dog with a license prescribed for a neutered male or spayed female. (Ref. Neb. Rev. Stat. Sec. 17-526, 54-603)

SECTION 2-305: OWNER DEFINED

Any person who shall harbor or permit any dog to be present for ten 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 dog and shall be deemed to be liable for all penalties herein prescribed. (Ref. Neb. Rev. Stat. Sec. 54-606, 71-4401)

SECTION 2-306: RUNNING AT LARGE

It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the City. It shall be the duty of the city police to cause any dog found to be running at large within the City to be taken up and impounded. "Running at large" shall mean any dog found off the premises of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. "Owner" shall be defined as anyone who provides food, shelter or exercises control over the dog while on premises owned or controlled by him/her.

SECTION 2-307: RUNNING AT LARGE; FEES

There shall be a pickup fee for any dog found running at large and apprehended by the City. Such fee shall be assessed according to the number of prior offenses and shall be paid to the city clerk prior to release of the dog to the owner. All of said fees shall be set by the City Council and filed in the office of the city clerk, where they shall be available for public inspection during office hours.

SECTION 2-308: CAPTURE IMPOSSIBLE

The city 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. Neb. Rev. Stat. Sec. 54-605)

SECTION 2-309: RABIES VACCINATION

Every dog three months of age and older shall be vaccinated against rabies pursuant to Nebraska law. Puppies shall be vaccinated within 30 days after having reached three months of age. Unvaccinated dogs acquired or moved into the City must be vaccinated within 30 days after purchase or arrival, unless under three months of age as specified above. The provisions of this ordinance with respect to vaccination shall not apply to any dogs owned by a person temporarily residing within this city for less than 30 days, any dog brought into this city for show purposes, or any dog brought into this city for hunting purposes for a period of less than 30 days; such dogs shall be kept under the strict supervision of the owner.

SECTION 2-310: RABIES SUSPECTED; IMPOUNDMENT

Any dog or other animal suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions set forth above which has bitten any person or has caused an abrasion of the skin of any person shall be seized by a police officer or animal control officer of this city and shall be impounded under the supervision of a licensed veterinarian or public health authority for not less than ten days. If testing is required by the licensed veterinarian the cost of the same shall be paid by the owner of the animal tested. If, upon examination and testing by a veterinarian, the dog or other animal has no clinical signs of rabies at the end of such impoundment, it shall be released to the owner upon said owner paying the costs of said impoundment, or, in the case of a stray, shall be disposed of in whatever manner deemed best by the city police officer. (Ref. Neb. Rev. Stat. Sec. 71-4406)

SECTION 2-311: RABID DOGS; CAPTURE IMPOSSIBLE

The animal control officer shall have the authority to kill any domestic animals with

the characteristics of rabies which make capture impossible because of the danger involved.

SECTION 2-312: RABID DOGS; PROCLAMATION

It shall be the duty of the City Council or mayor whenever, in their opinion, the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping or harboring any dog to muzzle the same or to confine it for a period of not less than 30 days or more than ninety days from the date of such proclamation, or until such danger is past. The dogs may be harbored by any good and sufficient means in a house, garage or yard on the premises wherein the said owner resides. Upon issuance of the proclamation it shall be the duty of all persons owning, keeping or harboring any dog to confine the same as herein provided.

SECTION 2-313: INTERFERENCE WITH POLICE

It shall be unlawful for any person to hinder, delay, or interfere with any city policeman who is performing any duty enjoined upon him/her by the provisions of this article, or to break open, or in any manner directly or indirectly aid, counsel, or advise the breaking open of the animal shelter, any ambulance wagon, or other vehicle used for the collecting or conveying of dogs to the shelter. (Ref. Neb. Rev. Stat. Sec. 28-906)

SECTION 2-314: KILLING AND POISONING

It shall be unlawful to kill, or to administer, or cause to be administered, poison of any sort to a dog, or in any manner to injure, maim or destroy, or in any manner attempt to injure, maim or destroy any dog that is the property of another person, or to place any poison, or poisoned food where the same is accessible to a dog; provided that this section shall not apply to city policemen acting within their power and duty.

SECTION 2-315: 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 horses or vehicles while they are on any public sidewalks, streets or alleys in the City. Upon the written complaint of any affected person that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, the city police shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to silence and restrain such dog. The provisions of this section shall not be construed to apply to the city animal shelter. (Ref. Neb. Rev. Stat. Sec. 17-526)

SECTION 2-316: FIGHTING

It shall be unlawful for any person, by agreement or otherwise, to set dogs to fighting, or by any gesture or word to encourage the same to fight. (Ref. Neb. Rev. Stat. Sec. 17-526)

SECTION 2-317: LIABILITY OF OWNER

It shall be unlawful for any person to allow a dog owned, kept or harbored by him/her, or under his/her 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. Neb. Rev. Stat. Sec. 54-601, 54-602)

SECTION 2-318: IMPOUNDING

It shall be the duty of the city police to capture, secure and remove in a humane manner to the city animal shelter, licensed kennel or veterinary clinic any dog violating any of the provisions of this article. The dogs so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the pound for a period of not less than five days after public notice has been given unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the city clerk within 24 hours after impoundment as public notification of such impoundment. Any dog may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee and daily board fee as set by resolution of the City Council and on file in the office of the city clerk and by complying with the licensing and rabies vaccination requirements prior to release. If the dog is not claimed at the end of required waiting period after public notice has been given, the city police may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same; provided, that if, in the judgment of the city police, a suitable home can be found for any such dog within the City, the said dog shall be turned over to that person and the new owner shall then be required to pay all fees and meet all licensing and vaccination requirements provided in this article. The City shall acquire legal title to any unlicensed dog impounded in the animal shelter for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in the summary and humane manner as prescribed by the Board of Health unless a suitable home can be found for such dog. (Ref. Neb. Rev. Stat. Sec. 17-548, 71-4408)

[Sections 2-319 through 2-326 Am. by Ord. No. 507, 11/10/09]

SECTION 2-319: DANGEROUS DOGS; PROHIBITED

It is hereby determined unlawful for any person, firm or other legal entity to own, harbor, or maintain a dangerous dog within the corporate limits of the City or its zoning jurisdiction.

SECTION 2-320: DANGEROUS DOGS; DEFINITIONS

The following breeds of dogs, to-wit: Pit Bull, Rottweiler, wolf hybrid, Doberman, Staffordshire Terrier, or dogs displaying the primary characteristics of the above-named breeds are hereby determined to be "dangerous dogs."

SECTION 2-321: DANGEROUS DOGS; VETERINARIAN'S DECISION FINAL

If a dispute exists as to whether a dog within the City or its zoning jurisdiction is of the breeds or has the primary characteristics of one of the breeds of dogs determined to be a dangerous dog and a nuisance as set forth above, the City shall employ a Nebraska-licensed veterinarian to examine the animal or pictures of the animal to determine whether such dog is one of the breeds or has the primary characteristics of the breeds determined to be dangerous. Such determination shall be final on both the City and the person owning or harboring the dog.

SECTION 2-322: DANGEROUS DOGS; GRANDFATHER EXCEPTIONS

Dangerous dogs, as defined in Section 2-320, present in the City as of the date of adoption of this ordinance shall be permitted within the City under the following terms and conditions:

A. Within 30 days of passage of this ordinance, an application for a permit to harbor such animals within the City shall be made to the city clerk. Such application shall be accompanied by the following:

1. Evidence of current licensing of such animal by the City of Neligh.
2. Evidence that such animal has been spayed or neutered.
3. An application fee of \$100.00.
4. Four color photographs of such animal, displaying the front, back and both sides of the said animal.
5. Photographs of the pen or fence in which the animal will be contained.
6. Evidence that the owner has obtained liability insurance in an amount of at least \$100,000.00 to insure against death, injury or damage occasioned by such animal.

B. Upon receipt of such application, fee and information, the city clerk shall issue a dangerous dog permit if the same complies with this and other city ordinances. The permit shall be for one year only and the owner of such dangerous dog shall be required to make new applications annually. There will be no charge for annual renewal of the permit.

SECTION 2-323: DANGEROUS DOGS; GRANDFATHER PROVISIONS; ADDITIONAL REQUIREMENTS

A. Any grandfathered dangerous dog, when on the owner's premises, shall be contained within a fully enclosed pen or chain link fence at least 6 feet in height. Such pen or chain link fence shall have a floor or buried footings to prevent the animal from digging under the fence.

B. Any grandfathered dangerous dog shall be permitted out of its pen and off the owner's premises only when under the control of an adult person age 19 or older.

C. Any grandfathered dangerous dog, when out of its pen and off the owner's premises, shall be restrained by the owner by a metal leash of sufficient strength to restrain such animal and it shall be muzzled so that it is unable to bite any person or other animal.

SECTION 2-324: DANGEROUS DOGS; REMOVAL OR DEATH OF GRANDFATHERED DOGS

In the event of the removal from the City or the death of any grandfathered dangerous dog, it shall not be replaced and all grandfather rights of the owner(s) to possess or maintain a dangerous dog within the City shall cease and terminate.

SECTION 2-325: DANGEROUS DOGS; OTHER BREEDS

In the event that any person within the City or its zoning jurisdiction owns, harbors, controls, or maintains any dog which has exhibited aggressive tendencies toward any

person or other domestic animal and such aggressive tendencies have resulted in two complaints to law enforcement officers from a person or persons who have witnessed such aggressive behavior, the Neligh police chief or any designated police officer shall investigate such complaints and if the same are found to be substantiated, shall apprehend such animal and notify the owner that such animal has been determined a dangerous animal and will be destroyed unless the owner agrees to remove the animal from the City. In the absence of such agreement, the dog shall be destroyed by the chief of police or any designated officer.

SECTION 2-326: DANGEROUS DOGS; UNPROVOKED ATTACK

Any dog engaging in an unprovoked attack upon any human being or other domestic animal off the premises of its owner, whether grandfathered or not, be and hereby is determined a dangerous dog and will be apprehended by the Neligh police and destroyed.

Article 4 – Kennels

SECTION 2-401: DEFINITIONS

As used in this article unless the context otherwise indicates:

The term "kennel" shall be construed to include any establishment for the raising, training, boarding or selling of dogs, cats, birds, mice, rats or other small animals for hire or profit or where more than three dogs or three cats are harbored or kept.

SECTION 2-402: LICENSING REQUIRED

A. It shall be unlawful to operate a kennel, as defined above, anywhere in the City or the one mile zoning jurisdiction of the City without first securing a kennel license from the Neligh Police Department. At the time of application for such kennel license, the owner shall state on forms provided for such purpose the owner's name and address and the breed, sex and number of dogs, and number of dogs for breeding. Said permit and license shall be on a one year license/permit from date of issuance and can be revoked for violation of said standards and regulations after due notice and hearing to said kennel owner or operator. The one year fee for such a kennel license shall be \$100.00. The licensing year for a kennel shall be from the date of issuance.

B. The owner shall also be liable to comply with Section 2-301 requiring the licensing of each dog in said kennel and with Section 2-302 requiring all dogs to wear tags. Each dog in said kennel over the age of six months shall have a certificate or other substantial proof evidencing that the said dog is currently vaccinated for rabies, said certificate or other substantial proof to be available for inspection by the officers of the Neligh Police Department upon request. The proof of the vaccination will also be required to be presented to the Police Department at the time of application for a kennel license. The owner shall also be liable to comply with all city ordinances pertaining to dogs. Any owner that violates any of the regulations and ordinances shall have their kennel license revoked.

(Ref. Neb. Rev. Stat. Sec. 17-526)

SECTION 2-403: REGULATIONS

A. *Structure; Construction.* Housing facilities for dogs must be outside dwell-

ings designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the dogs from injury, contain the dogs securely, and restrict other animals from entering. The housing shall provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time. The housing shall provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the dogs. The housing shall also provide sufficient space to allow each dog to turn about freely, to stand, sit and lie in a comfortable, normal position, and to walk in a normal manner.

B. *Condition and Site.* Every place used as a kennel shall be kept in a clean and sanitary condition. Housing facilities and areas used for storing dog food or bedding must be free of any accumulation of trash, waste material, junk, weeds and other discarded materials. Dog areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area. All animals shall be humanely treated and any animal having any disease shall be properly isolated and treated.

SECTION 2-404: VIOLATION OF LICENSING PROVISIONS

A. In the event it is determined that the kennel is in violation of any provision relating to kennel licenses, the City shall give the license holder written notice setting forth the violation and ten days in which to correct it. In the event said violation is not corrected in said ten days, a hearing will be held by the City Council to determine if the kennel license should be revoked. Notice of said hearing shall be given to the license holder in writing at least five days prior to the hearing. Written notices required herein shall be delivered personally or by regular United States mail, postage prepaid, duly addressed to the address as shown on the application for kennel license.

B. The City may issue citations for kennel license violations without first holding any hearing as set forth above. In the event the holder of the license is convicted in court of any violation, the licensee shall cease operation of a kennel and shall immediately reduce the number of dogs to less than three.

Article 5 – Animals Generally

SECTION 2-501: ANIMALS; BANNED FROM CITY

It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat or swine, including Chinese pot-bellied pigs. (Ref. Neb. Rev. Stat. Sec. 17-123)

SECTION 2-502: ANIMALS; CRUELTY

No person shall cruelly or unnecessarily beat, overwork, or insufficiently shelter or feed any animal within the City.

SECTION 2-503: ANIMALS; ENCLOSURES

All pens, cages, sheds, yards or any other area or enclosure for the confinement or animals and fowls not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the said enclosure is located.

SECTION 2-504: SNAKES AND FOWLS; DEFINED

"Snakes" shall be defined as any poisonous snake or boa constrictor.

"Fowl" is hereby defined as chickens, turkeys, guinea hens, ducks, swans, ostriches, emus, geese or any similar bird. Canaries, parrots and other birds normally kept in the house are specifically excluded from this definition.

SECTION 2-505: SNAKES AND FOWLS; PROHIBITED

It is unlawful for any person, firm or corporation to keep, maintain or confine snakes or fowls within the corporate limits of the City, and maintenance or confinement of such snakes or fowl is hereby determined to be a nuisance.

SECTION 2-506: WILD ANIMALS AND BIRDS

No person shall keep or permit to be kept on his/her property any wild animals or wild birds without first having obtained a permit therefor as required by the Nebraska Revised Statutes as the same may from time to time be amended.

Article 6 – Nuisances

(Article Am. by Ord. Nos. 496, 4/14/09; 564, 7/8/14; 567, 9/9/14; 602, 8/8/17)

SECTION 2-601: PUBLIC NUISANCES PROHIBITED

It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the City to keep such real estate free of public nuisances. (Neb. Rev. Stat. §§17-207, 18-1720)

SECTION 2-602: GENERALLY DEFINED

A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- A. Injures or endangers the comfort, repose health, or safety of others,
 - B. Offends decency,
 - C. Is offensive to the senses,
 - D. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the City.
 - E. In any way renders other persons insecure in life or the use of property, or
 - F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
- (Neb. Rev. Stat. §18-1720)

SECTION 2-603: SPECIFICALLY DEFINED

The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances:

A. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish or fowl.

B. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.

C. Filthy, littered or trash-covered cellars, houseyards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.

D. Animal manure in any quantity which is not securely protected from flies and the elements, or which, is kept or handled in violation of any ordinance of the City.

E. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the City nor the dumping of non-putrefying waste in a place and manner approved by the health officer.

F. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.

G. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

H. Any buildings or structures which have any or all of the defects defined in the dangerous building provisions as provided in Section 2-606.

I. All places used or maintained (1) as junkyards or dumping grounds; (2) for the wrecking and disassembling of automobiles, trucks, tractors, or machinery of any kind; (3) for the storing or leaving of worn-out, wrecked, or abandoned automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof; or (4) for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons in any area of the City designated as residential.

J. Stagnant water permitted or maintained on any lot or piece of ground.

K. Any machine, vehicle, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions,

or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

L. Any motor vehicle without a current license and not housed in a storage or other building.

M. Any wood or tree limbs not cut and stacked in neat rows on an area not exceeding 10 feet by 16 feet.

N. Debris from burned or damaged buildings, whether created by consensual burning or demolition or whether occurring due to fire or age.

O. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens, or any other place, building, or enclosure in which animals or fowl of any kind are confined or on which are stored tankage or any other animal or vegetable matter or on which any animal or vegetable matter, including grain, is being processed, when said places in which said animals are confined or said premises on which said vegetable or animal matter is located are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom to the annoyance of inhabitants of the City or are maintained and kept in such a manner as to be injurious to the public health.

P. Maintenance of weeds, grasses or worthless vegetation of 12 inches or more in height. Weeds shall include, but not be limited to, bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus* sp.) (tourn), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

Q. All other things specifically designated as nuisances elsewhere in this code. (Neb. Rev. Stat. §18-1720)

SECTION 2-604: GENERAL NUISANCES; NOTICE PROCEDURE; ABATEMENT

A. Whenever the chief of police, or code enforcement officer appointed by the mayor, determines that any weeds or grasses in excess of 12 inches or other nuisance, as defined herein, is found on any property the following abatement procedure shall be followed:

1. The code enforcement officer shall document the weeds or nuisance by photographing the same. Once the weeds or nuisance has been documented, the chief of police or his designated officer shall give a 15-day notice to mow, abate, and remove such weeds or nuisance to each owner or owner's duly authorized agent and to the occupant of the premises, if any, by personal service or certified mail with return receipt requested. If mailed, such notice shall be conspicuously marked as to its importance. Personal service shall be made by the chief of police or code enforcement officer. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the village or by conspicuously posting the notice on the lot or property upon which the nuisance is to be abated or removed. Such personal service or certified mail notice shall contain a copy of the photograph of the weeds or nuisance, a copy of this ordi-

nance, instructions on abatement of the weeds or nuisance, time in which such abatement shall take place, and possible penalties for failure to abate.

2. If abatement has not occurred within the time prescribed, the Police Department shall deliver the original photographs, a copy of the delivered notice to abate, the certificate of delivery or acknowledged return receipt of the notice, and the photographs taken subsequent to the time to abate has elapsed to the prosecuting attorney for the City and request that charges be filed against the owner or occupant of the premises for maintenance of a nuisance.

B. In the alternative, the City may cause the weeds to be mowed or the nuisance to be corrected or removed. The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the City may either:

1. Levy and assess 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 and assessed, or
2. Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

SECTION 2-605: GENERAL NUISANCES; SECOND OFFENSE

In the event that an owner or agent of any property with the City shall have received a notice to correct or abate a nuisance within the past 12 months and is again charged with maintaining a nuisance, as defined herein, the chief of police shall document such offense as set forth above and request that a complaint against such owner, agent or occupant be filed for maintenance of a nuisance with the County Court without further notice.

SECTION 2-606: DANGEROUS BUILDINGS; DEFECTS

Any buildings or structures which have any or all of the following defects are hereby declared to be unsafe or dangerous buildings or structures and a public nuisance:

A. Those having walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;

B. Those showing 33% or more of damage or deterioration of the supporting member or members, exclusive of the foundation;

C. Those with improperly distributed loads upon floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;

D. Those damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants of the people of the City;

E. Those which have become dilapidated, decayed, unsafe, unsanitary, or

which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein;

F. Those having light, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein;

G. Those having inadequate facilities for egress in the case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication;

H. Those having parts thereof which are so attached that they may fall and injure persons or property;

I. Those that are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of the City because of their condition;

J. Those having been inspected by the County Health Department or a professional engineer appointed by the City which are, after inspection, deemed to be in violation of any provision of the Health Department rules and regulations or which are structurally unsafe or unsound as found by the inspection of the professional engineer;

K. Those existing in violation of any provision of this article, any provision of the Fire Prevention Code, any provision of the county health rules and regulations or other applicable provisions of city ordinances, including but not limited to the building code adopted by the City.

SECTION 2-607: DANGEROUS BUILDINGS; BUILDING INSPECTOR

A specially designated building inspector, his/her authorized representatives, or a professional engineer shall, at the direction of the City Council:

A. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in a dangerous or unsafe manner;

B. Inspect any building or structure within the jurisdictional area of the City for the purpose of determining whether any conditions exist which render such place a dangerous or unsafe building or structure within the terms of this article;

C. Report to the City Council the results of the inspection;

D. Appear at all hearings and testify as to the condition of the unsafe or dangerous building or structure.

SECTION 2-608: DANGEROUS BUILDINGS; STANDARDS

In the event that it is determined that any building or structure is unsafe or dangerous the following standards shall be followed in substance in determining whether the structure or building should be repaired, vacated, or demolished:

A. If the unsafe or dangerous building or structure can reasonably be repaired

so that it will no longer exist in violation of any of the terms or provisions of this article, it shall be ordered to be repaired.

B. If the unsafe or dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

C. In any case where an unsafe or dangerous building or structure cannot be repaired so that it will no longer exist in violation of the terms or provisions of this article, it shall be demolished. In all cases where the unsafe or dangerous building is a fire hazard existing or erected in violation of the applicable fire codes and regulations, or any other provision of an ordinance of this city, or statute of the state, it shall be demolished.

SECTION 2-609: DANGEROUS BUILDINGS; UNLAWFUL MAINTENANCE OF

It is hereby determined unlawful to maintain a dangerous building within the corporate limits of the City or within its zoning jurisdiction.

SECTION 2-610: DANGEROUS BUILDINGS; NUISANCE; PROCEDURE

If the specially designated building inspector or his/her representatives or professional engineer finds that a building or structure is unsafe or dangerous and a nuisance, the City Council shall:

A. Notify the owner, occupant, lessee, mortgagee, agent or other persons having an interest in the building or structure that it has been found to be an unsafe or dangerous building. The notice will indicate whether the owner must vacate, repair or demolish the building or structure.

B. Set forth in the notice a description of the building or structure deemed unsafe or dangerous, accompanied by a statement of the particulars which make the building or structure unsafe or dangerous and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable;

C. Direct a city employee to place a sign on the building or structure found to be unsafe or dangerous on its exterior near the main entrance which shall set forth that the building or structure is unsafe or dangerous for occupancy and use.

SECTION 2-611: DANGEROUS BUILDINGS; FAILURE TO COMPLY

In case any owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure shall fail, neglect, or refuse to comply with the notice by or on behalf of the City to repair, rehabilitate or demolish and remove a building or structure which is unsafe or dangerous and a public nuisance, and fails to request a hearing on such determination, the City may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the City Council, which is authorized to levy the cost as a special assessment against the property. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments under Nebraska statutes.

SECTION 2-612: DANGEROUS BUILDINGS; DISPUTES

A. In the event that the owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure disagrees with or disputes the information contained in the notice, such person shall notify the city clerk with a written statement that sets forth the reasons for the disagreement or dispute and the relief requested. This written request shall be made within 14 days of mailing of the notice provided by Section 2-603 herein. If written notice is received by the city clerk within 14 days of mailing or delivery of notice, a hearing shall be held before the City Council, either at a special meeting or at a regularly scheduled monthly meeting. The clerk shall notify the person requesting the hearing, in writing, of the time, place, and date of such hearing.

B. The hearing before the City Council shall be informal and not governed by the Nebraska Rules of Evidence. Such hearing shall be quasi-judicial in nature and its decision shall be based on the evidence presented at the hearing. The person requesting the hearing may be represented by legal counsel or other representative, may present witnesses and offer evidence, and may examine and copy, at his/her own expense, and not less than three business days before the hearing, the records of the City regarding the inspection and notice. The City Council need not make a written finding of fact and may make its pronouncement orally at the hearing. The decision of the council shall be final unless appealed. Failure of the person to attend the hearing shall relieve the council of any further procedures before action is taken as set forth in a notice.

SECTION 2-613: DANGEROUS BUILDINGS; APPEAL

Any person aggrieved by the decision of the City Council may appeal the decision to the District Court of Antelope County, Nebraska. This appeal shall and must be taken within 30 days of the pronouncement of the council's decision.

SECTION 2-614: DANGEROUS BUILDINGS; IMMEDIATE HAZARD

In the event the building constitutes an immediate hazard to the life or safety of any persons and must be demolished to protect their health or safety, the specially appointed building inspector or professional engineer designated by the City Council shall report such facts to the council. Upon receipt of such report the City, by and through the council, may immediately contract for the immediate demolition of the unsafe or dangerous building without requiring bids. The cost of such emergency vacation and demolition of unsafe or dangerous buildings or structures shall be levied, equalized, and assessed, as are other special assessments.

SECTION 2-615: DANGEROUS BUILDINGS; PENALTY

Any person, firm or other legal entity maintaining a dangerous building within the corporate limits of the City or its zoning jurisdiction shall be guilty of violation of this ordinance and shall be fined in a sum not to exceed \$500.00. Each day's violation shall constitute a separate offense.

SECTION 2-616: JURISDICTION

The jurisdiction of the mayor, police chief, and court shall extend to, and the territorial application of this article shall include, all territory adjacent to the limits of the City within one mile thereof and all territory within the corporate limits.

SECTION 2-617: ADJOINING LAND OWNERS; INTERVENTION BEFORE TRIAL

In cases of appeal from an action of the City Council condemning real property as a nuisance or as dangerous under the police powers of the City, the owners of the adjoining property may intervene in the action at any time before trial. (Neb. Rev. Stat. §19-710)

Article 7 – Sexual Predators

(Ord. No. 456, 6/13/06)

SECTION 2-701: DEFINITIONS

The following definitions shall apply to this article:

“Child care facility” shall mean a facility licensed pursuant to the Nebraska Child Care Licensing Act.

“School” shall mean a public, private, denominational, or parochial school which meets the requirements for accreditation or approval prescribed by Nebraska law.

“Sex offender” shall mean an individual who has been convicted of a crime listed in Neb. Rev. Stat. Sec. 29-4003 and who is required to register as a sex offender pursuant to the Nebraska Sex Offender Registration Act

“Sexual predator” shall mean an individual who is required to register under the Nebraska Sex Offender Registration Act, who has a high risk of recidivism as determined by the Nebraska State Patrol and who has victimized a person 18 years of age or younger.

SECTION 2-702: RESIDENCY RESTRICTIONS

From and after the effective date hereof it shall be and hereby is determined unlawful for any sexual predator to reside within 500 feet from a school or child care facility. Such distance shall be measured in a straight line outward from the outer property line of the school or child care facility to the proposed place of residence.

SECTION 2-703: EXCEPTIONS

This article shall not apply to sexual predators who reside within a prison or correctional or treatment facility operated by the State or Antelope County; established residence prior to July 1, 2006 and has not moved from such residence; or who has established residency 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 residency at that location.

SECTION 2-704: VIOLATION; PENALTY

Anyone violating the terms of this ordinance shall be fined in a sum not to exceed \$500.00 and each day's violation shall constitute a separate offense.

Article 8 – Penal Provisions

SECTION 2-801: VIOLATION; PENALTY

A. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

B. For all first-time violations, the fine shall be \$25.00 and, in the judgment of the arresting officer, a court appearance may be waived conditioned upon payment of the fine and any applicable court costs.

(Am. by Ord. No. 520, 9/14/10)

SECTION 2-802: ABATEMENT OF NUISANCE

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