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CHAPTER 6 – POLICE REGULATIONS

Article 1 – Dogs

§6-101 LICENSE.

Any person who shall own, keep, or harbor a dog over the age of six months within the City shall within 30 days after acquisition of the said dog acquire a license for each such dog annually by or before January 1 each year. The said tax shall be delinquent from and after January 31; provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to January 1 of any year shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within 30 days thereafter. Licenses shall be issued by the City Clerk upon the payment of a license fee for each male dog and spayed female dog and a fee for each unspayed female dog. Such fees shall be set by the City Council and shall be on file in the office of the Clerk, available for public inspection during office hours. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. The owner shall state at the time the application is made and upon printed forms provided for such purpose his name and address and the name, breed, color, and sex of each dog owned and kept by him. 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. (Am. by Ord. No. 582, 10/6/97)

§6-102 LICENSE TAGS.

Upon the payment of the license fee, the City Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tag shall be properly attached to the collar or harness of every dog so licensed and shall entitle the owner to keep or harbor the said dog until December 31 following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions

herein, the City Clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee for each duplicate or new tag so issued. Such fee shall be set by the City Council and shall be on file in the office of the City Clerk, available for public inspection during office hours. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the City Clerk to issue tags of a suitable design that are different in appearance each year. (Neb. Rev. Stat. §17-526, 54-603)

§6-103 WRONGFUL LICENSING.

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

§6-104 OWNER DEFINED.

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

§6-105 PROCLAMATION.

It shall be the duty of the City Council, whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog to muzzle the same or to confine it for a period of not less than 30 days or more than 90 days from the date of such proclamation or until such danger is past. The dogs may be harbored by any good and sufficient means in a house, garage, or yard on the premises where the said owner may reside. Upon issuance of the proclamation it shall be the duty of all persons owning, keeping, or harboring any dog to confine the same as herein provided. (Neb. Rev. Stat. §17-526)

§6-106 RUNNING AT LARGE; UNLICENSED, PENALTY.

(A) It is hereby declared unlawful for any owner, harborer or possessor of any dog over the age of three months, whether male, spayed female or unspayed female dog, to allow said dog to run at large within the City at any time, whether the license tax has been paid or not. It shall be the duty of such owner, harborer or possessor of any dog to keep it under control and confined so as to abate any trespasses by such animal. Any such dog, if found running at large, shall be immediately impounded as hereinafter provided.

(B) Any person violating this section or failing to license a dog as provided in this chapter shall pay a fine which shall be paid to the City Treasurer. In the event said fine is not paid within five days from the date of issuance of the citation, then said citation shall be filed in the County Court. All fines collected shall be immediately credited to the General Fund. (Am. by Ord. Nos. 381, 5/14/84; 382, 6/5/84; 582, 10/6/97; 610, 9/8/98)

§6-107 VICIOUS.

It shall be unlawful for any person to own, keep, or harbor any dog of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to bite, without the said dog being securely held by a chain. If any vicious or dangerous dog is otherwise held, confined, or allowed to

run at large, the City Police shall have the authority to put the dog to death. (Neb. Rev. Stat. §17-526)

§6-108 INTERFERENCE WITH POLICE.

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

§6-109 KILLING AND POISONING.

It shall be unlawful to kill or to administer or cause to be administered poison of any sort to a dog; in any manner to injure, maim, or destroy or in any manner attempt to injure, maim, or destroy any dog that is the property of another person; or to place any poison or poisoned food where the same is accessible to a dog; provided, this section shall not apply to City Policemen acting within their power and duty. (Neb. Rev. Stat. §28-1002)

§6-110 BARKING AND OFFENSIVE.

It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood or person or which habitually barks at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the City. Upon the written complaint of any affected person, filed within any 30-day period with the City 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 City Police shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to silence and restrain such dog. The provisions of this section shall not be construed to apply to the city animal shelter. (Neb. Rev. Stat. §17-526)

§6-111 LIABILITY OF OWNER.

(A) It shall be unlawful for any person to allow a dog owned, kept, or harbored by him or under his charge or control to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog, 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.

(B) In addition to the license fees and impounding fees aforesaid, any owner, harborer, or possessor of any dog over the age of three months, whether male, spayed female or unspayed female, violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined and shall stand committed until said fine and the costs of prosecution are paid or otherwise discharged by law. Said fine shall be set by the City Council and shall be on file in the office of the City Clerk, available for public inspection during office hours.

(Neb. Rev. Stat. §54-601, 54-602)

§6-112 REMOVAL OF TAGS.

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

§6-113 IMPOUNDING.

(A) It shall be the duty of the City Police, Dog Catcher or other designated official to capture, secure, and remove in a humane manner to the city animal shelter any dog violating any of the provisions of this article. Any 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. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the City Clerk within 24 hours after impoundment as public notification of such impoundment. Any dog may be reclaimed by its owner during the period of impoundment by payment of a fee for each day of impoundment. Said impoundment fee may be amended by resolution of the City Council. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 72 hours after release.

(B) If the dog is not claimed at the end of the required waiting period after public notice has been given, the City Police may dispose of it in accordance with the applicable rules and regulations pertaining to the same; provided, if, in the judgment of the City Police, a suitable home can be found for any such dog within the City, the said dog shall be turned over to that person and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided herein. The City shall acquire legal title to any unlicensed dog impounded in the animal shelter for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in the summary and humane manner as prescribed by the Board of Health unless a suitable home can be found for such dogs.

(Neb. Rev. Stat. §17-548, 71-4408) (Am. by Ord. Nos. 338, 4/5/82; 611, 9/8/98; 695, 9/2/03)

§6-114 ANIMAL SHELTER.

The animal shelter shall be safe, suitable, and conveniently located for the impounding, keeping, and destruction of dogs. The said shelter shall be sanitary and ventilated. (Neb. Rev. Stat. §17-548)

§6-115 RABIES SUSPECTED.

Any dog suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions of this article which has bitten any person and caused an abrasion of the skin shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten days. If upon examination by a veterinarian the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days. The dog shall then be examined by a licensed veterinarian and if no signs of rabies are observed, the dog may be released from confinement. (Neb. Rev. Stat. §71-4406)

§6-116 CITY OFFICIALS' LIABILITY.

No police officer, dog catcher or veterinarian employed by said city shall be answerable for damages for the death, injury or sickness of any dog while such person is in good faith carrying out the provisions of this article. (Am. by Ord. No. 338, 4/5/82)

§6-117 FEES.

All moneys and fees collected hereunder for licenses and impounding charges shall be turned

over to the City Treasurer for credit to the General Fund and a report shall be made to the City Council at the regular April meeting of each year, informing it of the number of dogs licensed to that date and the number of dogs impounded since any previous report. Any and all license fees, impounding charges and other charges established in this article may be amended from time to time by resolution of the Council. (Am. by Ord. No. 338, 4/5/82)

§6-118 COSTS.

Costs on all citations for parking complaints and dog complaints paid and handled through the office of the City Clerk shall be established by the City Council and shall be paid in addition to any fine or levy imposed. Costs for such citations may be amended and changed by the Council from time to time by resolution duly passed and adopted. (Ord. No. 402, 7/1/85)

§6-119 DOG EXCREMENT TO BE REMOVED AND DISPOSED OF.

(A) It shall be unlawful for any person to cause or permit a dog to be on any property, public or private, not owned or possessed by that person, unless the person has in his or her immediate possession a device for the removal of excrement and a depository for the transmission of excrement to a receptacle located upon property owned or possessed by the person.

(B) It shall be unlawful for any person in control of, causing or permitting any dog to be on any property, public or private, not owned or possessed by that person to fail to remove excrement left by any dog to a proper receptacle located on property owned or possessed by that person.

(C) Any person violating this section shall pay a fine which shall be paid to the City Treasurer. Such fine shall be set by the City Council and shall be on file in the office of the City Clerk, available for public inspection during office hours. In the event said fine is not paid within five days from the date of issuance of the citation, then said citation shall be filed in the County Court. All fines collected shall be immediately credited to the General Fund.
(Ord. No. 610, 9/8/98)

Article 2 – Animals Generally

§6-201 ANIMALS AND FOWLS; RUNNING AT LARGE.

It shall be unlawful for the owner, keeper, or harbinger of any animal or any person having the charge, custody, or control thereof to permit a horse, mule, cow, sheep, goat, swine, or other animal or fowl to be driven or run at large on any of the public ways and property, upon the property of another, or to be tethered or staked out in such a manner so as to allow such animal or fowl to reach or pass into any public way. (Neb. Rev. Stat. §17-547)

§6-202 CRUELTY.

No person shall cruelly or unnecessarily beat, overwork, or insufficiently shelter or feed any animal within the City. (Neb. Rev. Stat. §28-552 through 28-554)

§6-203 KILLING AND INJURING.

No person shall kill or injure any animal by the use of firearms, stones, clubs, poisons, or any other manner unless the animal is vicious or dangerous and cannot be captured without danger to

the persons attempting to effect a capture of the said animal. (Neb. Rev. Stat. §28-552, 28-553)

§6-204 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 an uncaptured 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 member of the police force of the Village, or any other public official authorized by the Village to enforce state or local animal control laws, rules, regulations, or ordinances.

(Neb. Rev. Stat. §28-1008) (Ord. No. 457, 2/4/91)

§6-205 ABANDONMENT, NEGLECT, AND CRUELTY; LAW ENFORCEMENT OFFICER; POWERS; IMMUNITY.

(A) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may (1) seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal and (2) issue a citation to the owner as prescribed by law.

(B) 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) (Ord. No. 457, 2/4/91)

§6-206 ABANDONMENT, NEGLECT, AND CRUELTY; PENALTY.

A person commits cruelty to animals if he or she abandons, cruelly mistreats, or cruelly neglects an animal. (Neb. Rev. Stat. §28-1009) (Ord. No. 457, 2/4/91)

§6-207 BANNED FROM CITY.

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 other livestock; provided, this section shall not apply to any of said animals currently kept or maintained by any owner or occupier of land on the effective date of this section. In the event ownership or occupancy of land should change subsequent to the effective date of this section, then in such event all animals listed herein shall be banned from the land so owned or occupied. (Neb. Rev. Stat. §17-505) (Ord. No. 507, 6/6/94)

Article 3 – Miscellaneous Misdemeanors

§6-301 IMPERSONATING AN OFFICER.

It shall be unlawful for any person other than a City or State Police Officer to wear an official badge or uniform or to falsely and willfully impersonate the said officials. (Neb. Rev. Stat. §28-715.01)

§6-302 REFUSING TO ASSIST OFFICER.

It shall be unlawful for any person to refuse to assist a City Police Officer when lawfully requested to do so. (Neb. Rev. Stat. §28-728)

§6-303 RESISTING OFFICER.

It shall be unlawful for any person to resist any City Policeman when such officer is in the lawful performance of his duties. (Neb. Rev. Stat. §28-729)

§6-304 ABUSING OFFICER.

It shall be unlawful for any person to abuse a police officer or city official in the execution of his office. (Neb. Rev. Stat. §28-729)

§6-305 TRESPASSING.

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

§6-306 MALICIOUS DESTRUCTION OF PROPERTY.

It shall be unlawful for any person within the corporate limits to purposely, willfully, or maliciously injure in any manner or destroy any real or personal property of any description belonging to another. (Neb. Rev. Stat. §28-572, 28-573)

§6-307 LARCENY.

It shall be unlawful for any person within the corporate limits to steal any money, goods, or chattels of any kind whatever. Any person who shall steal property of any kind, whether the same be entirely in money or entirely property having a value of less than \$300.00, shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §28-512, 28-514)

§6-308 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.

§6-309 TRASH.

It shall be unlawful for any person to willfully, maliciously, or negligently place or throw upon the premises of another any filth, garbage, leaves, papers, or other matter to the annoyance of the owner or occupant thereon. (Neb. Rev. Stat. §28-591)

§6-310 DRINKING ON PUBLIC PROPERTY; POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINER.

(A) Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. Rev. Stat. §53-186(2), it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any of its governmental subdivisions unless authorized by the governing bodies having jurisdiction over such property. (Neb. Rev. Stat. §53-186)

(B)(1) It is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this city.

(2) Except as provided in Neb. Rev. Stat. §53-186, it is unlawful for any person to consume an alcoholic beverage

- (a) In a public parking area or on any highway in this city, or
- (b) Inside a motor vehicle while in a public parking area or on any highway in this city.

(C) For purposes of this division:

(1) “Alcoholic beverage” means (a) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor, (b) wine of not less than one-half of one percent of alcohol by volume, or (c) distilled spirits, which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. “Alcoholic beverage” does not include trace amounts not readily consumable as a beverage.

(2) “Highway” means a road or street including the entire area within the right-of-way.

(3) “Open alcoholic beverage container” means any bottle, can, or other receptacle (a) that contains any amount of alcoholic beverage and (b) that is open or has a broken seal or the contents of which are partially removed.

(4) “Passenger area” means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. “Passenger area” does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk. (Neb. Rev. Stat. §60-6,211.08) (Am. by Ord. No. 641, 7/5/00)

§6-311 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.

§6-312 POSTING.

It shall be unlawful for any person to post, paste, or paint any sign, advertisement, or other writing of any nature upon a fence, pole, building, or other property without the written permission of the owner of the said property.

§6-313 DISCHARGE OF FIREARMS.

It shall be unlawful for any person, except an officer of the law in the discharge of his official duty, to fire or discharge any gun, pistol, or other fowling piece within the 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)

§6-314 SLINGSHOTS, AIR GUNS, BB GUNS.

It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the City. (Neb. Rev. Stat. §17-207)

§6-315 FIRECRACKERS.

It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except sparklers, Vesuvius fountains, spray fountains, torches, color fire cones, star- and comet-type color aerial shells without explosive charges for the purpose of making a noise, color wheels, lady fingers, not exceeding seven-eighths inch in length or one-eighth inch in diameter and which do not contain more than one-half grain each in weight of explosive material. (Neb. Rev. Stat. §28-1003.07)

§6-316 ASSAULTS.

It shall be unlawful for any person to assault or threaten any other person or persons. Any person who assaults another person or persons shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §28-411)

§6-317 PROVOKING ASSAULT.

It shall be unlawful for any person or persons within the City to intentionally provoke or attempt to provoke an assault upon himself or another by the uttering of insulting words, cursing and swearing, or to use slander against any other person. Upon conviction a fine shall be assessed which shall be set by the City Council, on file in the office of the City Clerk and available for public inspection during office hours. (Neb. Rev. Stat. §28-412)

§6-318 ASSAULT AND BATTERY.

It shall be unlawful for any person to assault, threaten, strike, or injure any other person or persons. Any person who assaults or batters another person or persons shall be deemed to be guilty

of a misdemeanor. (Neb. Rev. Stat. §28-411)

§6-319 DISTURBING THE PEACE.

It shall be unlawful for any person or persons to assemble or gather within the City with the intent to do an unlawful or disorderly act or acts by force or violence against the City or residents therein or who shall disturb the public peace, quiet, security, repose, or sense of morality. Any person or persons so assembled or gathered shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §28-818)

§6-320 WINDOW PEEPING.

It shall be unlawful for any person to go upon the private premises of another to look or peep into any window, door, or other opening in a building occupied by any other person.

§6-321 LITTERING.

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

(1) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or

(2) The litter is placed in a receptacle or container installed on such property for such purpose.

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

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

(Neb. Rev. Stat. §28-523) (Am. by Ord. No. 525, 2/6/95)

§6-322 APPLIANCES IN YARD.

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

§6-323 WEEDS, LITTER, STAGNANT WATER.

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

(B) The owner or occupant of any lot or piece of ground within the City shall keep the lot or piece of ground and the adjoining street and alleys free of any growth of weeds, grasses, or worthless vegetation 12 inches or more in height, or 8 inches or more in height on any lot or piece of ground located within the corporate limits during any calendar year if, within the same

calendar year, the City 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. (Am. by Ord. No. 777, 3/1/10)

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

(D) It is hereby declared to be a nuisance to permit or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

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

(F) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within five 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 City or fails to comply with the order to abate and remove the nuisance, the City may have such work done. The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the City may either (1) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (2) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(G) For purposes of this section:

(1) "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; (d) offal and dead animals; and (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; and

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

(Neb. Rev. Stat. §17-563, 18-1720) (Am. by Ord. No. 532, 7/5/95)

§6-324 ABANDONED AUTOMOBILES.

(A)(1) No person shall cause any vehicle to be an abandoned vehicle as described in subsections (B)(1), (2), (3), or (4) of this section. (Neb. Rev. Stat. §60-1907)

(2) No person other than one authorized by the City or appropriate state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other

public place without license plates affixed or which is abandoned. (Neb. Rev. Stat. §60-1908)

(B) A motor vehicle is an abandoned vehicle:

(1) If left unattended, with no license plates or valid "In Transit" stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;

(2) If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

(3) If left unattended for more than 48 hours after the parking of such vehicle has become illegal if left on a portion of any public property on which parking is legally permitted;

(4) If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated; or

(5) If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under subsection (E) of this section.

(6) If removed from private property by the City pursuant to a municipal ordinance.

No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this subsection. (Neb. Rev. Stat. §60-1901)
(Am. by Ord. No. 779, 3/1/10)

(C) If an abandoned vehicle at the time of abandonment has no license plates of the current year or valid "In Transit" stickers issued pursuant to Neb. Rev. Stat. §60-376 affixed and is of a wholesale value of \$250.00 or less, taking into consideration the condition of the vehicle, title shall immediately vest in the City. (Neb. Rev. Stat. §60-1902)

(D)(1) Except for vehicles governed by subsection (C) of this section, the City shall make an inquiry concerning the last registered owner of an abandoned vehicle as follows: (a) with license plates affixed, to the jurisdiction which issued such license plates; or (b) with no license plates affixed, to the Department of Motor Vehicles.

(2) The City shall notify the last registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either: (a) it will be sold or will be offered at public auction after five days from the date such notice was mailed; or (b) title will vest in the City 30 days after the date such notice was mailed.

(3) If the City is notified that a lien or mortgage exists, the notice described in subsection (D)(2) of this section shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

(4) Title to an abandoned vehicle, if unclaimed, shall vest in the City:

(a) Five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subsection (D)(2)(a) of this section;

(b) 30 days after the date the notice is mailed if the City will retain the vehicle; or

(c) If the last-registered owner cannot be ascertained, when notice of such fact is received.

(5) After title to the abandoned vehicle vests pursuant to subsection (D)(4) of this section, the City may retain for use, sell, or auction the abandoned vehicle. If the City has determined that the vehicle should be retained for use, the City shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the City intends to retain the abandoned vehicle for its use and that title will vest in the City 30 days after publication. (Neb. Rev. Stat. §60-1903)

(E)(1) If the City law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, it shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle.

(2) This subsection shall not apply to motor vehicles subject to forfeiture under Neb. Rev. Stat. §28-431.

(3) No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this subsection unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. (Neb. Rev. Stat. §60-1903.01)

(F) Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the City, shall be held by the City without interest for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the City. (Neb. Rev. Stat. §60-1905)

(G) Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed nor the City shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the City or its contractual agent or as a result of any subsequent disposition. (Neb. Rev. Stat. §60-1906)

(H) The last registered owner of an abandoned vehicle shall be liable to the City for the costs of removal and storage of such vehicle. (Neb. Rev. Stat. §60-1909)

(I) For purposes of this section, “public property” means any public right-of-way, street, highway, alley or park or other state-, county-, or city-owned property; “private property” means any privately owned property which is not included within the definition of public property. (Neb. Rev. Stat. §60-1901)

(J) Any person who violates the provisions of this section is guilty of an offense. (Neb. Rev. Stat. §60-1901 through 60-1911) (Am. by Ord. No. 640, 7/5/00)

§6-325 CURFEW.

It shall be unlawful for any minor under the age of 16 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 10:00 P.M. of any day and

6:00 A.M. of the following day unless (1) accompanied by a parent, guardian or other adult person having the care, custody or control of said minor, (2) the minor is engaged in lawful employment, or (3) the minor is on an emergency errand; provided, when an activity of the kind normally attended by minors under 16 years terminates after or less than one hour prior to 10:00 P.M., the curfew shall commence one hour after the termination of such activity.

§6-326 STALKING.

Any person who willfully and maliciously harasses another person with the intent to terrify, threaten, or intimidate commits the offense of stalking. For purposes of this section, "harass" shall mean to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose, and "course of conduct" shall mean a pattern of conduct composed of a series of acts of following, detaining, restraining the personal liberty of or stalking or telephoning the person. (Neb. Rev. Stat. §28-311.02, 28-311.03) (Ord. No. 508, 6/6/94)

§6-327 TOBACCO PRODUCTS; POSSESSION BY PERSON UNDER EIGHTEEN.

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

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

(C) Persons convicted of violating the provisions of this section shall be punished by monetary fine set by the City Council, on file in the office of the City Clerk and available for public inspection during office hours. (Ord. No. 583, 11/3/97)

Article 4 – Penal Provision

§6-401 VIOLATIONS; PENALTY.

(A) Any person or any person's agent or servant who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500.00. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B)(1) Whenever a nuisance exists as defined in this chapter, the City may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(2) 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.

(Neb. Rev. Stat. §17-505, 18-1720, 18-1722) (Am. by Ord. No. 645, 7/5/00)