

**Chapter 6**

**POLICE REGULATIONS**

[Editor's Note: Article 1 was amended in its entirety by Ordinance No. 628, 12/10/92]

**Article 1. Dogs and Cats**

**§6-101 DOGS AND CATS; LICENSE.** Any person who shall own, keep, or harbor a dog or cat over the age of six (6) months within the Municipality shall within thirty (30) days after acquisition of the said dog or cat acquire a license for each such dog or cat annually by or before the first (1st) day of January of each year. The said tax shall be delinquent from and after January tenth (10th); provided, the possessor of any dog or cat brought into or harbored within the corporate limits subsequent to January first (1st) of any year, shall be issued by the Municipal Police or a veterinarian upon the payment of a license fee of five (\$5.00) dollars for each spayed or neutered dog or cat and twenty (\$20.00) dollars for each unspayed or unneutered 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 application is made and upon printed forms provided for such purpose, his name and address and the name, breed, color, and sex of each dog or cat owned and kept by him. A certificate that the dog or cat 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 17-526, 54-603, 71-4412 RS Neb.) (Amended by Ord. No.705, 4/5/01)*

**§6-102 DOGS AND CATS; LICENSE TAGS.** Upon the payment of the license fee, the Municipal Police or a veterinarian shall issue to the owner of a dog or cat a license certificate and a metallic tag for each dog or cat 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 dog or cat until the first (1st) day of January 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 Municipal Police or veterinarian shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid. No fee shall be charged for duplicate licenses. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Municipal Police or a veterinarian to issue tags of a suitable design that are different in appearance each year. *(Ref 17-526; 54-603 RS Neb.) (Amended by Ord. No. 703, 4/5/01)*

**§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 dog or cat to wear any license, metallic tag or other Municipal identification than that issued by the Municipal Police or a veterinarian 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 dog or cat. *(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 dog or cat and shall be deemed to be liable for all penalties here in prescribed. *(Ref. 54-606; 71-4401 RS Neb.)*

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**§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 and 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 where in 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 or cats found running at large shall be impounded at a designated veterinary clinic for a minimum of three (3) days. If the owner has not claimed the animal and paid the impoundment fees within said three (3) days the dog or cat may be humanely destroyed at the direction of the Municipal Police Department. *(Ref. 17-526; 71-4408 RS Neb.) (Amended by Ord. No. 704, 4/5/01)*

**§6-107 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. 17-526 RS Neb.)*

**§6-108 DOGS AND CATS; LIABILITY OF OWNER.** It shall be unlawful for any person to allow a dog or cat 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 or cat, 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.)*

**§6-109 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.)*

**§6-110 DOGS AND CATS; MAKING NOISE AND OFFENSIVE BEHAVIOR.** (1) It shall be unlawful for any person to own, keep, or harbor any dog or cat which by loud, continued, or frequent making of noise shall annoy or disturb any neighborhood, or person, or, which habitually makes noise at or chases pedestrians, drivers, or owners of vehicles while they are on any public sidewalks, streets, or alleys in the Municipality. Upon the written complaint of an affected person filed with the Municipal Police Department that any dog or cat owned by the person named in the complaint is an annoyance or disturbance, or otherwise violates the provisions of this section, the Municipal Police shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to silence and restrain such dog or cat.

(2) If the owner fails to silence and restrain such dog or cat after being warned by the Municipal Police Department, said owner may be cited with an infraction. *(Ref. 17-526 RS Neb.) (Ord. No. 463, 9/7/78) (Amended by Ord. No. 706, 4/5/01)*

§6-111

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**§6-111 DOGS; RUNNING AT LARGE.** It shall be unlawful for the owner of any dog to allow the said animal to run at large within the Municipality. "Running at Large" shall mean any dog found off the premise 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. (Ref. 17-526; 54-607 RS Neb.) (Amended by Ord. No. 603, 2/9/89)

**§6-112 DANGEROUS DOGS; DEFINITIONS.** Whenever used in this Article the following terms shall have the following meaning:

DANGEROUS DOG shall mean any dog which meets one of the following criteria:

- (a) Is owned or harbored primarily or in part for the purpose of dog fighting;
- (b) Is trained for dog fighting;
- (c) According to the records of the City has:
  - (1) Killed or inflicted severe injury on a human being on public or private property; or
  - (2) Killed a domestic animal without provocation while the dog was off the owner's property; or
  - (3) Been previously determined to be a potentially dangerous dog by the City in accordance with procedures established elsewhere in this Article and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Notwithstanding the foregoing, a dog shall not be defined as a DANGEROUS DOG:

- (a) If the threat, any injury that is not a severe injury, or the damage was sustained by a person who:
  - (1) At the time, was committing a willful trespass as defined in the statutes of Nebraska or any other tort upon the property of the owner of the dog; or
  - (2) At the time was tormenting, abusing or assaulting the dog; or
  - (3) Who has in the past been observed or reported to have tormented, abused or assaulted the dog; or
  - (4) At the time was committing or attempting to commit a crime; or
- (b) If the dog is a trained dog assisting a police officer engaged in law enforcement duties.

OWNER In addition to the definition given the word elsewhere in this Chapter, shall include a person temporarily in possession of the dog at the request of the owner of the dog.

POTENTIALLY DANGEROUS DOG shall mean:

- (a) Any dog that when unprovoked:
  - (1) Inflicts a nonsevere injury on a human or injures a domestic animal either on public or private property or
  - (2) 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.

SEVERE INJURY shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.(Ord. No. 708, 5/10/01)

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**§6-113 DANGEROUS DOGS; IDENTIFICATION BY CITY; NOTICE; PROCEDURE TO DISPUTE.**

(1) A determination that a specific dog is a potentially dangerous dog shall be made by the City Prosecutor who is principally charged with the responsibility of filing complaints against persons charged with the violation of any ordinance of the City. The owner of the dog shall be given written notice of such determination. Such written notice shall inform the owner that if the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals the City may determine the dog to be a dangerous dog and require it to be restrained as provided in this Code.

(2) The City, in its discretion, may determine that any dog which satisfies the definition of a dangerous dog as defined in section 6-112, or any dog which has been determined to be potentially dangerous and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals is a dangerous dog. Such determination shall be made by the City Prosecutor who is principally charged with the responsibility of filing complaints against persons charged with the violation of any ordinance of the City. The owner of the dog shall be given written notice of such determination. The notice shall be in writing and shall inform the owner:

- (a) That the dog has been determined to be dangerous;
- (b) That such dog is required to be restrained and confined as described in this Article;
- (c) That if the owner disputes the identification of the dog as a dangerous dog, he or she may submit a written request for a hearing to the Mayor within five (5) working days after receipt of the written notification;
- (d) That if no such hearing is requested that the identification of the dog as a dangerous dog shall be final and not subject to further review.

(3) The timely request for a hearing under this section shall stay the determination of the dog as a dangerous dog until a final decision is made by the Mayor. The hearing shall be held before the Mayor. The burden of going forward with the evidence shall be on the City to demonstrate that the dog meets one of the criteria defined in this section. After such hearing the Mayor shall have the authority to affirm, reverse or modify the identification of the dog as a dangerous dog. The failure of the owner to request such a hearing shall result in the dog being declared a dangerous dog. *(Ord. No. 708, 5/10/01)*

**§6-114 DANGEROUS DOGS; RESTRAINT REQUIRED.** No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless such dog is securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length. *(Ord. No. 708, 5/10/01)*

**§6-115 DANGEROUS DOGS; CONFINEMENT REQUIRED; WARNING SIGN.** 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. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property. *(Ord. No. 708, 5/10/01)*

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**§6-116 DANGEROUS DOGS; PROHIBITED ACTS.** No person shall:

(1) Own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose or causing or encouraging that dog to unprovoked attacks upon human beings or domestic animals.

(2) Possess with the intent to sell, offer for sale, breed, or buy or attempt to buy, within the city any dangerous dog. (*Ord. No.708, 5/10/01*)

**§6-117 DANGEROUS DOGS; CONFISCATION; WHEN; COSTS.** Any dangerous dog may be immediately confiscated by a police officer if the owner is in violation of this Article. Any dangerous dog may also be confiscated if, within two (2) weeks immediately preceding the date of confiscation, it was observed in a condition when it was not properly confined or restrained as provided in this Article. The owner shall be responsible for the reasonable costs incurred by the City for the care of a dangerous dog confiscated by a police officer or for the destruction of any dangerous dog if the action by the City is pursuant to law and if the owner violated this Article. Any such dog shall be retained by the City pending the order of an appropriate court. (*Ord. No. 701, 5/10/01*)

**§6-118 DANGEROUS DOGS; DISPOSAL BY COURT ORDER.** In addition to any other penalty, a court may order the City to dispose of a dangerous dog in an expeditious and humane manner. (*Ord. No. 701, 5/10/01*)

**§6-119 DANGEROUS DOGS; VIOLATIONS; DESTRUCTION OF DOG.** The violation of any provision of this Article is a violation subject to fines. If the person convicted has been previously convicted of a violation of this Article, or of any comparable City ordinance or Municipal Code provision in effect prior to the adoption of this Article, the dog involved in the subsequent violation shall be immediately confiscated by the City, and thereafter destroyed in a humane and expeditious manner. (*Ord. No. 701, 5/10/01*)

**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 or any livestock except varieties of said animals normally kept as pets and housebroken so as to be commonly allowed inside of family residences. *(Ref. 17-123 RS Neb.) (Amended by Ord. No. 616, 11/7/91)*

**§6-202 ANIMALS; CRUELTY.** No person shall cruelly or unnecessarily beat, overwork, or insufficiently shelter or feed any animal within the Municipality. *(Ref. 28-1001; 28-1002 RS Neb.)*

**§6-203 FOWLS; BANNED FROM MUNICIPALITY.** It shall be unlawful for any person to keep or maintain within the corporate limits any poultry, chickens, turkeys, geese, or any other fowls except for those maintained as pets and/or showing animals. *(Amended by Ord. No. 616, 11/7/91)*

**§6-204 ANIMALS AND FOWLS; BANNED FROM THE MUNICIPALITY.** It shall be unlawful for any person to keep or maintain within the corporate limits any animals or fowls otherwise allowed by this chapter if said animals or fowls are being kept for breeding for profit or commercial use. *(Ord. No. 616, 11/7/91)*

**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. 28-610 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 (a) 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. (b) To enter or remain in any place he knows that he is not licensed or privileged to do so which notice against trespass is given by:

- A. Actual communication to the actor; or
- B. Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or
- C. Fencing or other enclosure manifestly designed to exclude intruders.

*(Ref. 28-588, 28-588.01 RS Neb.) (Amended by Ord. No. 549, 7/12/84)*

**§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. 28-519 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. 420, 3/4/76)*

**§6-307 MISDEMEANORS; CONCEALING STOLEN PROPERTY.** Any person who receives or conceals stolen property, goods, or chattels of any kind with the intent to defraud the owner, or whoever receives or conceals any money or other accountable receipts and evidences of ownership shall be deemed to be guilty of a misdemeanor. *(Ref. 28-513 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 the fruit of any trees planted or growing 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.)*

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**§6-309 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.)*

**§6-310 MISDEMEANORS; MISREPRESENTATION BY MINOR.** It shall be unlawful for any minor to represent that he is of the age of nineteen (19) years for the purpose of asking for, purchasing, or receiving any alcoholic beverages. *(Ref. 53-180.01 RS Neb.)*

**§6-311 MISDEMEANORS; NARCOTICS.** If any person shall be found within the Municipality to be under the influence of narcotic drugs or barbitol, as defined by the Statutes of Nebraska, without a prescription for the same, such person shall be deemed to have committed a misdemeanor. *(Ref. 28-4.115 thru 28-4.142 RS Neb.)*

**§6-312 MISDEMEANORS; TOBACCO SALE PROHIBITED.** It shall be unlawful for any person to sell or attempt to sell to any person under the age of eighteen (18) any tobacco, cigarettes, or cigars of any kind. Upon conviction, the penalty for said offense shall not exceed a fine of ten (\$10.00) dollars. *(Ref. 28-1021 RS Neb.)*

**§6-313 MISDEMEANORS; GAMBLING PREMISES.** It shall be unlawful for any person to set up or keep a gambling house, table, room, place, or gambling device at which a game of chance may be played for money, property, or other valuable article representing money, property, or other valuable thing. It shall be further unlawful for any person to suffer, or permit such gambling device to be set up, kept, or used for the purpose of gambling in, or upon any premise or tenement be longing to, or under the control of any such person. *(Ref. 28-941 thru 28-945 RS Neb.)*

**§6-314 MISDEMEANORS; GAMBLING.** Any person, who shall play at any game whatever, except a licensed game of bingo, for any sum of money, or other property of value, or shall bet or wager any money or property of value upon any gambling table or device, or who shall be the keeper or operator of a punch board, gaming table, or gambling machine for the purpose of determining any chance upon which money is won or lost, shall be deemed to be guilty of a misdemeanor. *(Ref. 28-944, 28-947 RS Neb.)*

**§6-315 MISDEMEANORS; VISITING GAMBLING HOUSE.** It shall be unlawful for any person to visit, frequent, or loaf about any room or place where gambling or the playing of games of chance for money, or articles representing money or property, is conducted or permitted, knowing the same to be such a place.

**§6-316 MISDEMEANORS; BAWDY HOUSES.** It shall be unlawful for any person to erect, establish, maintain, own, use, or lease any building, room, or other structure for the purpose of lewdness, assignation, or prostitution. *(Ref. 28-910 RS Neb.)*

**§6-317 MISDEMEANORS; CONDUCTING PROSTITUTION.** It shall be unlawful for any person to conduct, sponsor, or otherwise carry on for the purpose of profit, any lewdness, assignation, or prostitution in any house, room, or structure. *(Ref. 28-910 RS Neb.)*

**§6-318 MISDEMEANORS; PARTICIPATING IN PROSTITUTION.** It shall be unlawful for any person to become, or remain an inmate, guest, or employee in any bawdy house or house of prostitution, or to attend or visit any such house for the purpose of illicit sexual activity. *(Ref. 28-907 et. seq. RS Neb.)*

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**§6-319 MISDEMEANORS; PROSTITUTES.** It shall be unlawful for any person to cause or permit any prostitute or lewd woman to visit or frequent his room or lodging place at any time. It shall be unlawful to engage in any manner of prostitution or pimping, either in a disorderly house, bawdy house, or elsewhere. It shall be unlawful for any lewd woman to solicit, invite, or permit any man other than her husband to visit her room at any time for the purpose of illicit sexual activity. For the purposes of this section, a "disorderly house" shall be construed to be any place kept in such a manner as to disturb, annoy, or scandalize the public generally; any place kept for the purpose of public resort with drunkards, prostitutes, or other idle people; and any place of public resort where illegal practices are habitually carried on to the corruption of the public morals or safety. It shall be unlawful for any person to keep, own, or maintain a disorderly house as herein defined. *(Ref. 28-907 et. seq. RS Neb.)*

**§6-320 MISDEMEANORS; SOLICITING ALMS.** It is hereby declared unlawful for any person to solicit upon the public streets or in any private residences alms, gifts, or contributions for private benefit unless the person so soliciting shall have first secured a permit from the Mayor authorizing him to conduct such operations within the corporate limits.

**§6-321 MISDEMEANORS; GASOLINE DISPENSERS.** All pumps or mechanical devices used for the dispensing of gasoline on a retail basis shall be securely locked so that no liquid may be drawn, unless and until such devices are under the supervision of an attendant. A violation of this section shall be deemed a misdemeanor and opposed to the preservation of the public peace, health and safety.

**§6-322 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 or to private shooting ranges within buildings, or to the presentation of any play, theatrical or stage performance. *(Ref. 17-556 RS Neb.)*

**§6-323 MISDEMEANORS; CONCEALED WEAPONS.** It shall be unlawful for any person or persons to carry about their person any concealed pistol, revolver, knife, billy club, slingshot, metal knuckles, or other dangerous weapon of any kind. Nothing herein shall be construed to apply to the Municipal Police. *(Ref. 28-1001 RS Neb.)*

**§6-324 MISDEMEANORS; SLINGSHOTS, AIR GUNS, BB GUNS.** It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the Municipality.

**§6-325 MISDEMEANORS; FIRECRACKERS.** It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except those allowed by Nebraska State Statute. *(Ref. 28-1003.07 RS Neb.) (Amended by Ord. No. 666, 5/8/97)*

**§6-326 MISDEMEANORS; ASSAULT.**

- A. It is unlawful for any person, having the present ability to do so, to attempt or threaten to unlawfully touch another in a rude, insolent, or angry manner.
- B. It is unlawful to touch another in a rude, insolent, or angry manner.
- C. Assault is a Class V misdemeanor, punishable by a fine of up to one hundred dollars (\$100.00). *(Ref. 28-411 RS Neb.) (Amended by Ord. No. 645, 1/6/94)*

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**§6-327 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 dollars (\$10.00) shall be assessed. *(Ref. 28-412 RS Neb.)*

**§6-328 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.

**§6-329 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.)*

**§6-330 MISDEMEANORS; DISORDERLY CONDUCT.**

- A. Any person who shall knowingly start a fight, engage in a fight, commit assault and 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 Class V misdemeanor, punishable by a maximum fine of one hundred dollars (\$100.00).
- B. Any person who loiters, prowls or wanders upon the private property of another without lawful business with the owner or occupant thereof or the consent of the owner or occupant; or who, while loitering, prowling or wandering upon the private property of another peeks in the door or window of any inhabited building or structure located thereon, without apparent or lawful business with the owner or occupant thereof, or the consent of the owner or occupant shall be guilty of a Class V misdemeanor, punishable by a maximum fine of one hundred dollars (\$100.00).
- C. Any person who creates loud and offensive noise or utters profane or obscene language in any public street or other public place, or place to which the public is invited shall be deemed guilty of a Class V misdemeanor, punishable by a maximum fine of one hundred dollars (\$100.00).
- D. Any person who urinates in the streets, sidewalks, alleys, parks or other public places within the Municipality except in facilities provided or authorized by the Municipality for such use shall be deemed guilty of a Class V misdemeanor, punishable by a maximum fine of one hundred dollars (\$100.00). *(Ref. 17-129, 17-556 RS Neb.) (Amended by Ord. No. 643. 1/6/94).*

**§6-331 MISDEMEANORS; DISTURBING AN ASSEMBLY.** It shall be unlawful for any person or persons to disturb, interrupt, or interfere with any lawful assembly of people, whether religious or otherwise, by loud and unnecessary noise, threatening behavior, or indecent and shocking behavior. Any person or persons so disturbing an assembly shall be deemed to be guilty of a misdemeanor and fined in accord with State statute. *(Ref. 28-801 through 28-803 RS Neb.)*

**§6-332 MISDEMEANORS; INDECENT BEHAVIOR.** It shall be unlawful for any person or persons over the age of fourteen (14) years to commit any indecent or immoral act, or to appear in any public place in improper clothing, or not decently garbed. It shall be unlawful for any person, or persons, to sell or convey any indecent and obscene books, pictures, or films, or to take part in any indecent, lascivious, or obscene show, play, theatrical exhibition, or other form of entertainment that is shocking to the public morals. Any person or persons who commit a

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rude, indecent, or immoral act shall be deemed to be guilty of a misdemeanor. (Ref. 28-920, 28-921, 28-926.09, 28-926.10 RS Neb.)

**§6-333 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.

**§6-334 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.)

**§6-335 MISDEMEANORS; STREET GAMES.** It shall be unlawful for any person to play catch, bat a ball, kick or throw a football, or to engage in any exercise or sport upon the Municipal streets and sidewalks. Nothing herein shall be construed to prohibit or prevent the Governing Body from ordering from time to time certain streets and public places blocked off for the purpose of providing a safe area to engage in such exercise and sport.

**§6-336 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.

**§6-337 MISDEMEANORS; OBSTRUCTING WATERFLOW.** It shall be unlawful for any person to stop or obstruct the passage of water in a street gutter, culvert, water pipe, or hydrant.

**§6-338 MISDEMEANORS; REMOVING DIRT.** It is hereby declared unlawful for any person to remove, disturb, or takeaway 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.

**§6-339 MISDEMEANORS; WEEDS, LITTER, STAGNANT WATER.**

(1) Lots or pieces of ground within the Municipality shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(2) The owner or occupant of any lot or piece of ground within the Municipality shall keep the lot or piece of ground and the adjoining street and alleys free of any growth of eight inches (8") or more in height of weeds, grasses, or worthless vegetation.

(3) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the Municipality is prohibited; provided, that grass, leaves, and worthless vegetation maybe used as a ground mulch or in a compost pile.

(4) It is hereby declared to be a nuisance to permit or maintain any growth of eight inches (8") or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(5) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.

(6) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by mail or in person by a duly authorized city official or Police Officer. Once official notice is given, subsequent violations of this ordinance

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within subsequent four (4) months shall not require notice. Within five (5) days after receipt of such notice, if the owner or occupant of the lot or piece of ground fails to comply with the order to abate and remove the nuisance, the Municipality may have such work done. The costs and expenses, including administrative costs, of any such work shall be paid by the owner. If unpaid for two (2) months after such work is done, the Municipality may either:

(a) 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

(b) 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. In addition to assessing costs of abatement to the property owner, the city may issue a citation per §6-401 of this code.

(7) For purposes of this section:

(a) Litter shall include, but not be limited to:

(i) Trash, rubbish, refuse, garbage, paper, rags, and ashes;

(ii) Wood, plaster, cement, brick, or stone building rubble;

(iii) Grass, leaves, and worthless vegetation;

(iv) Offal and dead animals; and

(v) Any machine or machines, vehicle or vehicles, 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; and

(b) Weeds shall include, but not be limited to, bindweed (*convolvulus arvensis*), puncture vine (*tribulus terrestris*), leafy spurge (*euphorbia esula*), Canada thistle (*circium arvense*), perennial peppergrass (*lepidium draba*), Russian knapweed (*centaurea picris*), Johnson grass (*sorghum halepense*), nodding or musk thistle (*sonchus arvensis*), horse nettle (*solanum carolinense*), bull thistle (*circium lanceolatum*), buckthorn (*rhamnum sp.*) (toxic); hemp plant (*cannabis sativa*), and ragweed (*ambrosiaceae*). Weeds regardless of height, shall be removed, sprayed, or treated so as to kill and/or retard the spread of the same. Failure to remove, spray or treat shall be deemed a violation of this ordinance and subject owner or occupant to a fine per §6-401 of this code. (*Ref. 17-563, 18-1720 RS Neb.*) (*Amended by Ord. Nos. 424, 4/5/76; 657, 8/10/95; 748, 5/11/06*)

**§6-340 MISDEMEANORS; RADIO INTERFERENCE.** Any person operating, or causing to be operated, any motor, sign, or other electrical apparatus that is connected with the light and power system shall equip the apparatus with proper filtering attachments to eliminate interference; provided, that the provisions herein shall not apply to the use of necessary medical equipment or apparatus where electrical interference cannot be reasonably and safely eliminated. Any person who operates, or causes to be operated, any such electrical apparatus that interferes habitually with radio and television reception shall be deemed to be guilty of a misdemeanor. (*Ref. 18-1720, 28-1321 RS Neb.*)

**§6-341 MISDEMEANORS; ABANDONED AUTOMOBILES.** It shall be unlawful to abandon any automobile on the Municipal streets, highways, alleys, parks or other property. An automobile shall be deemed to be abandoned if left unattended;

A. With no number plates affixed thereto, for more than six (6) hours on any public property; or,  
B. For more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted; or,

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- C. For more than forty-eight (48) hours, after the parking of such vehicle shall have become illegal, if left on a portion of a public property on which parking is legally permitted; or,
- D. For more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner shall be terminated.

The title to any automobile so abandoned which at the time of such abandonment, has no number plates of the current year affixed and is of a wholesale value, taking into consideration the condition of such vehicle, of one hundred dollars (\$100.00) or less, shall immediately vest in the Municipality. In the event the automobile is licensed for the current year or is of a wholesale value of over one hundred dollars (\$100.00), the Municipal Police shall make a reasonable effort to contact the owner of the said automobile by sending a notice to the registered owner, if known; by sending an inquiry to the county it is registered in, if the owner is unknown; or by contacting the Director of Motor Vehicles, if the car is without license plates and the owner is unknown. If notified by the Director of Motor Vehicles that a lien or mortgage exists on said vehicle, notice shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. If the owner, lien holder or mortgagee, is known and does not claim the automobile within five (5) days after the date when the notice was mailed, or upon receiving word from the Director of Motor Vehicles that the owner is unknown, title will immediately vest in the Municipality and the automobile may be sold. Any proceeds from the sale of the automobile less any expenses incurred by the Municipality in such removal, storage and sale shall be held without interest in a separate account for the benefit of the owner of such vehicle for a period of two (2) years. If not claimed within such period of time, the proceeds shall then be paid into the General Fund.

For purposes of this section, public property shall mean any public right-of-way, street, highway, alley, park or other state, county or Municipally-owned property; and private property shall mean any privately-owned property which is not included within the definition of public property.

Any person who abandons an automobile as hereinbefore defined shall be deemed to be guilty of a misdemeanor. *(Ref. 60-1901 through 60-1911 RS Neb.) (Amended by Ord. No. 493, 5/8/80)*

**§6-342**            **MISDEMEANORS; VAGRANCY.** *(Repealed by Ord. No. 668, 5/8/97)*

**§6-343**            **MISDEMEANORS; INTERFERENCE WITH A POLICE OFFICER.** A person commits the offense of interference with a police officer when he or she knowingly obstructs, impedes, hinders, or interferes with or resists arrest by a police officer while the police officer is engaged in the lawful performance of his or her official duties shall be deemed guilty of a Class V misdemeanor, punishable by a maximum fine of one hundred dollars (\$100.00). *(Ord. No. 644, 1/6/94)*

**§6-344**            **MISDEMEANORS; MONEymaking ACTIVITIES ON PUBLIC PROPERTY.** *(Repealed by Ord. No. 659, 9/7/95)*

**§6-345**            **MISDEMEANORS; SOUND REPRODUCTION.** The use or operation of any radio or other mechanical or electrical devices or instruments amplifying and reproducing the human voice, or any sound or noise, in any public or private place, or from any vehicle, in such manner that, the peace and good order of the neighborhood are disturbed, or that persons owning, using, or occupying property in the neighborhood are disturbed or annoyed, provided

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that the City Council may allow the use of amplified sound at a special event under the terms as specified elsewhere in this Municipal Code. Provided further that where no special event as described in this Code is involved, the City Council may grant permission for the erection and use of temporary radio speakers, and other mechanical or electrical devices or instruments amplifying and reproducing the human voice, or any sound or noise at a fixed location, or on moving vehicles, as part of a celebration or commemoration of a patriotic or historic event or national or state holiday, or local celebration, or at gatherings of a public nature, and at such other times as the City Council may see fit; provided, further, the City Council, in granting such permission, shall expressly designate the time such permission shall continue. The fine for such an act shall be one hundred dollars (\$100.00). (*Ord. No. 736, 9/9/03*)

**Article 4. Sexual Predator Residency Restrictions**

**§6-401 SEXUAL PREDATOR RESIDENCY RESTRICTIONS; 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 article 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. (*Ord. No. 749, 5/11/06*)

**§6-402 SEXUAL PREDATOR RESIDENCY RESTRICTIONS; DEFINITIONS.** For the purpose of this article:

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 location, and may be mobile or transitory;

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

SCHOOL. 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 Registrations Act; and

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. (*Ord. No. 749, 5/11/06*)

**§6-403 SEXUAL PREDATOR RESIDENCY RESTRICTIONS; PENALTIES; 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 the purposes of determining 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 article shall not apply to a sexual predator who:

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

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(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. *(Statutory reference: The Sexual Predator Residency Restriction Act, Laws 2006, LB 1199, SS27 to 29; Sec. 29-4003 and Sec. 29-4013 RS Neb.) ( Ord. 749, 5/11/06)*

**Article 5. Penal Provisions**

**§6-501**        **VIOLATION; PENALTY.** 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 five hundred dollars (\$500.00) *for* each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Amended by Ord. No. 694, 7/8/99)*

**§6-502**        **CONFISCATION; GAMBLING EQUIPMENT.** All gambling equipment and paraphernalia seized and exhibited in court in connection with a conviction for a violation of the gambling section of this Chapter shall be ordered confiscated and destroyed.