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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 village to hinder, obstruct or resist any police officer 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 any arrest or conveying a prisoner to jail. (Neb. Rev. Stat. §28-903, 28-904)

## **SECTION 2-102: IMPERSONATING OFFICER**

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

## **SECTION 2-103: 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. (Neb. Rev. Stat. §28-519)

## **SECTION 2-104: DISORDERLY CONDUCT**

It shall be unlawful for any person to engage in any riotous or disorderly conduct; to fight, strike or assault another person in a threatening manner; or to do or engage in any other disorderly act within the Village. (Neb. Rev. Stat. §17-556)

## **SECTION 2-105: DISTURBING THE PEACE**

A. It shall be unlawful for any person or persons to assemble or gather with the intent to do an unlawful or disorderly act or acts by force or violence against the Village 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.

B. "Disturbing the peace" shall include operating 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 in such public place more than 50 feet from the source. (Neb. Rev. Stat. §28-818)

## **SECTION 2-106: 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. (Neb. Rev. Stat. §28-801 thru 28-803)

## **SECTION 2-107: 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 Village. (Neb. Rev. Stat. §17-556)

## **SECTION 2-108: DISCHARGE OF SLINGSHOTS, PAINTBALL GUNS, BLOW GUNS, AIR RIFLES OR SIMILAR INSTRUMENTS**

It shall be unlawful for any person to discharge a slingshot, paint ball gun, blow gun, air rifle or other like instruments capable of launching a dangerous projectile therefrom at any time or under any circumstances within the Village; provided, nothing herein shall be construed to apply to any formally organized entity if the organization has written permission from the Board of Trustees to conduct such activities.

## **SECTION 2-109: CONCEALED WEAPONS**

It shall be unlawful for any person or persons to carry about their person any concealed knife, billy club, slingshot, metal knuckles, or other dangerous weapon of any kind. Nothing herein shall be construed to apply to the village police. (Neb. Rev. Stat. §28-1001)

## **SECTION 2-110: GAMBLING**

A. 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. (Neb. Rev. Stat. §28-944, 29-947)

B. 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 placed 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 premises or tenement belonging to or under the control of any such person. (Neb. Rev. Stat. §28-941 thru 28-943)

## **SECTION 2-111: TRASH ON OTHER'S PROPERTY**

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 2-112: LITTERING**

It shall be unlawful for any person to throw, cast, lay, or drop on any public way or property any paper, scrap material or other waste whatsoever.

## **SECTION 2-113: APPLIANCES OUTDOORS**

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/she shall first remove all doors and make the same reasonably safe. (Neb. Rev. Stat. §18-1720)

#### **SECTION 2-114: EXCESSIVE AND UNNECESSARY NOISE**

A. It is hereby determined to be unlawful to operate industrial equipment, heavy machinery, jack hammers and other equipment emitting loud noise 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 Village unless such activity has been approved in advance by the Village Board.

B. No person shall make or cause to be made any unnecessary noise with any vehicle.

#### **SECTION 2-115: TRESPASSING**

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

#### **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 a person or stalking or telephoning the person. (Neb. Rev. Stat. §28-311.02, 28-311.03)

#### **SECTION 2-117: INDECENT BEHAVIOR**

It shall be unlawful for any person 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 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 who commits a crude, indecent, or immoral act shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §28-920 thru 28-921, 28-926.09, 28-926.10)

#### **SECTION 2-118: INDECENT EXPOSURE OF PERSON; PUBLIC URINATION; INDECENT BOOK, PICTURE, PLAY OR DESIGN**

It shall be unlawful for any person to make an indecent exposure of his or her person; to urinate in public view; to commit any indecent or lewd act; 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 2-119: WINDOW PEEPING**

It shall be unlawful for any person to go upon the premises of another and look or peep into any window, door or other opening in any building located thereon which is occupied as a place of abode.

## **SECTION 2-120: SHOOTING HIGHWAY SIGNS, MARKERS OR NOTICES**

It shall be unlawful for any person to willfully or maliciously shoot upon the public highway and injure, deface, damage or destroy any signs, monuments, road markers, traffic control or surveillance devices or other public notices lawfully placed upon said highways. (Neb. Rev. Stat. §39-619.01(1))

## **SECTION 2-121: REMOVAL AND POSSESSION OF HIGHWAY SIGNS, MARKERS OR NOTICES**

It shall be unlawful for any person, other than those authorized to do so, to remove any sign, traffic control or traffic surveillance device placed along a public street, road or highway for traffic control, warning or informational purposes. Moreover, it shall be unlawful for any person to possess such a sign or device which has been removed in violation of this section. (Neb. Rev. Stat. §39-619.01(2))

## **SECTION 2-122: INJURY TO TREES; PUBLIC SERVICE COMPANIES**

It shall be unlawful for any person to purposely or carelessly and without lawful authority cut down, carry away, injure, break down or destroy any fruit, ornamental, shade or other tree standing or growing on any land belonging to another person or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree except on property owned and controlled by it shall request permission from the Village Board before proceeding.

## **SECTION 2-123: DISEASED, DYING OR DEAD TREES; ELM VARIETIES**

1. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the Village, including trees of the species and varieties of elm, *Zelkova*, and *Planera* that are in a diseased, dying, or dead condition or that may serve as a breeding place for the European elm bark beetle, *Scolytus multistriatus*, or other disease-carrying insects. Such dead and diseased trees shall be removed from the private property on which they are located upon notice by the Village. For the purpose of carrying out the provisions of this section, any person designated by the Village Board shall have the authority to enter on private property to inspect the trees thereon.

2. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service and such notice shall allow the said owner ten days to remove and burn the said tree or trees. In the event that the owner is a nonresident, notice shall be made by publication in a newspaper of general circulation or by mail if the name and address is known. The person charged with the removal and burning may enter into an agreement with the Village that such work be accomplished by village personnel and the expense and interest shall be declared to be a lien upon such property from the time the same becomes due until paid.

3. If the owner fails, neglects, or refuses to enter into such an agreement or to remove the trees, any person designated by the Village Board may enter upon the property and proceed to direct the removal and burning of the trees and the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the Village after being properly billed, the costs shall be assessed against the property and certified by the village clerk to the county treasurer to be collected in the manner prescribed by law. In the event the property owner is a nonresident of the county in which the property lies, the Village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. Failure to remove and burn the said trees shall be deemed to be a misdemeanor.

(Neb. Rev. Stat. §17-563.01, 18-1720, 28-1321)

## **SECTION 2-124: CURFEW**

A. It shall be unlawful for any person who is a minor under the provisions of Neb. Rev. Stat. §42-2101 to be or remain upon any street or alley or other public place within the corporate limits of the Village during the restricted hours as hereinafter defined unless:

1. Such person is accompanied by a parent or guardian or other person having custody of such minor; or
2. Unless in the performance of duty directed by such parent or guardian or other person having custody; or
3. Unless such person is in lawful employment, on a lawful errand or church, school or municipal activity, or on an emergency, making it necessary to be in such places during the restricted hours.

B. Such minor may be on the public sidewalk in front of his/her home with the permission of his/her parent or guardian.

C. For the purposes of this ordinance, "restricted hours" shall mean:

1. The hours from 10:00 p.m. Sunday, Monday, Tuesday, Wednesday and Thursday of each week when the public school district in which the Village is located is in regular session, until 6:00 a.m. of the following day, and
2. The hours from 11:00 p.m. of any other day until 6:00 a.m. of the following day.

D. It shall be unlawful for anyone having the legal care and custody of any minor, as defined above, to allow or permit such minor to go or be upon any public street, alley or other public place in the Village during the restricted hours, except in case of necessity.

E. Any law enforcement officer while on duty is hereby authorized to detain any such minor willfully violating the provisions of this section until the parent or guardian of such minor shall take him/her into custody; but such officer shall immediately upon tak-

ing custody of such minor communicate with such minor's parent or guardian.

F. If it shall appear that any minor taken into custody for a violation of this section is incorrigible, lacks proper parental care, or has no home, proper proceedings shall be taken to have such minor placed in the care of a state institution as provided by statute. (Ord. No. 78, 1/5/93)

## **Article 2 – Dogs**

### **SECTION 2-201: DEFINITIONS**

For purposes of this ordinance, the following words and phrases have the following meanings:

"Director" means the person appointed by the Board to carry out the provisions of this ordinance, and any and all persons appointed by and subordinate to the director to assist in the functions hereinafter described, whose responsibilities shall include, without limitation, (A) capturing and securing all dogs found to be in violation of the provisions of this ordinance, (B) maintaining a shelter for the impounding of dogs found to be in violation of the provisions of this ordinance and (C) collecting and remitting to the Board the fines imposed by this ordinance.

"Dog" means an animal of the canine or *Canidae* family, regardless of sex.

"Keep" or "harbor" means to have charge, custody, or control of a dog, or permitting the same to habitually remain or be lodged or fed within the house, store, yard, enclosure, or place of the owner or occupant of the premises.

"Owner" means any person who shall harbor or permit any dog to remain in or about his or her house, store, or enclosure, or to remain to be fed for ten days or more, shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed. (Neb. Rev. Stat. §54-606, 71-4401)

"Potentially dangerous dog" means (A) any dog that when unprovoked (1) inflicts a wound 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 an outward appearance of aggressive or dangerous behavior, or (B) any dog with a known propensity, tendency, or disposition to attack when unprovoked, to injury, or to threaten the safety of humans or domestic animals.

"Running at large" includes any dog that is not under the control of its owner. A dog shall not be considered under the control of its owner unless (A) on a leash, cord, or chain of six feet or less in length physically held by the owner or a responsible person; (B) confined within a receptacle, enclosed vehicle, fenced enclosure or shelter; (C) on a leash, cord, or chain which is securely fastened or picketed in a manner sufficient to keep the animal on the premises where picketed; or (D) within the real property limits of the owner and in the owner's presence and under direct and effective voice control.

"Shelter" means a physical structure established and maintained by the director, in a location chosen by the director and approved by the board, that is sanitary, ventilated and not otherwise a danger to the well being of the dogs housed therein, that may be

used to house, feed, and care for all dogs impounded as the result of a violation of the provisions of this ordinance until such dogs are released or destroyed in accordance with the provision hereof.

(Ord. No. 4-2006-1, 4/4/06)

## **SECTION 2-202: LICENSE REQUIRED**

Any person who shall own, keep, or harbor a dog over the age of six months within the Village shall within 30 days after acquisition of the said dog acquire a license for each such dog annually by or before March 31 of each year. The said tax shall be delinquent from and after April 30. Any dog brought into the Village after April 1 shall obtain a license for such dog within 30 days or when the dog reaches the age of six months, whichever occurs first; provided, if it is less than six months to the expiration of such license, the fee shall be one-half the full year's license fee.

## **SECTION 2-203: LICENSE ISSUANCE**

A. Upon filing with the village clerk a license application and paying a license fee for each dog, the village clerk shall issue to the owner a license certificate and a metallic tag for each dog so licensed. Said fee shall be set by resolution of the Village Board, on file at the office of the village clerk and available for public inspection during office hours. Such application shall set forth such information as the Village may require from time to time to effectively enforce this ordinance.

B. The said owner shall also present a certificate issued by a licensed veterinarian or other person authorized by law to administer rabies inoculations, pursuant to Sections 2-220 (Rabies Vaccination) and 2-221 (Certificate of Rabies Vaccination), as evidence that each such dog has been inoculated for rabies effective for the entire ensuing license period.

## **SECTION 2-204: METALLIC TAG; LOST TAG**

The clerk shall issue to the owner a metal tag bearing the license number of the license, the inscription "Firth Dog Tag" and the year for which issued. In the event of loss of a tag, a replacement tag and number may be obtained from the clerk for a fee set by resolution of the Village Board.

## **SECTION 2-205: REMOVAL OF TAG**

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. (Neb. Rev. Stat. §17-526)

## **SECTION 2-206: WRONGFUL LICENSING**

It shall be unlawful for the owner, keeper or harborer of any dog to permit or allow such dog to wear any other tag than the identical one issued for such dog, and for the license year for which issued.

## **SECTION 2-207: RUNNING AT LARGE; CONTROL REQUIRED**

It shall be unlawful for the owner of any dog to allow it to run at large at any time within

the corporate limits of the Village and every dog, when off the premises of the owner, shall be under control of the owner or a responsible person. Any dog found to be running at large may be impounded by the Village, the animal control agency or its officers, agents or employees. "Running at large" shall mean a dog was found off the premises of the owner and not under control as defined in Section 2-201.

#### **SECTION 2-208: INJURING OR DESTROYING PROPERTY OF OTHERS**

It shall be unlawful for any person to own, or allow being in or upon any premises occupied or under such person's charge or control, any dog that in any manner injures or destroys any real or personal property of any description belonging to another. If, upon the trial of any offense mentioned in this section, it shall appear to the judge that the person be guilty as charged in said complaint, said judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in an amount equal to the value of the property so injured or destroyed. (Ord. No. 21, 4/2/63; 4-2006-1, 4/4/06)

#### **SECTION 2-209: DISPOSAL OF DOG WASTE**

It shall be unlawful for the owner of any dog to not dispose of any fecal matter deposited by his or her dog on public property or the private property of another. It shall further be unlawful for the owner of any dog to place, deposit, discard, or dispose of the fecal matter of his or her dog on public property or the private property of another unless placed in approved garbage or refuse containers on public property or with the consent of the owner of such private property. Notwithstanding the foregoing, the provisions of this section shall not apply to law enforcement officers when using dogs to perform law enforcement functions or rescue activities. (Ord. No. 4-2006-1, 4/4/06)

#### **SECTION 2-210: BARKING AND OFFENSIVE DOGS**

A. It shall be unlawful for any person to own, keep, or harbor any dog within the village limits which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood, person or persons. This section shall not apply to licensed veterinarians or commercial kennels, which as a regular part of their business board or train dogs for a fee.

B. The enforcement of the provisions of these regulations shall be under the direction of the sheriff's office. For the purpose of enforcing the above regulations or abating any nuisance existing hereunder, the sheriff or deputy may enter upon private premises.

C. Any persons upon whom a duty is placed by the provisions of this section who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this section, shall be guilty of a Class V misdemeanor.

D. Each day that a violation of any provision of this section continues shall constitute a separate and distinct offense, and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this section provided.

(Neb. Rev. Stat. §17-526)

## **SECTION 2-211: KILLING AND POISONING**

It shall be unlawful to kill, administer or cause to be administered poison of any sort or in any manner to injure, maim, 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.

## **SECTION 2-212: FEMALE IN SEASON**

It is hereby declared unlawful for the owner, keeper, or harbinger of a female dog to permit her to run at large within the Village while in season. Any such female dog or cat found running at large in violation of this section shall be declared to be a public nuisance and as such may be impounded or killed according to the provisions herein.

## **SECTION 2-213: POTENTIALLY DANGEROUS DOGS; NOTICE TO OWNER**

Whenever it comes to the attention of the director that any person within the Village is keeping or harboring a potentially dangerous dog, the director shall notify the owner of such dog in writing that such dog must be registered as a potentially dangerous dog within ten days after receipt of such written notice. Said notice shall be served either in person or by mailing such notice by certified or registered mail. The registration form must be delivered along with the notice and may be in any form approved by the director but must, at a minimum, include the following:

- A. The name, address, and telephone number of the owner;
  - B. An acknowledgement that the owner has been supplied with a copy of this ordinance and an acknowledgment that the owner will comply with the provisions hereof;
  - C. An acknowledgement that the owner shall immediately notify the director if the dog is known by the owner to be running at large, is unconfined, or when the owner has any knowledge or belief that the dog has bitten or is alleged to have bitten a human being or another animal:
- (Ord. No. 4-2006-1, 4/4/06)

## **SECTION 2-214: POTENTIALLY DANGEROUS DOGS; SECURELY CONFINED**

It shall be unlawful for any person to own, keep, harbor or allow to be in or upon any premises occupied by him or her, or under his/her charge or control within the corporate limits of the Village, any dog of a cross, dangerous, or ferocious disposition as manifested by biting, habitual snapping, or growling or otherwise acting so as to endanger any person or domestic animal unless:

- A. Said dog is secured on the premises of the owner by a chain, enclosed kennel, or fence at least 6 feet in height, so that the dog cannot be closer than 6 feet to the public street, sidewalk or property line;
- B. Said dog is secured in such a manner that it cannot go beyond the property line of the owner; and
- C. Said dog is secured in such a manner that it will not injure or pose a threat of injury to any person who is lawfully on the premises of the owner.

## **SECTION 2-215: POTENTIALLY DANGEROUS DOGS; WARNING SIGNS**

The owner of a potentially dangerous dog shall display signs provided by the director warning that there is a potentially dangerous dog on the property. These signs shall be placed under the supervision and direction of the director so as to be readily discernible and clearly visible from the public sidewalk or property line at any actual or customary point of entry to the premises. An additional sign to be provided by the director shall be conspicuously displayed on any pen or structure provided for such potentially dangerous dog. (Ord. No. 4-2006-1, 4/4/06)

## **SECTION 2-216: POTENTIALLY DANGEROUS DOGS; CONFISCATION**

Any potentially dangerous dog shall be immediately confiscated by the sheriff if found to be in violation of any provision of this ordinance. In addition to the payment of the fine imposed by this ordinance, the owner shall also be responsible for the care of a dangerous dog confiscated by the director or for the destruction of any dangerous dog if the action by the sheriff is pursuant to law and the owner of the dog violated any provision of the ordinance. Notwithstanding the foregoing, the provisions of the section shall not apply to any potentially dangerous dog, or the owner of any such dog, found to be in violation of Section 2-209 (Disposal of Waste) hereof. (Ord. No. 4-2006-1, 4/4/06)

## **SECTION 2-217: BITES UNLAWFUL**

It shall be unlawful for the owner of any potentially dangerous dog to permit or allow such dog to kill, bite, attack, injure, or wound any human being or domestic animal on public or private property. In addition, any such dog shall be immediately confiscated by the director, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. (Ord. No. 4-2006-1, 4/4/06)

## **SECTION 2-218: APPEALS**

The determination that any dog is a potentially dangerous dog shall be deemed to have been made upon notice to the owner of such dog as provided in Section 2-214 hereof. Upon such notification and after the expiration of 11 days from the date of such notice, the determination shall be final and binding upon the Village and upon the owner unless within ten days after notice, the owner requests, in writing, a review of the director's determination by the Board. At such review the owner may present any written statements or documentary evidence relevant to the determination. The Board shall make a final and binding determination after such review within 15 days of the date of review. The owner may appeal any final determination to the district court as provided by law. (Ord. No. 4-2006-1, 4/4/06)

## **SECTION 2-219: IMPOUNDING**

The director shall notify the owner of any dog that has been impounded, regardless of the reason for impounding, if the owner's name and address can be obtained upon reasonable investigation within 2 hours after such dog is impounded under any of the provisions of this ordinance. All dogs remaining in the shelter unclaimed or not redeemed within 2 hours after being so impounded shall be transported to the Humane Society. Any owner shall be responsible for payment of all fees assessed by the Human Society before his/her dog shall be released. During off hours, the sheriff will be called to handle dogs at large. (Ord. No. 21, 4/2/63; 4-2006-1, 4/4/06)

## **SECTION 2-220: RABIES VACCINATION**

It shall be unlawful for any person to own, possess, or harbor a dog four months of age or older within the corporate limits of the Village which has been in the state for 30 days or longer that has not been vaccinated for rabies each year. Every dog will be presumed not to have been so vaccinated in the absence of a written certificate of a licensed veterinarian attesting to the vaccination of such dog. Any dog suspected of being afflicted with rabies, any dog which has been bitten by a rabid animal, and any dog which has not been vaccinated for rabies shall be dealt with pursuant to the provisions of Neb. Rev. Stat. §71-4401 to 71-4412.

## **SECTION 2-221: CERTIFICATE OF RABIES VACCINATION**

A. It shall be the duty of the owner of an animal to obtain from the veterinarian, at the time of the rabies vaccination, a certificate of rabies vaccination which shall include but not be limited to the following:

1. Owner's name and address;
2. Description of the animal (breed, sex, markings, age and name);
3. Date of vaccination;
4. Rabies vaccination tag number; and
5. A tag from the veterinarian with such information engraved thereon, which shall be affixed to the collar or harness of the animal.

The certificate shall be retained in the owner's possession.

B. Any animal found outside the premises of the owner, keeper or harborer, whose owner, keeper or harborer does not possess a valid certificate of rabies vaccination or which does not have a tag evidencing rabies vaccination attached to its collar or harness shall be apprehended by the animal control officer. The animal shall be transported to the animal shelter or other place of impoundment designed by the Village Board.

C. The owner or person claiming such vaccinated animal shall pay the village clerk an impoundment fee, from which he/she shall pay the appropriate impoundment authority and impoundment and care fee. Should the person be a resident of the Village, he/she shall then furnish evidence to the village clerk of the required rabies vaccination for the animal, including a certificate from a veterinarian and a tag for the animal's collar or harness. From the money deposited, the clerk shall deduct the impoundment and care fee as well as an apprehension fee. The balance, if any, shall be refunded to the person depositing the initial fee. The said fees shall be set by ordinance and shall be on file in the office of the village clerk, available for public inspection during office hours.

## **SECTION 2-222: RABIES SUSPECTED**

Any dog suspected of being afflicted with rabies, or any dog not vaccinated in accordance with the provisions of this article which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of village law enforcement for a period of not less than ten days. If upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner. If the owner of the said dog has proof of vaccination, the animal

shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the dog shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog may be released from confinement. (Neb. Rev. Stat. §71-4406)

### **SECTION 2-223: RABID ANIMALS; 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 2-224: RABID DOGS; PROCLAMATION**

It shall be the duty of the Village Board whenever, in its 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 90 days from the date of such proclamation or until such danger is past. Such dogs may be harbored by any good and sufficient means in a house, garage or yard on the premises wherein the said owner may reside. 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 2-225: INTERFERENCE WITH OFFICIALS**

It shall be unlawful for any person to hinder, delay, or interfere with any village official who is performing any duty enjoined upon him/her by the provisions of this article. (Neb. Rev. Stat. §28-906)

### **SECTION 2-226: EXCEPTIONS TO PROVISIONS**

Notwithstanding any other provisions herein, the provisions of this article shall not be deemed to apply to or in any way interfere with the ordinary conduct and operation of veterinary clinics, biological laboratories or pet shows, when conducted within the Village.

## **Article 3 – Animals Generally**

### **SECTION 2-301: NUMBER ALLOWED; PROHIBITIONS**

A. It shall be unlawful to own or keep more than 12 chickens of any breed within the village limits, and no roosters are allowed. No ducks, geese, turkeys, guineas or peacocks are allowed within the village limits.

B. It shall be unlawful to own or keep more than 12 rabbits within the village limits.

C. It shall be unlawful to own or keep within the village limits any horses, cows, mules, sheep, goats, swine, or other livestock.

D. It shall be unlawful to own or keep within the village limits any exotic, non-native animals such as emus, llamas, or alpacas.

## **SECTION 2-302: RUNNING AT LARGE**

A. It shall be unlawful for the owner, keeper, or harbinger of any animal or any person having the charge, custody, or control thereof to permit a horse, mule, cow, sheep, goat, swine, or other animal to be driven or run at large on any of the public ways and property, or upon the property of another. (Neb. Rev. Stat. §17-547)

B. It shall be unlawful for any person to allow chickens, turkeys, geese, or any other poultry to run at large within the corporate limits, except in enclosed places on private property. (Neb. Rev. Stat. §17-547)

## **Article 4 – Nuisances**

### **SECTION 2-401: WEEDS, GRASSES AND LITTER; DEFINITIONS**

A. The terms "weeds, grasses or worthless vegetation" shall mean any weed or grass growth of more than 12 inches in height, or 8 inches as described in Section 2-402. Weeds shall include, but not be limited to, bindweed, puncture vine, leafy spurge, Canada thistle, perennial peppergrass, Russian knapweed, Johnson grass, nodding or musk thistle, quack grass, perennial sow thistle, horse nettle, bull thistle, buckthorn, hemp plant and ragweed.

B. The term "litter" shall include, but not be limited to:

1. Trash, rubbish, refuse, garbage, paper, rags and ashes;
2. Wood, plaster, cement, brick or stone building rubble;
3. Grass, leaves and worthless vegetation;
4. Offal and dead animals;
5. 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;
6. Any motor vehicle without a current license and not housed in a storage or other building;
7. Any wood or tree limbs not cut and stacked in neat rows on an area not exceeding 10 feet by 16 feet.

### **SECTION 2-402: WEEDS OR GRASSES; PUBLIC NUISANCE**

It is hereby declared to be a public nuisance to permit grasses to grow in excess of 12 inches or to permit weeds of any height to be grown on any property within the corporate limits of the Village, or maintain any growth of 8 inches or more in height of weeds, grasses or worthless vegetation on any lot or piece of ground located within the corporate limits during any calendar year if, within the same calendar year, the Village has

previously acted to remove weeds, grasses, or worthless vegetation exceeding 12 inches in height on the same lot or piece of ground and had to seek recovery of the costs and expenses of such work from the owner.

### **SECTION 2-403: LITTER; PUBLIC NUISANCE**

It is hereby declared to be a public nuisance to permit the accumulation of litter on any property within the corporate limits.

### **SECTION 2-404: WEEDS, GRASSES AND LITTER; NOTICE OF NONCOMPLIANCE**

Whenever the Village Board determines that any grass in excess of 12 inches, or 8 inches as described in Section 2-402, or weeds of any height are growing on property within the Village or litter is found on any property, the village clerk shall cause written notice to be served upon the owner of the property on which grass, weeds or litter is located and further, upon the occupant thereof, by registered mail or by personal service. Such notice shall describe the nature of the nuisance and state the action that must be taken to remove or remedy the problem. Such notice shall state that such nuisance must be abated or removed within ten business days of receipt of notice.

### **SECTION 2-405: WEEDS, GRASSES AND LITTER; FAILURE TO CORRECT; FINE**

In the event that the owner or occupant of said premises fails to correct and eliminate said nuisance pursuant to the notice to correct, he/she shall be guilty of a misdemeanor and fined in a sum of not more than \$500.00. Each day's violation after the expiration of the five business days' notice shall be a separate offense.

### **SECTION 2-406: WEEDS, GRASSES AND LITTER; COST ASSESSED TO PROPERTY**

In addition to filing a complaint for violation of this article, the Village may cause the work to be done to abate the nuisance and assess the cost of the same against the property. In this event, however, the Village shall comply with the notice and hearing requirements set forth in Sections 2-412, 2-413 and 2-414 set forth hereafter.

### **SECTION 2-407: DANGEROUS BUILDINGS; DEFINITIONS**

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 Village;

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 Village because of their condition;

J. Those having been inspected by a specially appointed building inspector or a professional engineer appointed by the Village which are, after inspection, deemed to be structurally unsafe or unsound as found by the inspection of such building inspector or 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 the ordinances of the Village.

## **SECTION 2-408: DANGEROUS BUILDINGS; STANDARDS**

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 Village, or statute of the state, it shall be demolished.

## **SECTION 2-409: DANGEROUS BUILDINGS; PUBLIC NUISANCE**

All unsafe or dangerous buildings or structures within the terms of this article are hereby declared to be nuisances and shall be repaired, vacated, or demolished as provided above.

## **SECTION 2-410: DANGEROUS BUILDINGS; BUILDING INSPECTOR**

The Village Board may appoint a special building inspector or professional engineer who shall, at the direction of the Board:

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 Village 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 Village Board 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 2-411: DANGEROUS BUILDINGS; NUISANCE; PROCEDURE**

If the special building inspector or professional engineer designated by the Village Board finds that a building or structure is unsafe or dangerous and a nuisance, the Board 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 the special building inspector 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 2-412: 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 determined dangerous, disagrees with or disputes the information contained in the notice, such person shall notify the village 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. If written notice is received by the village clerk within 14 days, a hearing shall be held before the Village Board at its next regularly scheduled monthly meeting. The clerk shall notify the person requesting the hearing, in writing, of the time, place, and date of the regular monthly meeting and shall place the name of the person on the agenda of such meeting.

B. The hearing before the Village Board 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 Village regarding the inspection and notice. The Village Board need not make a written finding of fact and may make its pronouncement orally at the hearing. The decision of the Village Board shall be final unless appealed. Failure of the person to attend the hearing shall relieve the Village Board of any further procedures before action is taken as set forth in a notice.

### **SECTION 2-413: DANGEROUS BUILDINGS; APPEAL**

Any person aggrieved by the decision of the Village Board may appeal the decision to the District Court of Lancaster County. This appeal shall and must be taken within 30 days of the pronouncement of the Board's decision.

### **SECTION 2-414: 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 Village to repair, rehabilitate or demolish and remove a building or structure which is unsafe or dangerous and a public nuisance, or shall fail to comply with the notice to abate grasses, weeds or litter, the Village 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 Village Board, 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. In addition the Village may bring a civil action against the offending party to recover the cost of the work.

### **SECTION 2-415: 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, a specially appointed building inspector or a professional engineer designated by the Village Board shall report such facts to the Village Board, which shall follow the procedures set forth in state statutes. The Village, by and through the Village Board, 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.

## **Article 5 – Sex Offender Residency Restrictions**

### **SECTION 2-501: DEFINITIONS**

“Child care facility” means a facility licensed pursuant to the Child Care Licensing Act of the State of Nebraska.

“Reside” means to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory.

“Residence” means a place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory.

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

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

### **SECTION 2-502: RESIDENCY RESTRICTIONS**

It is unlawful for any sex offender to reside within 500 feet of a school or child care facility. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the sex offender’s place of residence to the nearest outer boundary line of the school or child care facility.

### **SECTION 2-503: EXCEPTIONS**

These restrictions shall not apply to a sex offender who:

A. Resides in a prison, correctional or treatment facility operated by the state or county; or

B. Established a residence before July 1, 2006, and has not moved from that residence since that date; 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 sex offender’s residence at that location.

## **Article 6 – Penal Provision**

### **SECTION 2-601: VIOLATION; PENALTY**

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day’s maintenance of a misdemeanor shall constitute a separate offense.