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**CHAPTER 3 − MISDEMEANORS**

**Article 1 − General Misdemeanors**

**SECTION 3-101: DISTURBING THE PEACE**

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

**SECTION 3-102: MALICIOUS DESTRUCTION OF PROPERTY**

It shall be unlawful for any person to molest, injure or destroy any property of another in this city wantonly or maliciously in any manner. Any such offender shall be liable for all damages which arise from the commission of such unlawful act, in addition to a fine as permitted by law.

**SECTION 3-103: 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. (Neb. Rev. Stat. §18-­1720, 28-1321, 39-705)

**SECTION 3-104: DISCHARGE OF FIREARMS**

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

**SECTION 3-105: DISCHARGE OF SLINGSHOTS, AIR GUNS, BB GUNS**

It shall be unlawfulfor any person to discharge a slingshot, air gun, BB gun, or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the City. (Neb. Rev. Stat. §17-556)

**SECTION 3-106: APPLIANCES IN YARD**

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children whether on private or public property unless he/she shall first remove all doors and make the same reasonably safe. (Neb. Rev. Stat. §18-1720, 28-1321)

**SECTION 3-107: INJURY TO TREES**

It shall be unlawful for any person to purposely or carelessly, and without lawful authority, cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the City Council to do so, and the written permit of the Council 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. (Neb. Rev. Stat. §17-555, 18-806, 28-519)

**SECTION 3-108: DEAD OR DISEASED TREES; NUISANCE**

1. It is hereby declared a nuisance for a property ownerto permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the City.
2. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees on private property with the corporate limits of the City. For the purpose of carrying out the provisions of this section, the city police shall have the authority to enter upon private property to inspect the trees thereon.
3. Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within 30 days after the receipt of such notice, if the owner or occupant of the lot of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the City may have such work done and may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvement are levied or assessed.

(Neb. Rev. Stat. §17-555, 18-1720, 28-1321) (Ord. No. 966, 3/28/95)

**SECTION 3-109: RADIO INTERFERENCE**

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

**SECTION 3-110: EXCESSIVE NOISE; NUISANCE**

It shall be unlawful for any person within the City to operate any radio, tape player, compact disc player, stereophonic sound system or similar device which reproduces or amplifies radio broadcasts or musical recordings in or upon any street, alley, or other public place in such a manner as to be audible to any person at any point or place more than 75 feet from the source. The prohibition set forth herein shall not apply to such activity:

1. When conducted in connection with an activity or event sponsored by a school, church, or governmental entity;
2. When conducted in connection with an activity open to the public such as a carnival, circus or athletic event; and
3. If a permit for same has been issued by the City Council, or its designee, which permit may include such conditions as the Council, or its designee, shall deem necessary and appropriate; provided, however, such conditions shall be reasonably related to preserving the public peace and shall not infringe upon the applicant's right to free speech.

(Neb. Rev. Stat. §18-1720) (Ord. No. 1118, 9/28/99)

**SECTION 3-111: RAISING OR PRODUCING STAGNANT WATER**

It shallbe unlawful for any person to build, erect, continue or keep up any dam or other obstruction in any river or stream of water and thereby raise an artificial pond or produce stagnant waters which shall be manifestly injurious to the public health and safety. (Neb. Rev. Stat. §28-1303)

**SECTION 3-112: LITTERING**

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

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

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

(Neb. Rev. Stat. §28-523) (Ord. No. 968, 3/28/95)

**SECTION 3-113: POSTING**

It shall be unlawful for any person, firm or corporation to use the streets, sidewalks or public grounds of the City for signs, signposts, the posting of handbills or advertisements, without written permission of the City Council. (Neb. Rev. Stat. §17-140)

**SECTION 3-114: OBSTRUCTION OF PUBLIC WAYS**

It shall be unlawfulfor any person to erect, maintain, or suffer to remain on any street or public sidewalk a stand, wagon, display, or other obstruction inconvenient to, or inconsistent with, the public use of the same. (Neb. Rev. Stat. §17-142, 17-555, 17-557, 39-703, 39-704)

**SECTION 3-115: OBSTRUCTING WATER FLOW**

It shall be unlawful forany person to stop or obstruct the passage of water in a street gutter, culvert, water pipe, or hydrant. (Neb. Rev. Stat. §17-555, 17-970)

**SECTION 3-116: UNLAWFUL ASSEMBLY**

A person is guilty of unlawful assembly if he/she assembles with two or more persons for the purpose of engaging in conduct constituting the crime of riot or if, being present at any assembly that either has or develops such a purpose, he/she remains there with an intent to advance that purpose. Any person convicted of unlawful assembly shall be deemed guilty of a misdemeanor. (Neb. Rev. Stat. §17-124, 28-202 et seq.) (Ord. No. 900, 12/11/90)

**SECTION 3-117: RIOTOUS ASSEMBLY**

If three or more persons shall assemble together with intent to do any unlawful act, with force and violence, against the person or property of another, or to do any unlawful act against the peace or, being lawfully assembled, shall agree with each other to do any unlawful act as aforesaid, and shall make any movement or preparation therefor, the persons so offending shall be deemed guilty of a misdemeanor. (Neb. Rev. Stat. §17-124) (Ord. No. 900, 12/11/90)

**SECTION 3-118: DISORDERLY CONDUCT**

1. *Definitions.* For the purpose of this section, the following words and phrases shall have the following meanings:

 “Public place” shall mean any public place to which the general public has access and a right to remain for business, entertainment or other lawful purposes, but is not limited to a place devoted solely to the uses of the public. It shall include any portion of the area of any store, shop, restaurant, tavern or other place of business which satisfies the definition set forth above. It shall also include property owned by the state, county or other political subdivision, or public streets, alleys, parking lots, public and private rights of way, public grounds, areas or parks.

 “Riot” shall mean a public disturbance involving (1) an act or acts of violence by one or more person, which act or acts shall constitute a clear and present danger or shall result in damage or injury to the property owner; or (2) a threat or threats of the commission of an act or acts of violence by one or more persons who are part of an assemblage or three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts would constitute a clear and present danger of or would result in damage or injury to property of person of anyone.

 “Incite a riot” shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written advocacy or ideas or the expression of beliefs, not involving advocacy or any act or acts of violence or assertion of the right to commit any such act or acts.

1. *Disorderly conduct prohibited.* A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder or nuisance, he/she willfully does any one of the following acts:
	1. Commits an act in a violent or tumultuous manner toward another whereby the other is placed in danger of physical harm to life, limb or health.
	2. Commits an act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.
	3. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life limb, health or property of another.
	4. Obstructs, either singly or together with other person, the flow of vehicular or pedestrian traffic or refuses to clear such public way when ordered to do so by the city police or other lawful authority known to be such.
	5. Incites or is directly involved in attempting to incite a riot.
	6. Addresses abusive language or threats to any member of the Police Department, any authorized official of the City who is engaged in the lawful performance of his/her duties, or any other person when such language or threats would cause a reasonable person to believe that the person using such language or threats desires or intends to cause acts of violence, either toward the police officer or other authorized official or the other person. Words merely causing displeasure, annoyance or resentment are not prohibited.
	7. Makes or causes to be made any loud, boisterous or unreasonable noise or disturbance nearby, or near to, in or upon any public highway, road, street, lane, alley, park, square, common, or public place, whereby the public peace is broken or disturbed or the traveling public is annoyed.
	8. Fails to obey a lawful order to disperse by a police officer, when known to be such official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity or the public health and safety is imminently threatened.
	9. Exposes his/her genitals in a public place or on private premises, and under circumstances in which he/she knows or reasonably should know that the exposed genital or genitals may readily be observed from either a public place or other private premises; provided, however, this prohibition shall not apply in a public or private restroom.
	10. Urinates or defecates in a public place or on private premises open to or visible to the public; provided, this prohibition shall not apply to urinating or defecating in any restroom facility in a manner for which the facility was designed.
	11. Shines or directs a laser light beam on any member of the Police Department, any authorized official of the City who is engaged in the lawful performance of his/her duties, or any other person.
2. *Exemptions.* This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.

(Neb. Rev. Stat. §17-124, 17-129) (Ord. No. 900, 12/11/90; 1119, 10/12/99)

**SECTION** **3-119: 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 terrifies, threatens, or intimidates the person and which serves no legitimate purpose, and

“Course of conduct” shall mean a pattern of conduct composed of a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning the person.

(Neb. Rev. Stat. §28-311.02, 28-311.03) (Ord. No. 943, 6/14/94)

**SECTION 3-120: TRESPASSING AND LOITERING**

It shall be unlawful for any person to trespass upon any private grounds within the City; to break, cut or injure any tree, shrub, plant, flower or grass growing thereon; or without the consent of the owner or occupant to enter upon an improved lot or grounds occupied for residence purposes and to loiter about the same. (Neb. Rev. Stat. §28-520, 28-521)

**SECTION 3-121: WINDOW PEEPING**

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

**SECTION 3-122: AGGRESSIVE SOLICITATION**

It shall be unlawful for any person on public property to make any physical contact or be verbally abusive with any person being solicited for the purchase of any product or for the purpose of persuading such person to sign any petition, paper or other document.

**Article 2 − Dogs and Cats**

**SECTION 3-201: DEFINITIONS**

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Abandon” shall mean to forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care.

Abuse” shall mean willful injury to or mistreatment of a domesticated animal but not to include the legal euthanization of an animal or the slaughtering, by humane and legal methods, of an animal raised to be used for food or clothing.

“Adequate food” shall mean the provision, at suitable intervals not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain the animal’s health and well-being, provided in a sanitary manner.

“Adequate shelter” shall mean a structure intended for an animal’s protection from inclement weather or sun, which consists of at least three sides, a floor and a roof. The structure shall be constructed of durable fiber, wood, plastic, or other non-metallic materials of adequate insulate value which allow an animal to maintain its body heat. Structures for all animals must be large enough to allow all animals on the premises to be housed, to turn around, lie down, and stretch comfortably. The shelter must keep out rain, sleet, and snow. This shall not exclude the use of metallic structures used as transportation and temporary shelter during transportation.

“Adequate water” shall mean constant access to a supply of liquid, unfrozen water that is clean, fresh and visibly free of debris and organic material, provided in a sanitary manner. Water containers must be of sufficient size and placed to prevent accidental spilling by weather conditions or animal activity.

“Animal control officer” shall mean the person or persons employed by the City whose duties include animal control enforcement.

“Animal shelter” shall mean any premises or establishment designated by the City for purposes of impounding and caring for small animals found running at large or otherwise subject to impounding in accordance with the provisions of this article.

“At large” shall mean any animal off the premises of its owner and not under the control of the owner or other responsible person, either by leash, cord, chain, wire, other suitable means of physical restraint.

“Companion animal” shall mean an animal kept for companionship and enjoyment.

“Livestock” shall include but not be limited to equines, bovines, sheep, or goats.

“Working animals” shall mean animals which are used to herd and/or provide protection for flocks and herds of livestock.

“Sport animals” shall mean animals kept for legalized hunting.

“Exposed to rabies” shall mean an animal has been bitten by or otherwise exposed to any animal known or suspected to have been infected with rabies.

“Kennel”, “dealer”, “breeder”, or “pet shop” shall mean any person, group of persons, partnership or corporation engaged in buying, selling, breeding, or boarding animals for profit.

“Microchip” shall mean an electronic identification device approved by the animal control officer or his/her designee that is intended to be implanted within an animal.

“Neutered male” shall mean any male animal which has had its gonads (testicles) surgically removed.

“Owner” shall mean any person, group of persons, firm, partnership, or corporation owning, possessing, keeping, having charge of, sheltering, feeding, harboring, or taking care of any animal. The owner shall be responsible for the care, actions, and behavior of his/her animals and shall be deemed liable for all obligations and penalties in this article. “Owner” shall exclude anyone who temporarily maintains any animal on the premises of a veterinarian or kennel operator for a period of not more than 30 days.

“Pet” shall mean a domesticated animal kept for pleasure rather than utility.

“Potentially vicious or dangerous animal” shall mean any dog or other animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

“Restraint” shall mean an animal:

A. Controlled by means of a chain, leash, or other like device;

B. Sufficiently near the owner or handler to be under his/her direct control and which is obedient to that person’s commands;

C. On or within a vehicle being driven or parked;

D. Within a secure enclosure; or

E. Within the property limits of its owner or keeper.

“Service animal” shall mean any guide dog, signal dog, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, fetching dropped items, or otherwise deemed and qualified as a service animal pursuant to the Americans with Disabilities Act (ADA) and its rules and regulations.

“Spayed female” shall mean any female animal which has had its gonads (ovaries) surgically removed.

“Stray” shall mean any domestic animal not under restraint and found off the property of its owner.

“Tether” shall mean a means by which an animal is fastened so that it can range within a set reasonable radius.

(Neb. Rev. Stat. §54-606, 71-4401) (Ord. No. 1286, 2/22/18)

**SECTION 3-202: MAXIMUM NUMBER**

It shall be unlawful for any person to own, keep, or harbor at any time more than three adult dogs per residential or dwelling unit in the City; provided, the total number of adult dogs per residential or dwelling unit in the City shall not exceed four adult animals. For the purposes of this section, an adult dog is a dog that is more than four months old. Provisions of this section shall not apply to catteries, kennels and pet stores which are otherwise lawful. (Ord. No. 1286, 2/22/18)

**SECTION 3-203: LIABILITY OF OWNER; DAMAGE TO PROPERTY**

It shall be unlawful for any person to allow a dog or cat owned, kept, or harbored by him/her, or under his/her charge or control, to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog or cat, in addition to the usual judgment upon conviction, shall be liable to the persons so injured in an amount equal to the value of the damage so sustained. (Neb. Rev. Stat. §54-601, 54-602, 18-1720) (Ord. Nos. 1131, 3/28/00; 1286, 2/22/18)

**SECTION 3-204: LICENSE REQUIRED**

Any person who shall own, keep or harbor a dog over the age of three months within the City shall obtain a license for said animal within 10 days after its acquisition. Licenses shall be issued by the City at a cost according to a fee schedule established by resolution of the City Council from time to time; provided, any animal deemed and qualified as a service animal pursuant to the Americans with Disabilities Act (ADA) and its rules and regulations shall not require a fee. Licenses shall be renewable annually in January. Licenses shall not be transferable and no refund shall be allowed in case of death, sale, or other disposition of the animal. Application for said license shall be made in the name(s) of the owner(s) of the animal(s) and shall include the name, breed, color, and gender of each animal being licensed. A certificate of current rabies vaccination shall be presented at the time of application and no license shall be issued without the display of said certificate. After submission of a proper application, designated city personnel shall issue a numbered receipt and tag to the owner evidencing the license. Such tag shall at all times be attached to the collar or harness of the animal licensed. (Neb. Rev. Stat. §17-526, 54-603, 71-4412) (Ord. Nos. 1069, 5/12/98; 1286, 2/22/18)

**SECTION 3-205: REMOVAL OF TAGS**

It shall be unlawful for any person to remove or cause to be removed the license or tag from any licensed dog without the consent of the owner, keeper, or possessor thereof. (Neb. Rev. Stat. §17-526, 54-603) (Ord. Nos. 1069, 5/12/98; 1286, 2/22/18)

**SECTION 3-206: WRONGFUL LICENSING**

It shall be unlawful for the owner, keeper, or harborer of any dog to permit or allow such dog to wear any license, tag or other city identification other than that issued by the city clerk for such dog. (Neb. Rev. Stat. §17-526, 54-603) (Ord. No. 1286, 2/22/18)

**SECTION 3-207: RUNNING AT LARGE**

Any dog found to be running at large and allowed to go in or upon the private premises of others or upon the public grounds, streets or highways of the City is hereby declared to be a public nuisance. It shall be unlawful for any person or persons to have any dog which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him/her or under his/her/their control to be running at large and allowed to go in or upon the private premises of others or upon the public grounds, streets or highways of the City. It shall be unlawful for such a person or persons to own, keep or harbor, or to have any dog in or upon the premises occupied by him/her or under his/her/their control unless said dog is securely fastened by a chain or otherwise confined in or upon said premises in some enclosure. However, when a dog is away from the occupied premises, there is no violation of this section if the dog is on a secure leash and under control of the owner or other person. (Neb. Rev. Stat. §18-1720 and 17-­547) (Ord. Nos. 1131, 3/28/00; 1286, 2/22/18)

**SECTION 3-208: SERVICE ANIMALS; CRUELTY**

 A. A person commits the offense of cruelty to an animal when he/she intentionally, knowingly, or recklessly abandons, abuses, or fails to provide adequate food, adequate shelter, or adequate water to an animal.

 B. A person commits the offense of violence on a service animal when he/she intentionally injures, harasses, or threatens to injure or harass or attempts intentionally to injure, harass, or threaten a service animal that he/she knows or has reason to believe is an animal guide for a blind or visually impaired person, a hearing aid animal for a deaf or hearing-impaired person, or a service animal for a physically limited person.

 C. A person commits the offense of interference with a service animal when he/she intentionally impedes, interferes, or threatens to impede or interfere or attempts intentionally to impede, interfere, or threaten to impede or interfere with an animal that he/she knows or has reason to believe is an animal guide for a blind or visually impaired person, a hearing aid animal for a deaf or hearing-impaired person, or a service animal for a physically limited person.

 D. Evidence that the defendant initiated or continued conduct toward an animal as described in subsection (B) or (C) of this section after being requested to avoid or discontinue such conduct by the blind, visually impaired, deaf, hearing-impaired, or physically limited person being served or assisted by the animal shall create a rebuttable presumption that the conduct of the defendant was initiated or continued intentionally.

(Ord. No. 1286, 2/22/18)

**SECTION 3-209: KILLING AND POISONING**

It shall be unlawful to kill or to administer or cause to be administered poison of any sort to an animal or in any manner to injure, maim, destroy, or in any manner attempt to injure, maim, or destroy any animal that is the property of another person or to place any poison or poisoned food where it is accessible to an animal. This section shall not apply to the City and/or its agents acting within its/their lawful authority and duty. (Neb. Rev. Stat. §28-1002) (Ord. No. 1286, 2/22/18)

**SECTION 3-210: HOUSING**

It shall be unlawful to tether, restrain or house a dog or cat outside in weather without providing adequate shelter, adequate food and adequate water, as defined in Section 3-201. (Ord. No. 1286, 2/22/18)

**SECTION 3-211: BARKING AND OFFENSIVE BEHAVIOR**

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 (for 15 minutes or longer) at or chases pedestrians, drivers, or owners of vehicles while they are on any public sidewalks, streets, or alleys in the City. (Neb. Rev. Stat. §17-526) (Ord. Nos. 1069, 5/12/98; 1286, 2/22/18)

**SECTION 3-212: FIGHTING**

It shall be unlawful for any person, by agreement or otherwise, to set dogs or cats to fighting or by any gesture or word to encourage the same to fight. (Neb. Rev. Stat. §17-526) (Ord. No. 1286, 2/22/18)

**SECTION 3-213: IMPOUNDING**

 A. It shall be the duty of any city law enforcement officer or animal control officer to capture, secure, and remove in a humane manner to the animal shelter any animal violating any of the provisions of this article. The animal 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 licensed animal shall be kept and maintained at the animal shelter for a period of not less than five days after public notice has been given, unless reclaimed earlier by the owner. However, any impounded unlicensed animal that is sick or injured, in which case the treatment for such animal exceeds the costs of $50.00 and the City is not aware of the identity of the owner of such animal, then such animal may be destroyed in a humane manner at the discretion of the chief of police or his/her designee. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the animal shelter and/or Police Department within two working days after impoundment as public notification of such impoundment.

 B. Any animal eligible to be reclaimed may be reclaimed by its owner during the period of impoundment by payment of the required fees established by resolution. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 72 hours after release. If the animal is not claimed at the end of the required waiting period after public notice has been given, the City may dispose of the animal in accordance with the applicable rules and regulations pertaining to the same; provided, if, in the judgment of the City, a suitable home can be found for any such animal, the said animal 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.

 C. The City shall acquire legal title to any unlicensed animal impounded in the animal shelter for a period longer than the required waiting period after giving notice.

 D. Animal shelter or housing of animals other than dogs or cats (i.e., horses, cows, etc.) will be at the sole discretion of the chief of police or other designated city personnel. Any hired agent, volunteer, or other person acting on behalf of the City shall have authority to capture, impound, or humanely destroy as provided herein, animals as deemed necessary and will work directly through or at the request of the chief of police or other designated city personnel. All fees associated with capture and impoundment shall be the sole responsibility of the owner, if known.

(Neb. Rev. Stat. §17-548, 71-4408) (Ord. Nos. 1069, 5/12/98; 1286, 2/22/18)

**SECTION 3-214: ANIMAL CONTROL FACILITY; STERILIZATION**

 A. The animal control facility shall be safe, suitable, and conveniently located for the impounding, keeping, and destruction of dogs and cats. The animal control facility shall be sanitary, ventilated and lighted as required by the Nebraska Department of Agriculture, Bureau of Animal Industry.

 B. All animals under the age of six months of age adopted from an animal control facility or shelter shall be spayed or neutered by a licensed veterinarian when such animal reaches six months of age. Documentation of such sterilization shall be provided to the City within ten days of the required procedure. The cost of sterilization shall be levied upon the adopter.

(Neb. Rev. Stat. §17-548) (Ord. No. 1286, 2/22/18)

**SECTION 3-215: INTERFERENCE WITH CITY LAW ENFORCEMENT**

It shall be unlawful for any person tohinder, delay, or interfere with any city law enforcement officer or animal control officer who is performing any animal control duty enjoined upon him/her by the provisions of this article, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of the animal shelter, any ambulance wagon, or any other vehicle used for the collecting or conveying of animals to the shelter. (Neb. Rev. Stat. §28-906) (Ord. Nos. 1069, 5/12/98; 1286, 2/22/18)

**SECTION 3-216: DANGEROUS AND POTENTIALLY DANGEROUS DOGS**

 A. *Definitions*. For the purposes of this section:

1. “Dangerous dog” shall be defined as a dog which meets one or more of the following conditions:

a. Has killed a human being without provocation;

b. Has, without provocation, inflicted injury on a human being which requires medical treatment;

c. Has killed a domestic animal without provocation; or

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

2. “Potentially dangerous dog” shall be any dog, when unprovoked, which meets one or more of the following conditions:

a. Inflicts an injury on a human that does not require medical treatment;

b. Injures a domestic animal or animals either on public or private pro- perty; or

c. Chases or approaches a person upon streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack.

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

4. “Law enforcement officer” or “animal control officer” shall mean a person authorized to enforce the animal control laws of the City, including any active police officer or animal control officer. The duties of said law enforcement officer shall include the control of animal(s) or seizure and impoundment of animal(s) 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(s).

5. “Medical treatment” shall mean treatment administered by a physician or other licensed health care professional that results in sutures or surgery or treatment for one or more broken bones.

 B. No dog may be declared dangerous or potentially dangerous if it inflicts injury or damage on a person committing a willful trespass or other tort upon premises occupied by the owner or lessee of the dog or who is committing or attempting to commit a crime. No dog may be declared dangerous or potentially dangerous for taking action to defend or protect a human being within the immediate vicinity of the dog from an unjustified attack or assault. No dog used in lawful activities of any law enforcement officer shall be declared a dangerous or potentially dangerous dog.

 C. *Confinement*. No person shall own, keep, harbor or allow in or upon any premises occupied by him/her or under his/her charge or control any dangerous or potentially dangerous dog without said dog being confined so as to protect the public from injury. Toward this end, any dangerous or potentially dangerous dog shall at all times be securely and humanely confined in a structure that has a concrete floor; four secure sides, each embedded into the ground; and a secure ceiling or roof, all suitably designed to prevent the dog from escaping. The structure shall also protect from the elements and must be large enough to allow the dog to be housed and to turn around, lie down, and stretch comfortably.

 D. *Notification; Hearing*. The chief of police or other designated city personnel may declare any dog dangerous or potentially dangerous, as defined herein, after which he/she shall provide written notification thereof to the owner of said dog. The notification shall be by personal service or, if the owner cannot be found, by publication, and shall include a notice to the owner that he/she is entitled to an appeal hearing before the City Council to contest such determination. Such request for hearing must be in writing and delivered to the city clerk within five calendar days of receipt of service of the notice. The council shall conduct the hearing within 14 days of receipt of the request. Either party may be represented by counsel and the hearing may be recorded. Upon conclusion of the hearing, the mayor shall issue a formal order determining whether the dog is dangerous or potentially dangerous.

(Neb. Rev. Stat. §54-617, 54-618, 54-619, 54-620) (Ord. Nos. 890, 1/9/90; 1286, 2/22/18)

**SECTION 3-217: RABIES CONTROL; DEFINITIONS**

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

“Cat” shall mean any feline animal, male or female, sexed or neutered.

“Dog” shall mean any canine animal, male or female, sexed or neutered.

“Rabies control authority” shall mean any city law enforcement officer, animal control officer or other officer designated by the mayor.

“Vaccination against rabies” shall mean the inoculation of a dog or cat with a rabies vaccine licensed by the U.S. Department of Agriculture on the effective date of this article. Such vaccination must be performed by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska.

(Ord. No. 1286, 2/22/18)

**SECTION 3-218: RABIES CONTROL; VACCINATION REQUIRED**

Every dog and cat three months of age and older shall be vaccinated against rabies by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska. Young dogs or cats shall be vaccinated within ten days after they have reached three months of age. Unvaccinated dogs and cats acquired or moved into the City must be vaccinated within ten days after purchase or arrival unless under three months of age, as specified above. (Ord. No. 1286, 2/22/18)

**SECTION 3-219: RABIES CONTROL; REVACCINATION**

Every dog or cat shall be revaccinated against rabies according to product label directions following a period of not more than 36 months since the animal’s last vaccination. Such revaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska. The intervals of any other anti-rabies vaccine shall be set by the state veterinarian and he/she shall follow the latest recommendations of the U.S. Public Health Service. (Ord. No. 1286, 2/22/18)

**SECTION 3-220: RABIES CONTROL; SEIZURE; CONFINEMENT**

 A. Any dog or cat suspected of being afflicted with rabies or any dog or cat not vaccinated in accordance with the regulations of this article which has bitten any person and caused an abrasion of the skin of such person shall be seized by designated city personnel and impounded under the supervision of a licensed veterinarian or public health authority for a period of not less than 10 days. If upon examination by a veterinarian the dog or cat has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of a stray, it shall be disposed of in accordance with applicable law.

 B. Any dog or cat vaccinated in accordance with the provisions herein that has bitten any person shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least 10 days, at which time the dog or cat shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the dog or cat may be released from confinement.

 C. All costs of seizure and impoundment and examination fees shall be the responsibility of the owner.

(Neb. Rev. Stat. §71-4406) (Ord. No. 1286, 2/22/18)

**SECTION 3-221: RABIES CONTROL; PROCLAMATION**

It shall be the duty of the City Council, whenever in its opinion the danger to the public safety from rabid dogs or cats is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog or cat to muzzle the same or to confine it for a period of not less than 30 days nor more than 90 days from the date of such proclamation or until such danger is past. The dog or cat 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 or cat to confine the same as herein provided. (Neb. Rev. Stat. §17-526) (Ord. No. 1286, 2/22/18)

**Article 3 − Kennels**

**SECTION** **3-301: LICENSE REQUIRED**

Any person who shall own, keep, or harbor three or more dogs over the age of six months within the City shall within 30 days after acquisition of the said dogs acquire a license for kenneling such dogs annually by or before the first day of January of each year. Kennel licenses shall be issued by the city clerk. There shall be a $25.00 fee for such license. Said kennel license shall not be transferable. Each dog harbored within the kennel shall be individually licensed. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his/her name and address and the name, breed, color, sex, and city tag number of each dog owned and keptby him/her. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. The owner of such kennel shall have available upon request the name, breed, color, sex, and city tag number of each dog owned and kept by him/her at any given time. No kennel license shall be issued in a residential district. (Neb. Rev. Stat. §17-526, 54-603, 71-4412) (Ord. No. 1069, 5/12/98)

**SECTION 3-302: UNLICENSED; NUISANCE**

It is and shall be a nuisance for any person, corporation, partnership or other entity to maintain, keep, conduct or operate any kennel within the zoning limits of the City without first obtaining a license therefor.

**SECTION 3-303: REGULATIONS**

Every place used as a kennel shall be kept in a clean and sanitary condition and no refuse or waste material shall be allowed to remain thereon for more than 24 hours. All animals shall be humanely treated and any animal having any disease shall be properly isolated and treated.

**SECTION** **3-304: PENALTY**

Any person who shall violate the terms of this chapter shall be guilty of a misdemeanor and shall be fined in the sum of not more than $500.00 per violation. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Neb. Rev. Stat. §17-526, 54-603, 71-4412) (Ord. No. 1069, 5/12/98)

**Article 4 − Animals Generally**

**SECTION 3-401: 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 be driven or 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. The fine for an animal running at large shall hereby be set for each animal for the first offense and an additional and cumulative amount for each subsequent offense for each animal. Such fines shall be as established from time to time by resolution of the mayor and council. (Neb. Rev. Stat. §17-526, 17-547) (Ord. No. 1069, 5/12/98)

**SECTION 3-402: BANNED FROM CITY; EXCEPTION, POULTRY**

A. It shall be unlawful for any person to keep or maintain within the corporate limits of the City any horse, mule, sheep, cow, goat, swine, or livestock. Poultry of any kind shall also be unlawful within the corporate limits, exceptas provided in subsection (B).

 B. Any person may keep and maintain chickens within the corporate limits as follows:

1. No more than four hen chickens shall be present at any one time on any one parcel of property;

2. Any hen chicken shall at all times be kept in an enclosed place on private property; and

3. The person shall first obtain a written permit from the city clerk's office permitting the keeping of the hen chickens, the application for which shall be on a written form provided by the clerk's office and which shall include the name and property address of the applicant, the number of hens to be kept, the name and contact information of the person in charge of the hens, and such other information as required by the city clerk or Tekamah's zoning/building administrator. The application shall be accompanied by a cost according to a fee schedule established by resolution of the City Council from time to time

C. Any permit issued for hen chickens as provided in this section shall be issued by the city clerk or his or her designated representative only after an investigation of the property on which the hens are to be kept and the manner in which they are to be kept. The city clerk may consult with any police or health officials as he or she deems necessary or appropriate. A permit shall be issued only after the city clerk or Tekamah's building/zoning administrator determines the location and keeping of hen chickens is not a health hazard or nuisance to the surrounding neighborhood. Any permit issued shall be valid for a period of one year, from January 1 to December 31, and may be revoked by the city clerk at any time for any violation of its conditions, city ordinances, or other laws, rules, and regulations.

D. Any violation of this section shall be deemed a nuisance and shall also be punishable as provided generally in City Code Section 3-901.

(Neb. Rev. Stat. §17-123, 17-526) (Ord. Nos. 1069, 5/12/98; 1298, 7/23/20)

**SECTION 3-403: WILD ANIMALS**

No wild animals may be kept within the corporate limits except such animals kept for exhibition purposes by circuses and educational institutions. (Neb. Rev. Stat. §17-123)

**SECTION 3-404:** **ABANDONMENT, NEGLECT, AND CRUELTY; DEFINITIONS**

“Abandon” shall mean to leave any animal for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health.

“Animal” shall mean any vertebrate member of the animal kingdom except man. The term shall not include a non-captured wild creature.

“Cruelly mistreat” shall mean to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise set upon any animal.

“Cruelly neglect” shall mean to fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health.

“Humane killing” shall mean the destruction of an animal by a method which causes the animal a minimum of pain and suffering.

“Law enforcement officer” shall mean any member of the Nebraska State Patrol, any county or deputy sheriff, any police officer of any city, or any other public official authorized to enforce state or local animal control laws, rules, or regulations. (Neb. Rev. Stat. §28-1008) (Title Changed by Ord. No. 906, 2/26/91)

**SECTION 3-405: ABANDONMENT, NEGLECT, AND CRUELTY; LAW ENFORCEMENT OFFICER; POWERS; IMMUNITY**

1. Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal.
2. Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed by law.
3. Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence.

(Neb. Rev. Stat. §28-1012) (Title Changed by Ord. No. 906, 2/26/91)

**SECTION 3-406: ABANDONMENT, NEGLECT, AND CRUELTY; PENALTY**

Aperson commits cruelty to animals if he/she abandons, cruelly mistreats, or cruelly neglects an animal. The fine for animal abandonment, neglect and or cruelty shall be $25.00 for the first offense for each animal and an additional and cumulative $25.00 for each subsequent offense for each animal. A new violation shall be deemed to have been committed every 24 hours of such failure to comply with this article. (Neb. Rev. Stat. §28-1009) (Ord. No. 906, 2/26/91; 1069, 5/12/98)

**SECTION 3-407: PITTING; DEFINITIONS**

“Bearbaiting” shall mean the pitting of any animal against a bear.

“Cockfighting” shall mean the pitting of a fowl against another fowl.

“Dog fighting” shall mean the pitting of a dog against another dog.

“Pitting” shall mean bringing animals together in combat.

(Neb. Rev. Stat. §28-1004) (Ord. No. 907, 2/26/91)

**SECTION 3-408: PITTING; PROHIBITED**

A. No person shall knowingly promote, engage in, or be employed at dogfighting, cockfighting, bearbaiting, or pitting an animal against another; nor shall any person (1) knowingly receive money for the admission of another person to a place kept for such purpose; (2) knowingly own, use, train, sell, or possess an animal for the purpose of animal pitting; nor (3) knowingly permit any act as described in this section to occur on any premises owned or controlled by him/her.

B. The fine for pitting an animal shall be $25.00 for the first offense for each animal and an additional and cumulative $25.00 for each subsequent offense for each animal. A new violation shall be deemed to have been committed every 24 hours of such failure to comply with this article. (Neb. Rev. Stat. §28-1005) (Ord. No. 907, 2/26/91; 1069, 5/12/98)

**SECTION 3-409: PITTING; SPECTATORS PROHIBITED**

No person shall knowingly and willingly be present at and witness as a spectator dogfighting, cockfighting, bearbaiting, or the pitting of an animal against another as prohibited in Section 3-408. (Neb. Rev. Stat. §28-1005) (Ord. No. 907, 2/26/91)

**SECTION 3-410: RABIES SUSPECTED; CAPTURE IMPOSSIBLE**

Any city law enforcement officer or animal control officer shall have the authority to kill any dog, cat, or other wild or domestic animal which shows vicious tendencies or characteristics or rabies which makes capture impossible because of the danger and risk involved. (Neb. Rev. Stat. §71-4406) (Ord. No. 1286, 2/22/18)

**Article 5 – Feral Cat Regulations**

**SECTION 3-501: PROHIBITIONS**

It is unlawful for any person to maintain a feral cat colony unless first registered with the City as a feral cat colony caregiver and the feral cat colony is a managed colony in which food, water, and shelter are provided in conjunction with the implementation of the Trap-Neuter-Return Program (TRN) as set forth below.

**SECTION 3-502: TRAP-NEUTER-RETURN PROGRAM**

The City of Tekamah, in order to encourage the stabilization of the feral cat population in the City, may implement the Trap-Neuter-Return (TNR) Program as follows:

1. Live-trap any free-roaming cat in a humane manner
2. Have the cat surgically altered, ear-notched (if feral), and vaccinated against rabies, and
3. Return the cat to the colony caretaker, who will maintain the cat as part of the managed feral cat colony.

**SECTION 3-503: FERAL CAT COLONY CAREGIVER**

Any citizen may register with the City to become a licensed feral cat colony caregiver by:

1. Providing the City with personal information concerning the applicant.
2. Providing the City with information concerning the feral cat colony of which he/she is a caregiver.
3. Agreeing to comply with the rules and regulations promulgated by the City for the care and regulation of such feral cat colony.
4. Agreeing to comply with the Trap-Neuter-Return Program instituted by the City.
5. In January of each year, providing to the City Council or designated official information concerning the feral cat colony for which the applicant is caring concerning the number, condition and location of such feral cat colony.

**Article 6 − Nuisances**

**SECTION 3-601: DEFINITIONS**

"Weeds, grasses or worthless vegetation" shall mean any weed or grass growth of more than 8 inches in height. Weeds shall include, but not be limited to, bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia* *esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle (*Carduus nutans*), quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus* sp.) (Tourn), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

"Litter" shall include, but not be limited to:

A. Trash, rubbish, refuse, garbage, paper, rags, and ashes;

B. Wood, plaster, cement, brick, or stone building rubble;

C. Grass, leaves, and worthless vegetation except when used as ground mulch or in compost pile;

D. Offal and dead animals;

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

F. Any motor vehicle not housed in a storage or other building and not being currently licensed.

G. Any wood not cut in lengths of less than 18 inches and not stacked in order on an area of less than 6 feet by 10 feet.

“Noxious odor” shall mean any noxious exhalation or any other noisome or offensive smell injurious or dangerous to the health, comfort, or property of any individual or the public.

(Neb. Rev. Stat. §17-563) (Am. by Ord. Nos. 1266, 10/8/15; 1285, 1/11/18)

**SECTION 3-602: PUBLIC NUISANCE; LITTER; WEEDS, GRASSES, WORTHLESS VEGETATION; ODORS**

It is hereby declared to be a public nuisance to permit the accumulation of litter; to permit weeds, grasses, or worthless vegetation to grow in excess of 8 inches on any property within the corporate limits of the City; or to create, permit, or maintain a noxious odor. (Neb. Rev. Stat. §17-563) (Am. by Ord. Nos. 1266, 10/8/15; 1285, 1/11/18)

**SECTION 3-603: NOTICE AND HEARING**

The code enforcement officer shall give notice to abate and remove such nuisances to each owner or owner’s duly authorized agent and to the occupant, if any. Such notice shall be given by certified mail or personal service and shall inform the owner and occupant that if such work is done by the City, the cost and expense of such work shall be charged to the owner of the property or that an action will be brought against such owner for collection of the cost of such abatement work. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the City Council to appeal the decision to abate or remove the nuisance by filing a written appeal with the office of the city clerk. A hearing on the appeal shall be held within 14 days after the filing of the appeal and shall be heard before the City Council. Upon conclusion of the hearing, the mayor shall issue a formal order setting forth the council’s decision. If the appeal fails, the City may proceed to abate the nuisance. (Am. by Ord. No. 1266, 10/8/15)

**SECTION 3-604: ABATEMENT**

If no request for hearing is received as set forth above, the City may have such work done to abate the nuisance. The cost of such abatement shall be billed to the property owner and if the cost of such work is unpaid for two months after such work is done, the City may either 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 recover in a civil action the costs and expenses of the work.

**SECTION 3-605: FAILURE TO CORRECT; NOTICE**

Whenever the code enforcement officer determines that any weeds, grasses, or worthless vegetation in excess of 8 inches are growing on property within the City, or litter is found on any property, or any noxious odor has been created, permitted or maintained on any property, then he/she shall cause written notice to be served upon the owner of the property on which such nuisance is located, and further, upon the occupant thereof, by certified mail or personal service. Such notice shall state that the premises have thereon litter, noxious odors or weeds, grasses, or worthless vegetation in excess of 8 inches, and that the same must be removed or remedied within five days after receipt of such notice. Such notice shall specify the corrective action to be taken. (Neb. Rev. Stat. §17-555) (Am. by Ord. Nos. 1266, 10/8/15; 1285, 1/11/18)

**SECTION 3-606: 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/they 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 days’ notice shall be a separate offense. In the event that the court determines a nuisance exists, the judge may order the nuisance abated or removed pursuant to law. (Neb. Rev. Stat. §17-123) (Am. by Ord. No. 1266, 10/8/15)

**Article 7 − Curfew**

**SECTION 3-701: HOURS**

It shall be unlawful for any minor under the age of 18 years to ride in or operate any vehicle in or upon any street, alley, or other public place, or to loiter, wander, stroll, loaf, or play in or upon any of the streets, alleys, or other public places between the hours of 11:00 P.M. of any day and 6:00 A.M. of the following day unless accompanied by a parent, guardian or other adult person having the care, custody or control of said minor, or the minor is engaged in lawful employment or is on an emergency errand; provided, when an activity of the kind normally attended by minors under 18 years terminates after, or less than one hour prior to 11:00 P.M., the curfew shall commence one hour after the termination of such activity. On Friday night the curfew hours shall commence at 12:30A.M. Saturday morning and on Saturday night the curfew hours shall commence at 12:30 A.M. Sunday morning. (Neb. Rev. Stat. §17-505)

**SECTION 3-702: PARENTAL LIABILITY**

It shall be unlawful for the parent, guardian or other adult person having the care and custody of minors under the age of 18 years to allow or permit said minor persons to do any of the acts or things prohibited by Section 3-701.

**SECTION 3-703: ENFORCEMENT; POLICE AUTHORIZATION**

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

**SECTION 3-704: PENALTIES**

Any violation of the foregoing provisions in reference to a curfew shall constitute a misdemeanor and shall be punishable by a warning for the first offense; a fine of $50.00 for the second offense; and a third and any subsequent violation shall constitute a violation of Section 3-702 and a complaint shall be filed against the parents of said child for violation of such section.

**Article 8 – Sex Offenders**

(This article was adopted by Ord. No. 1188)

**SECTION 3-801: DEFINITIONS**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

“Sex offender” shall be anyone defined in the Sex Offender Registration Act (Neb. Rev. Stat. §29-4001 to 29-4019, inclusive) or any amendments thereto, as of the effective date of this ordinance, or any person convicted under the law of another state, if at the time of the conviction under the law of such other state, the offense for which the person was convicted would have required registration under the Nebraska Sex Offender Registration Act, if the conviction occurred in Nebraska.

“Residence” shall mean a place where the person regularly sleeps, where the person has established his/her home, where he/she is habitually present, and to which when he/she departs he/she intends to return. A residence may include more than one location and may be mobile or transitory. Residency may be shown by, among other evidence, receipt of mail at the premises or identification of the premises as a residence on a driver's license, vehicle registration, or other document.

“Child care facility” means a place with a license issued under the Nebraska Child Care Licensing Act, Neb. Rev. Stat. §71-1908 to 71-1923, as currently existing or hereafter amended. It shall include licensed child care facilities both inside and outside of the corporate limits of the City.

**SECTION 3-802: RESIDENCY PROHIBITIONS; PENALTIES; EXCEPTIONS**

1. It is unlawful for any person who is subject to the Nebraska Sex Offender Registration Act, classified as Risk Level 3 and convicted of any offense subject to the Nebraska Sex Offender Registration Act in which the offender was an adult (at time of conviction) and the victim was a minor or child, or a Sex Offender Registration Act or similar requirement of any other state, to reside within 500 feet of the real property comprising of a public or nonpublic elementary or secondary school or child care facility.
2. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer boundary line of a public or nonpublic elementary or secondary school or child care facility.
3. A person who violates this section shall be punished as provided generally in this code.
4. A person residing within 500 feet of any real property comprising of a public or nonpublic elementary or secondary school or licensed child care facility does not commit a violation of this section if any of the following apply:
	1. The person's residence results from a requirement to serve a sentence at a jail, prison, juvenile facility, or resides in any other correctional institution or facility including a correctional or treatment facility operated by the state or any political subdivision.
	2. The person is a minor or ward under a guardianship and resides with the guardian.
	3. The person established such residence prior to the effective date of this ordinance.
	4. The person's place of residence becomes a violation of this ordinance solely because of annexation into the City.
	5. The public or nonpublic elementary or secondary school or child care facility within 500 feet of the person's permanent residence was established after the person's initial date of residence at that location.

(Neb. Rev. Stat. §29-4017)

**SECTION 3-803: SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstances, shall be held invalid, the remainder of the ordinance, or the application of the provisions to other persons or circumstances, shall not be affected.

**Article 9 − Penal Provision**

**SECTION 3-901: VIOLATION; PENALTY**

1. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than $500.00. A new violation shall be deemed to have been committed every 24hours of such failure to comply.
2. Whenever it is established that a nuisance exists, the court shall order, in addition to the fine imposed, the defendant to take such action as necessary to abate the nuisance.

(Neb. Rev. Stat. §17-505, 18-1720, 18-1722)