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CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: OBSTRUCTING AN OFFICER

It shall be unlawful for any person to use or threaten to use violence, force, physical interference, or obstacle to intentionally obstruct, impair, or hinder the enforcement of the penal law or the preservation of the peace by a peace officer acting under color of his or her official authority. (Neb. Rev. Stat. §28-906)

SECTION 3-102: 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 or her office or to refuse or neglect to assist any such officer when called upon by him or her in making any arrest or conveying a prisoner to jail. (Neb. Rev. Stat. §§28-903, 28-904)

SECTION 3-103: IMPERSONATING OFFICER

It shall be unlawful for any person to falsely pretend to be a peace officer and perform any act in that pretended capacity. (Neb. Rev. Stat. §28-610)

SECTION 3-104: FALSE REPORTING

It shall be unlawful for any person to:

A. Furnish material information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or impede the investigation of an actual criminal matter;

B. Furnish information he or she knows to be false, alleging the existence of (1) a need for the assistance of an emergency medical service or out-of-hospital emergency care provider or (2) an emergency in which human life or property are in jeopardy to any hospital, emergency medical service, or other person or governmental agency;

C. Furnish any information or cause such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department;

D. Furnish any information he or she knows to be false concerning the location of any explosive in any building or other property to any person;

E. Furnish material information which he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to im-

pede an ongoing investigation and which actually results in causing or impeding such investigation.

(Neb. Rev. Stat. §28-907) (Ord. Nos. 347, 9/7/82; 628, 2/2/99)

SECTION 3-105: RESISTING ARREST WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON

A. It shall be unlawful for any person to intentionally prevent or attempt to prevent a law enforcement officer, acting under color of his or her official authority, from effecting an arrest on said person or on another by (1) using or threatening to use physical force or violence against the said officer or another; (2) using any other means which creates a substantial risk of causing physical injury to the officer or another; or (3) employing means which require substantial force to overcome resistance to effecting the arrest; provided, this section shall apply only to those actions taken to resist arrest without the use of a deadly or dangerous weapon.

B. It is an affirmative defense to prosecution under this section if the officer involved was out of uniform and did not identify himself or herself as a law enforcement officer by showing his or her credentials to the person whose arrest was attempted.

(Neb. Rev. Stat. §28-904)

SECTION 3-106: CONCEALED WEAPONS

Except as otherwise provided in this section, any person who carries a weapon or weapons concealed on or about his or her person such as a revolver, pistol, Bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, or any other deadly weapon commits the offense of carrying a concealed weapon. It is an affirmative defense that the defendant was engaged in any lawful business, calling, or employment at the time he or she was carrying any weapon or weapons and the circumstances in which such person was placed at the time were such as to justify a prudent person in carrying the weapon or weapons for the defense of his or her person, property, or family. This section shall not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon which the offender is carrying is a handgun as defined in Neb. Rev. Stat. §69-2429. (Neb. Rev. Stat. §§17-556, 28-1202)

SECTION 3-107: DISCHARGE OF FIREARM

It shall be unlawful for any person, except an officer of the law in the performance of his or her official duty, to fire or discharge any gun or pistol within the village; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Village Board. (Neb. Rev. Stat. §17-556)

SECTION 3-108: DISCHARGE OF SLINGSHOT, PAINTBALL GUN, BLOW GUN, AIR RIFLE OR SIMILAR INSTRUMENT

It shall be unlawful for any person to discharge a slingshot, paint ball gun, blow gun, air rifle, or other like instrument capable of launching a dangerous projectile therefrom at any time or under any circumstances within the village. (Neb. Rev. Stat. §17-207)

SECTION 3-109: STALKING

A. Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.

B. For purposes of this section, the following definitions shall apply:

1. "Harass" means 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;
2. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person;
3. "Family or household member" means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context.

(Neb. Rev. Stat. §§28-311.02, 28-311.03, 28-311.04)

SECTION 3-110: CRIMINAL TRESPASS

It shall be unlawful for any person, knowing that he or she is not licensed or privileged to do so:

A. To enter or secretly remain in any building or occupied structure or any separately secured or occupied portion thereof; or

B. To enter or remain in any place as to which notice against trespass is given by (1) actual communication to the actor; or (2) posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or (3) fencing or other enclosure manifestly designed to exclude intruders.

(Neb. Rev. Stat. §§28-520, 28-521)

SECTION 3-111: PUBLIC INDECENCY

It shall be unlawful for any person 18 years of age or over to perform, procure, or assist any other person to perform in a public place and where the conduct may reasonably be expected to be viewed by members of the public:

A. An act of sexual penetration as defined by Neb. Rev. Stat. §28-318(5);

B. An exposure of the genitals of the body done with intent to affront or alarm any person; or

C. A lewd fondling or caressing of the body of any other person of the same or opposite sex.

(Neb. Rev. Stat. §28-806)

SECTION 3-112: INDECENT BEHAVIOR

It shall be unlawful for any person or persons over the age of 14 years to commit any indecent or immoral act. 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 rude, indecent, or immoral act shall be deemed to be guilty of a misdemeanor.

SECTION 3-113: PUBLIC NUDITY

It shall be unlawful for any person to intentionally expose his or her genitals, pubic area, or buttocks while employed in providing any service, product, or entertainment in any business or commercial establishment.

SECTION 3-114: AIDING AND ABETTING PUBLIC NUDITY

It shall be unlawful for anyone to aid, abet, assist, or direct another person to intentionally expose his or her genitals, pubic area, or buttocks while employed in providing any service, product, or entertainment in any business or commercial establishment.

SECTION 3-115: 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 3-116: LOITERING

It shall be unlawful for any person to loiter on the streets, in the park, on the sidewalk, or on any other public ways and property at unreasonable hours, and those persons who are unable to give a good and satisfactory reason why they should be there shall be deemed to be guilty of loitering. (Neb. Rev. Stat. §17-556)

SECTION 3-117: CRIMINAL MISCHIEF

It shall be unlawful for any person to damage property of another intentionally or recklessly, tamper with property of another intentionally or recklessly so as to endanger any person or property or cause another to suffer pecuniary loss by deception or threat intentionally or maliciously, provided that the value of the property involved is under \$1,500.00. (Neb. Rev. Stat. §28-519)

SECTION 3-118: THEFT

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 property having a value of less than \$500.00, shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §§28-509 through 28-518) (Am. Ord. No. 211, 7/1/75)

SECTION 3-119: THREATS; ASSAULT IN THE THIRD DEGREE

It shall be unlawful for any person to intentionally, knowingly, or recklessly cause bodily injury to another person or threaten another in a menacing manner. It shall further be unlawful for any person to commit the above act in a fight or scuffle entered into by mutual consent. (Neb. Rev. Stat. §28-310)

SECTION 3-120: DISORDERLY CONDUCT

Any person who shall knowingly start a fight, fight, commit assault or battery, make unnecessary noise, or otherwise conduct himself in such a way as to breach the peace shall be deemed to be guilty of an offense. (Neb. Rev. Stat. §17-556)

SECTION 3-121: 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. (Neb. Rev. Stat. §17-556)

SECTION 3-122: DISTURBING THE PEACE

It shall be unlawful for any person to intentionally disturb the peace and quiet of any person, family or neighborhood. (Neb. Rev. Stat. §§17-556, 28-1322)

SECTION 3-123: RIOTING

It shall be unlawful for any person or persons to congregate together for the purpose

of breaching the peace by rioting or to induce others to riot through words, actions, or conduct; and whoever shall congregate with others for the purpose of rioting or inducing others to riot shall be deemed guilty of a misdemeanor. (Neb. Rev. Stat. §17-556)

SECTION 3-124: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS

It shall be unlawful for any person to operate any radio, tape player, compact disc player, stereophonic sound system, or similar device which reproduces or amplifies radio broadcasts or musical recordings in or upon any street, alley, or other public place in such a manner as to be audible to other persons more than 50 feet from the source. Persons operating such devices while participating in licensed or permitted activities, such as parades, shall not be deemed in violation of this section.

SECTION 3-125: MISREPRESENTATION BY MINOR

It shall be unlawful for any minor, as defined by Neb. Rev. Stat. §53-168.06, to obtain or attempt to obtain alcoholic liquor by misrepresentation of age or by any other method in any tavern or other place where alcoholic liquor is sold. (Neb. Rev. Stat. §§53-180.01, 53-180.05)

SECTION 3-126: MINOR IN POSSESSION

It shall be unlawful for any minor, as defined by Neb. Rev. Stat. §53-168.06, to sell, dispense, consume or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, or highways of the village or inside any vehicle while in or on any other place, including but not limited to the public streets, alleys, roads, or highways of the village or upon property owned by the village, except that a minor may consume, possess, or have physical control of alcoholic liquor as a part of a bona fide religious rite, ritual, or ceremony or in his or her permanent place of residence. (Neb. Rev. Stat. §53-180.02) (Am. Ord. Nos. 299, 9/2/80; 681, 6/8/05)

SECTION 3-127: TOBACCO USE BY MINORS

Any minor under the age of 18 who shall smoke cigarettes or cigars or use tobacco in any form whatever shall be guilty of a Class V misdemeanor. Any minor so charged with violation of this section may be free from prosecution when he or she shall have furnished evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars or tobacco. (Neb. Rev. Stat. §28-1418)

SECTION 3-128: TOBACCO VENDOR; SALE TO MINORS

It shall hereafter be unlawful for any person to sell cigars, cigarettes, cigarette material, or other tobacco in any form to any person under the age of 18 years.

SECTION 3-129: STREET GAMES

It shall be unlawful for any person to play catch, bat a ball, kick or throw a football, engage in any exercise or sport, push, coast or skate with roller blades, ice skates, inline skates, skateboards, scooters, or other kindred contrivances upon the streets. Nothing herein shall be construed to prohibit or prevent the Village Board 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.

SECTION 3-130: LITTERING

A. Any person who deposits, throws, discards, scatters, or otherwise disposes of any litter, refuse, waste matter, or other thing on any public or private property or in any waters commits the offense of littering unless (1) such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or (2) the litter is placed in a receptacle or container installed on such property for such purpose.

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

C. "Litter" as used in this section means all rubbish, refuse, waste material, garbage, trash, debris, or other foreign substances, solid or liquid of every form, size, kind, and description but does not include the wastes or primary processes of farming or manufacturing.

(Neb. Rev. Stat. §§17-123.01, 28-523)

SECTION 3-131: POSTING NOTICES

No person in the village shall fasten any poster or other advertising device in any way upon public or private property in the village unless authorized to do so by the Village Board.

SECTION 3-132: POSTED ADVERTISEMENTS

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

SECTION 3-133: APPLIANCE 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 or she shall first remove all doors and make the same reasonably safe. (Neb. Rev. Stat. §18-1720)

SECTION 3-134: OBSTRUCTING WATER FLOW

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

SECTION 3-135: INJURY TO PLANTS AND TREES

It shall be unlawful for any person to purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any trees or their fruit or any shrub, plant, flower, or grass on any public or private property. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the Village Board and the written permit of the board in accordance with its decision to allow such an action shall constitute the only lawful authority on the part of the company to do so. (Am. Ord. No. 232, 3/1/77)

SECTION 3-136: PARKS; INJURY TO PROPERTY; LITTERING

It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub; to injure or destroy any sodded or planted area; or to injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the village parks and recreational areas. No person shall commit any waste on or litter the village parks or other public grounds. (Neb. Rev. Stat. §§17-563, 28-523)

SECTION 3-137: PROHIBITED FENCES

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

SECTION 3-138: HEDGES, VEGETATION OBSTRUCTING VIEW

The growing or maintaining or permitting the growing of hedges, corn, or other vegetation so tall as to obstruct the view of any private building, business building, street intersection, or private drive is declared to be a nuisance and is hereby prohibited.

SECTION 3-139: TOWING TREES

It shall be unlawful for any person to tow or drag trees, parts of trees, or brush behind any motor vehicle upon the streets or alleys of the village.

Article 2 – Dogs and Cats

SECTION 3-201: DEFINITIONS

“Animal control authority” shall mean an entity authorized to enforce the animal control laws of the village.

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

“Owner” shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog or cat; and specifically in reference to a collarless dog or cat, every person who shall harbor such an animal about his or her premises for the space of ten days shall be held to be the owner.

(Neb. Rev. Stat. §§54-606, 71-4401)

SECTION 3-202: RABIES VACCINATION

Every dog and cat shall be vaccinated against rabies pursuant to Nebraska law. Unvaccinated dogs or cats acquired or moved into the village must be vaccinated within 30 days after purchase unless under the age for initial vaccination. The provisions of this ordinance with respect to vaccination shall not apply to any dogs or cats owned by a person temporarily residing within this village for fewer than 30 days, any dog or cat brought into this village for show purposes, or any dog brought into this village for hunting purposes for a period of fewer than 30 days; such animals shall be kept under the strict supervision of the owner. (Neb. Rev. Stat. §71-4402)

SECTION 3-203: RABIES CERTIFICATE; LICENSING; FEE

A. Any person who shall own, keep, or harbor a dog or cat over the age of four months within the village shall within 30 days after acquisition of the said animal acquire a license for each dog or cat annually by or before May 1 each year. Application shall be made upon a printed form provided by the village, upon which the owner shall state his or her name and address and the name, breed, color, and sex of each dog and cat owned and kept by him or her. A certificate stating that each animal 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.

B. Upon payment of the license fee for each male dog or spayed female dog and for each unspayed female dog, together with a delinquent penalty for each license issued from and after May 10 of each year, the village clerk shall issue to the

dog or cat owner a license certificate and a metallic tag for each animal so licensed. Said fees shall be as set by resolution of the Village Board and placed on file in the village office. The village shall, in addition to the license tax imposed, collect from the licensee a fee of \$1.25. The clerk shall retain 3¢ from the said fee and remit the balance to the state treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund. The 3¢ collected shall be credited to the general fund along with the license fees.

C. The said tax shall be delinquent from and after May 10; provided, the possessor of any dog or cat brought into or harbored within the corporate limits subsequent to May 1 shall be liable for the payment of the tax levied herein and such tax shall be delinquent if not paid within ten days thereafter. It shall be the duty of the village clerk to issue tags of a suitable design that are different in appearance each year.

D. The metallic tag shall be properly attached to the collar or harness of every dog or cat so licensed and shall entitle the owner to keep or harbor the said animal until April 30 of the following year. Said licenses shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed animal.

E. Every service animal shall be licensed but no license tax shall be charged. Upon the retirement or discontinuance of the animal as a service animal, the owner of the animal shall be liable for the payment of a license tax as prescribed herein.

(Neb. Rev. Stat. §§17-526, 54-603) (Am. Ord. No. 370, 9/14/83)

SECTION 3-204: LOST TAG

In the event that a licensing tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the village clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee for each duplicate or new tag so issued. Such fee shall be as set by resolution of the Village Board and placed on file in the office of the village clerk. (Neb. Rev. Stat. §§17-526, 54-603)

SECTION 3-205: WRONGFUL LICENSING

It shall be unlawful for the owner, keeper or harbinger of any dog or cat to permit or allow such animal to wear any license, metallic tag or other village identification other than that issued by the village clerk. (Neb. Rev. Stat. §17-526)

SECTION 3-206: UNLICENSED

Every dog or cat found running at large upon the streets and public grounds of the village without a current license tag affixed as required in this article is hereby declared a public nuisance and shall be impounded as provided herein.

SECTION 3-207: DOGS; RUNNING AT LARGE

It shall be unlawful for the owner of any dog to allow such dog to run at large at any time. It shall be the duty of the animal control authority to cause any dog found to be running at large within the village to be taken up and impounded. "Running at large" shall mean a dog was found off the premises of the owner and not under control of the owner or a responsible person by leash, cord, chain, wire, rope, cage, or other suitable means of physical restraint. (Neb. Rev. Stat. §54-607) (Am. Ord. No. 419, 5/7/85)

SECTION 3-208: REMOVAL OF COLLAR OR HARNESS, LICENSE TAGS

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

SECTION 3-209: DOGS; DAMAGE; LIABILITY OF OWNER

It shall be unlawful for any person to allow a dog owned, kept, or harbored by him or her or under his or her charge or control to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (Neb. Rev. Stat. §§18-1720, 54-601, 54-602)

SECTION 3-210: DOGS; BARKING AND OFFENSIVE BEHAVIOR; COMPLAINT

It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood or person or which habitually barks at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the village. Upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the village clerk, that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, the animal control officer shall investigate the complaint and, if in his or her opinion the situation warrants, shall notify the owner to silence and restrain such dog. The provisions of this section shall not be construed to apply to the village animal shelter. (Neb. Rev. Stat. §17-526)

SECTION 3-211: FEMALE IN SEASON

It is hereby declared unlawful for the owner, keeper or harbinger of a female dog or cat 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. (Neb. Rev. Stat. §17-526)

SECTION 3-212: DOGS; FIGHTING

It shall be unlawful for any person, by agreement or otherwise, to set dogs to fighting

or by any gesture or word to encourage the same to fight. (Neb. Rev. Stat. §17-526)

SECTION 3-213: DANGEROUS DOGS; DEFINITIONS

“Dangerous dog” shall mean any dog that, according to the records of the animal control authority:

- A. Has killed or inflicted injury on a human being of public or private property:
- B. Has killed a domestic animal without provocation; or
- C. Has been previously determined to be a potentially dangerous dog by an animal control authority and the owner has received notice of such determination; such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- D. Notwithstanding the foregoing, a dog shall not be defined as a dangerous dog:
 - 1. If the threat, any injury that is not a severe injury, or the damage was sustained by a person who (a) at the time was committing a willful trespass as defined in state statutes or any other tort upon the property of the owner of the dog; (b) at the time was tormenting, abusing, or assaulting the dog; (c) has in the past been observed or reported to have tormented or assaulted the dog; or (d) at the time was committing or attempting to commit a crime; or
 - 2. If the dog is a trained dog assisting a police officer engaged in law enforcement duties.

“Domestic animal” shall mean a cat, a dog, or livestock.

“Potentially dangerous dog” shall mean any dog that, when unprovoked;

A. Inflicts a non-severe injury on a human or injures a domestic animal on either public or private property or 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, cosmetic surgery, or one or more broken bones or that creates a potential danger to the life or health of the victim.
(Neb. Rev. Stat. §54-617)

SECTION 3-214: DANGEROUS DOGS; CONFINED; 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. Each warning sign shall be no less than 10 inches by 12 inches and shall contain the words "Warning" and "Dangerous Animal" in high-contrast lettering at least 3 inches high on a black background. (Neb. Rev. Stat. §54-619)

SECTION 3-215: DANGEROUS DOGS; RESTRAINED

No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the animal is restrained securely by a chain or leash. (Neb. Rev. Stat. §54-618)

SECTION 3-216: DANGEROUS DOGS; FAILURE TO COMPLY

Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this article. In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner. (Neb. Rev. Stat. §54-620)

SECTION 3-217: DANGEROUS DOGS; VIOLATION; PRIOR CONVICTION

If a dangerous dog belonging to an owner with a prior conviction under this section attacks or bites a person or another domestic animal, the owner shall be guilty of a misdemeanor. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. (Neb. Rev. Stat. §54-624)

SECTION 3-218: DANGEROUS DOGS; ADDITIONAL REGULATIONS

Nothing in this article shall be construed to restrict or prohibit the Village Board from establishing and enforcing laws or ordinances at least as stringent as the provisions of this article. (Neb. Rev. Stat. §54-624)

SECTION 3-219: IMPOUNDMENT

A. It shall be the duty of the village police to capture, secure, and remove in a humane manner to the village animal shelter any dog violating any of the provisions of this article. Every dog so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the pound for a period of not less than five days after public notice has been given, unless reclaimed earlier by the owner.

B. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the village clerk within 24 hours after impoundment as public notification of such impoundment; provided, if the owner of the dog is known, the clerk may also attempt to personally notify the owner of the impoundment. Any dog may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee and daily board fee as set by resolution of the Village Board and filed in the office of the village clerk. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 72 hours after release. Any dog may be reclaimed by its owner during the period of impoundment by payment of the costs of impoundment.

C. If the dog is not claimed at the end of the required waiting period after public notice has been given, the village police may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same; provided, if a suitable home, in the judgment of the village police, can be found for any such dog within the village, the said dog shall be turned over to that person and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided in this article.

D. The village shall acquire legal title to any unlicensed dog impounded in the shelter for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in the summary and humane manner as prescribed by the animal control officer unless a suitable home can be found for such dog as provided in subsection (C) above.

(Neb. Rev. Stat. §17-548) (Am. Ord. No. 330, 10/6/81)

SECTION 3-220: DESTRUCTION BY REQUEST

Any person who owns or in any way sustains a dog that he or she wishes to be destroyed may place the same in the animal shelter to be destroyed and disposed of according to the provisions herein. (Neb. Rev. Stat. §17-526)

SECTION 3-221: OFFICER'S COMPENSATION

For destroying and burying dogs under the provisions of this article, the official appointed to destroy said dogs shall be paid, in addition to his regular salary, for each dog so destroyed and buried. Such compensation shall be as set by resolution of the Village Board and placed on file in the village office. (Neb. Rev. Stat. §17-526) (Am. Ord. No. 437, 11/5/85)

SECTION 3-222: INTERFERENCE WITH ANIMAL CONTROL

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

SECTION 3-223: ENFORCEMENT

In the absence of a village police being employed by the village, the Village Board shall have the authority to designate some other person to fulfill his or her duties with regard to this article. In the event another person is appointed to enforce this article, he or she shall have the same force, power, duty, and protections as the village police would have under this article.

Article 3 – Kennels

SECTION 3-301: UNLICENSED KENNELS; PROHIBITED; NUISANCE

No person shall keep or harbor four or more dogs in an outdoor kennel, enclosure, including a fenced-in area or pen, or structure detached from the dwelling on any premises owned by or in the possession of such person without obtaining a kennel license from the village clerk and complying with the provisions of this section.

SECTION 3-302: LICENSE

A. The village clerk shall issue a kennel license to any person making application upon the applicant's meeting the following conditions:

1. The Board of Health or its designated health officer determines after an inspection of the kennel that it complies with the standards set out herein;
2. The Board of Health or its designated health officer determines that there is no hazard to public safety, health, and welfare from housing of the proposed number and breed of dogs in the kennel; and
3. The applicant pays the initial annual kennel licensing fee to the village clerk. The kennel licensing fee, as set by resolution of the Village Board and filed in the office of the village clerk, shall be in addition to the license fee required for each dog kept or harbored on the premises. The kennel license shall be for a term of one year commencing May 1 and expiring April 30 of the following year. The annual fee shall be prorated for any partial license year to reflect the number of months during which four or more dogs will be kept in applicant's kennel.

B. The kennel license shall be renewable annually by payment of the annual kennel license fee, which shall be due and payable on or before May 1 of each year, and the licensee's continued compliance with the kennel standards set forth herein.

C. The Board of Health or its designated health officer may, at the time of annual kennel license renewal or at any other time a complaint is received with respect to a kennel, inspect the kennel for continuing compliance with the standards set out herein and issue any order necessary to require that the kennel be brought into compliance with this section.

D. If a licensee fails to comply with any order of the Board of Health or its designated health officer within 30 days or if the annual kennel license fee is not paid by May 30 each year, the kennel license shall be revoked and the clerk shall give notice of such revocation to the licensee by personal delivery or certified mail. The licensee shall have ten days after receipt of notice of revocation of the kennel license to appeal the revocation by requesting a hearing before the Village Board; or the licensee may,

within such time, comply with any order respecting the kennel or pay the annual kennel license fee, whereupon the kennel license shall be reinstated. The request for hearing on revocation of the kennel license shall be made to the clerk and thereafter a hearing date shall be set. The licensee shall be given written notice of the hearing at least five days prior thereto. The Village Board shall hear the evidence of the Board of Health or its designated health officer and the licensee and, based upon consideration of such evidence, enact a resolution either revoking the licensee's kennel license or reinstating it upon any conditions it deems proper.

SECTION 3-303: STANDARDS

A. *General Structure.* Kennels must be structurally sound so as to contain the dogs securely and prevent other animals from entering.

B. *Ground Surfaces.* Ground surfaces of the kennel must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized or replaced when soiled. Unless the ground surface is to be spot-cleaned daily, it must be of a material impervious to moisture such as concrete.

C. *Shelter from the Elements.* The kennel must include one or more shelter structures that are accessible to each dog and that are, in the aggregate, large enough to allow each kenneled dog to sit, stand, lie in a normal manner, and turn about freely within the structure or structures. Shelter structures must contain a roof, four sides, and a floor. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the kenneled dogs at one time and protect them from the direct rays of the sun.

D. *Cleaning.* Shelter surfaces and ground surfaces in the kennel should be spot-cleaned daily and must be cleaned with sufficient frequency to ensure all kenneled dogs the freedom to avoid contact with excreta. Shelter surfaces and ground surfaces in the kennel must be thoroughly cleaned and sanitized with sufficient frequency to eliminate odors, insects, pests, or vermin infestation.

E. *Drainage and Waste Disposal.* The kennel licensee must provide for regular and frequent collection, removal, and disposal of excreta, food waste, debris, and other solid or fluid waste in a manner that minimizes odors, contamination, and disease risks to the kenneled dogs. Shelter structure floors and kennel ground surfaces must be constructed so that animal liquid waste and water are eliminated as runoff and animals stay dry. Standing puddles of water on the ground surface of kennels shall not be allowed and shall be drained or mopped up so that the kenneled dogs stay dry.

F. *Bedding Material.* Sufficient clean, dry bedding material shall be provided for all kenneled dogs if the ambient temperature is 35° F or lower.

G. *Storage of Food and Bedding.* Only food and bedding that is currently being

used shall be kept in areas occupied by the kenneled dogs. Supplies of food and bedding must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. Food shall be stored in a manner to prevent deterioration of its nutritive value.

(Am. Ord. No. 523, 5/4/93)

Article 4 – Animals Generally

SECTION 3-401: LIVESTOCK CONTROLLED

It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat or other livestock within 200 feet of any neighboring property without the written permission of the owner of said property. In no event shall any swine be allowed to be kept or harbored within the village. This section does not apply to dogs and cats. (Neb. Rev. Stat. §§17-526, 17-547)

SECTION 3-402: RUNNING AT LARGE

It shall be unlawful for the owner, keeper, or harborer 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 run at large on any of the public ways and property or upon the property of another or to be tethered or staked out in such a manner so as to allow such animal to reach or pass into any public way. (Neb. Rev. Stat. §17-547)

SECTION 3-403: FOWLS; WRITTEN PERMISSION

It shall be unlawful for any person to keep on his or her private property poultry, chickens, turkeys, geese or other fowls unless and until they have received the written consents of the owners or lessees of the properties immediately adjoining the private property where such fowls are to be kept, as well as all other property owners within 200 feet of the place where such animals are to be kept, which consents shall be filed at the office of the village clerk and shall be subject to revocation by any of the said owners or lessees at any time. In the event any of the consents are revoked, the person keeping poultry, chickens, turkeys, geese, or other fowls or animals shall have 30 days to remove the same after being notified by the village clerk that such consents have been revoked.

SECTION 3-404: FOWLS; RUNNING AT LARGE

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

SECTION 3-405: ANIMALS; IMPOUNDING

Animals or fowls maintained unlawfully or found running at large within the village shall be captured by the official in charge of animals and killed or confined in the manner prescribed for dogs.

SECTION 3-406: ENCLOSURES

All pens, cages, sheds, yards or any other areas or enclosures for the confinement of animals and fowls not specifically barred within the corporate limits shall be kept in a

clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the said enclosure is located.

SECTION 3-407: EQUINES AND BOVINES; PROHIBITED ACTS

A. No person shall intentionally trip or cause to fall or lasso or rope the legs of any equine by any means for the purpose of entertainment, sport, practice, or contest. The intentional tripping or causing to fall or the lassoing or roping the legs of any equine by any means for the purpose of entertainment, sport, practice, or contest shall not be considered a commonly accepted practice occurring in conjunction with sanctioned rodeos or animal racing or pulling contests.

B. No person shall intentionally trip, cause to fall, or drag any bovine by its tail by any means for the purpose of entertainment, sport, practice, or contest. The intentional tripping, causing to fall, or dragging of any bovine by its tail by any means for the purpose of entertainment, sport, practice, or contest shall not be considered a commonly accepted practice occurring in conjunction with sanctioned rodeos or animal racing or pulling contests.

(Neb. Rev. Stat. §§54-911, 54-912)

SECTION 3-408: WILD ANIMALS

No wild animals may be kept within the corporate limits except such animals kept for exhibition purposes by circuses and educational institutions.

SECTION 3-409: RABIES SUSPECTED; IMPOUNDMENT

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

1. The animal is suspected of having rabies, regardless of the species and whether or not the animal has been vaccinated;
2. The animal is not vaccinated and is a dog, cat, or another animal of a species determined by the Department of Health and Human Services (HHS) to be a rabid species; or
3. The animal is of a species which has been determined by HHS to be a rabid species not amenable to rabies protection by immunization, whether or not the animal has been vaccinated.

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

C. Except as provided in subsection (D) below, whenever any person has been

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

D. A vaccinated animal owned by a law enforcement or governmental military agency which bites or causes an abrasion of the skin of any person during training or the performance of the animal's duties may be confined as provided in subsection (C) above. The agency shall maintain ownership of and shall control and supervise the actions of the animal for a period of 15 days following the injury. If during such period the death of the animal occurs for any reason, a veterinarian shall, within 24 hours of the death, examine the tissues of the animal for clinical signs of rabies.

E. Any dog, cat, or other animal of a rabid species which has bitten a person or caused an abrasion of the skin of a person and which is unowned or the ownership of which cannot be determined within 72 hours of the time of the bite or abrasion shall be immediately subject to any tests which HHS believes are necessary to determine whether the animal is afflicted with rabies. The 72-hour period shall include holidays and weekends and shall not be extended for any reason. The tests required by this subsection may include tests which require the animal to be destroyed.

(Neb. Rev. Stat. §71-4406)

Article 5 – Nuisances

SECTION 3-501: PUBLIC NUISANCES PROHIBITED

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

SECTION 3-502: GENERALLY DEFINED

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

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

SECTION 3-503: SPECIFICALLY DEFINED

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

- A. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter or the whole or any part of any dead animal, fish or fowl.
- B. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats or which are foul or malodorous.
- C. Filthy, littered or trash-covered cellars, house yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.

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

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

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

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

H. Any buildings or structures which have any or all of the defects defined at Section 3-601 hereafter.

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

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

K. Any machine, vehicle, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

L. Any motor vehicle without a current license and not housed in a storage or other building, except as provided herein:

1. It shall be unlawful for any person in charge or control of any property within the village, whether as owner, tenant, occupant, lessee, or otherwise, to allow any non-operating, wrecked, junked, or partially dismantled vehicle to remain on such property longer than 30 days. It shall be unlaw-

ful for any person in charge or control of any property within the village, whether as owner, tenant, occupant, lessee, or otherwise, to allow any vehicle which has been unregistered for more than 30 days to remain on such property. This section shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the lawful operation of such business enterprise, a vehicle in an appropriate storage place or depository maintained in a lawful place and manner, or a vehicle on the premises of a person who has obtained a hobbyist permit which is then in effect for the restoration of said vehicle, as provided in subsection (2) below.

2. A hobbyist permit for the restoration or repair of up to two non-operating, wrecked, junked, or partially dismantled vehicles on any premises used for residential purposes may be granted to the resident of such premises as follows:
 - a. Application for a hobbyist permit shall be filed in writing with the village clerk on a form provided by the village and shall contain the name and address of the applicant and the make, model, year, and vehicle identification number on each vehicle to be restored or repaired. The vehicle(s) to be restored or repaired shall be owned by the applicant.
 - b. The fee for such hobbyist permit shall be as set by the Village Board by resolution and placed on file in the office of the village clerk. All such permits shall expire one year following the date of issuance thereof.

M. Any wood or tree limbs not cut and stacked in neat rows on an area not exceeding 10 feet by 16 feet. All such stacked wood shall be located to the rear or side lot lines of the premises and not on the front of the premises.

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

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

P. Maintenance of weeds, grasses or worthless vegetation of 12 inches or more in height, or 8 inches or more in height of weeds, grasses or worthless vegeta-

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

Q. Discharge of dust, fumes, gases, mist, odors, smoke, or any combination thereof into the open air when of such character and in a quantity which interferes with health, repose, or safety, causes severe annoyance or discomfort, or is offensive and objectionable to normal persons and causes injury to real and personal property of any kind. The standards for air pollution established or adopted by the State of Nebraska shall be presumptive evidence as to when the air is deemed to be polluted under this section.

R. All other things specifically designated as nuisances elsewhere in this code. (Neb. Rev. Stat. §§18-1720, 28-1321) (Am. Ord. Nos. 215, 7/1/75; 216, 7/1/75; 517, 6/2/92) (Class 5)

SECTION 3-504: NOTICE PROCEDURE; ABATEMENT

A. Whenever the village law enforcement officer, or code enforcement officer appointed by the chairman, determines that any weeds or grasses in excess of 12 inches or weeds, grasses or worthless vegetation 8 inches or more in height, as described in Section (3-503)(P), are growing on property within the village, or other nuisance, as defined herein, is found on any property the following abatement procedure shall be followed:

1. The designated law enforcement officer or code enforcement officer shall document the weeds or nuisance by photographing the same. Once the weeds or nuisance has been documented, the village clerk shall give notice to mow, abate, and remove such weeds or nuisance to each owner or owner's duly authorized agent and to the occupant of the premises, if any, by personal service or certified mail with return receipt requested. If mailed, such notice shall be conspicuously marked as to its importance. Personal service shall be made by the Saline County Sheriff's Office. Such notice shall contain a copy of the photograph of the weeds or nuisance, a copy of this ordinance, instructions on abatement of the weeds or nuisance, time in which such abatement shall take place, and possible penalties for failure to abate.
2. Within five business days after receipt of such notice, the owner, agent, or occupant of the lot or piece of ground may request a hearing with the vil-

lage to appeal the order to mow, abate, or remove the weeds or nuisance by filing a written appeal with the office of the village clerk. A hearing on the appeal shall be held within 14 days after the filing of the appeal and shall be conducted by a hearing officer designated by the Village Board. The hearing officer shall render a decision on the appeal within five business days after the conclusion of the hearing. The hearing shall be conducted informally and the formal rules of evidence shall not apply but either party may appear with an attorney and may request that the hearing be recorded for appeal purposes. Any decision rendered by the hearing officer may be appealed to the District Court. If no appeal is taken within ten days of the hearing officer's decision, the owner, agent, or occupant shall promptly comply with the notice to abate. If abatement is not completed within 20 days of the chairman's decision and no appeal is taken, the village shall proceed pursuant to subsections (3) and (4) below or to subsections (B)(1) and (2) as set forth below.

3. Within ten days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the village or fails to appeal the decision of the hearing officer and fails to comply with the order to mow or abate and remove the weeds or nuisance, the village shall again photograph the weeds or nuisance to document that abatement has not occurred.
4. If abatement has not occurred within the time prescribed, the village clerk shall deliver the original photographs, a copy of the delivered notice to abate, the certificate of delivery or acknowledged return receipt of the notice, and the photographs taken subsequent to the time to abate has elapsed to the prosecuting attorney for the village and request that charges be filed against the owner or occupant of the premises for maintenance of a nuisance.

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

1. Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed, or
2. Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(Ord. No. 234, 3/1/77)

SECTION 3-505: SECOND OFFENSE

In the event that an owner or agent of any property with the village shall have received a notice to correct or abate a nuisance within the past 12 months and is again charged with maintaining a nuisance as defined herein, the designated law enforcement officer or code enforcement officer shall document such offense as set forth above and request that a complaint against such owner, agent or occupant be filed for maintenance of a nuisance with the County Court.

SECTION 3-506: FAILURE TO CORRECT

Any owner or occupant of premises within the village who maintains a nuisance, as defined herein, shall be guilty of violation of this ordinance. Each day's further violation shall be a separate offense.

SECTION 3-507: ADJOINING LAND OWNERS; INTERVENTION BEFORE TRIAL

In cases of appeal from an action of the Village Board condemning real property as a nuisance or as dangerous under the police powers of the village, the owners of the adjoining property may intervene in the action at any time before trial. (Neb. Rev. Stat. §19-710) (Ord. No. 430, 9/3/85)

Article 6 – Dangerous Buildings

(Ord. No. 638, 6/5/01)

SECTION 3-601: DETERMINATION AND DEFINITIONS

Any buildings or structures, including billboards, 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 the County Health Department or a professional engineer appointed by the village which are, after inspection, deemed to be in

violation of any provision of the health department rules and regulations or which are structurally unsafe or unsound as found by the inspection of the professional engineer;

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

(Neb. Rev. Stat. §18-1720)

SECTION 3-602: BUILDING INSPECTOR

The Village Board may designate a special building inspector and if appointed he/she shall, at the direction of the Village 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 3-603: STANDARDS

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

A. If the unsafe or dangerous building or structure can reasonably be repaired so that it will no longer exist in violation of any of the terms or provisions of this article, it shall be ordered to be repaired;

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

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

demolished.
(Neb. Rev. Stat. §§17-136, 18-2107)

SECTION 3-604: UNLAWFUL MAINTENANCE

It is hereby determined unlawful to maintain a dangerous building within the corporate limits of the village or within its zoning jurisdiction. (Neb. Rev. Stat. §28-1321)

SECTION 3-605: ABATEMENT; PROCEDURE

If the specially designated building inspector or his/her representatives or professional engineer finds that a building or structure is unsafe or dangerous and a nuisance, the Village 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 a village employee to place a sign on the building or structure found to be unsafe or dangerous on its exterior near the main entrance, setting forth that the building or structure is unsafe or dangerous for occupancy and use.

D. File a copy of such determination or resolution in the office of the county register of deeds. No fee shall be charged for such recording or for its release.
(Neb. Rev. Stat. §18-1722.01)

SECTION 3-606: 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, and fails to request a hearing on such determination, 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. (Neb. Rev. Stat. §18-1722)

SECTION 3-607: DISPUTES

A. In the event that the owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure disagrees with or disputes the information contained in the notice, such person shall notify the village clerk with a written statement that sets forth the reasons for the disagreement or dispute and the relief requested. Once such notice is received by the village clerk, the appeal procedure shall be the same as set forth in Section 3-504(A) herein.

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 board shall be final unless appealed. Failure of the person to attend the hearing shall relieve the board of any further procedures before action is taken as set forth in a notice.

SECTION 3-608: APPEAL

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

SECTION 3-609: IMMEDIATE HAZARD

In the event the building constitutes an immediate hazard to the life or safety of any persons and must be demolished to protect their health or safety, the specially appointed building inspector or professional engineer designated by the Village Board shall report such facts to the board. Upon receipt of such report the village, by and through the 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 7 – Sexual Predators

SECTION 3-701: DEFINITIONS

For purposes of this ordinance:

“Child care facility” means a facility licensed pursuant to the Child Care Licensing Act;

“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 state accreditation or approval;

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

“Sexual predator” means an individual required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in Neb. Rev. Stat. §29-4001.01 and who has victimized a person 18 years of age or younger.
(Neb. Rev. Stat. §29-4016)

SECTION 3-702: RESIDENCY RESTRICTIONS

It is unlawful for any sexual predator to reside within 500 feet from 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 residence to the nearest outer boundary line of the school or child care facility. (Neb. Rev. Stat. §29-4017)

SECTION 3-703: EXCEPTIONS

This ordinance shall not apply to a sexual predator who (A) resides within a prison or correctional or treatment facility operated by the state or a political subdivision; (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. (Neb. Rev. Stat. §29-4017)

Article 8 – Penal Provisions

SECTION 3-801: 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 \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Neb. Rev. Stat. §17-505) (Am. Ord. Nos. 649, 9/2/03; 651, 9/2/03; 654, 9/2/03; 660, 9/2/03; 662, 9/2/03; 665, 9/2/03)

SECTION 3-802: ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in this chapter, the village may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. Whenever in any action it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.