

CHAPTER 6

POLICE REGULATIONS

ARTICLE 3. MISDEMEANORS

6-301 MISDEMEANORS; TRESPASSING. It shall be unlawful for any person to trespass upon any private grounds within the Municipality or to break, cut or injure any tree, shrub, plant, flower or grass growing thereon or without the consent of the owner or occupant to enter upon an improved lot or grounds occupied for residence purposes and to loiter about the same. (Ref. 28-2130 RS Neb.)

6-302 MISDEMEANORS; LARCENY. It shall be unlawful for any person within the corporate limits to steal any money, goods, chattels of any kind whatever. Any person who shall steal property of any kind, whether the same be entirely in money or entirely property of the value of less than three hundred dollars (\$300.00) shall upon conviction thereof, be guilty of a misdemeanor. (Ref. 28-510, 28-511 RS Neb.)

6-303 MISDEMEANORS; INJURY TO TREES. It shall be unlawful for any person to purposely or carelessly and without lawful authority cut down, carry away, injure, break down or destroy 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 them, shall make an application to the Governing Body and then proceed in accordance with their decision to allow such an action.

6-304 MISDEMEANORS; TRASH OR GARBAGE. It shall be unlawful for any person to willfully, maliciously or negligently place or throw upon the premise of another any filth, garbage, leaves, papers or other matter to the annoyance of the owner or occupant thereon. It shall be unlawful for any person who is not a resident of the municipality to deposit or place trash, garbage, filth leaves, or other matters in trash receptacles located within the municipality with the result being that such trash, garbage, or other items are ultimately removed and trucked or taken to a landfill site by municipal employees or agents to the municipality; it shall also be unlawful for any person residing within the municipality to allow non-residents of the municipality to deposit or place trash, garbage, filth, leaves, papers or other matters in trash receptacles located within the municipality, belonging to the municipality, or agents of the municipality, or to the municipal residents, with the ultimate result being that such trash, garbage or other items are removed and trucked or taken to a landfill site by municipal employees or agents of the municipality.

6-305 MISDEMEANORS; DRINKING IN PUBLIC. It shall be unlawful for any person to consume alcoholic beverages in the public streets, alleys, roads, highways or upon any property owned by the Municipality or other governmental subdivision thereof or inside vehicles while upon the public streets, alleys, roads or highways, in theaters, dance halls or any other place open to the

public; provided, the provisions of this Section shall not apply to liquor establishments licensed by the State of Nebraska. (Ref. 53-186 RS Neb.)

6-306 MISDEMEANORS; MINOR IN POSSESSION. It shall be unlawful for any person under twenty-one (21) years of age to transport, knowingly possess or have under his control in any motor vehicle beer or other alcoholic liquor on any public street, alley, roadway or property owned by the State of Nebraska or any subdivision thereof or any other place within the Municipal limits. (Ref. 53-180.02 RS Neb.)

6-307 MISDEMEANORS; 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 posted and the same remains of value.

6-308 MISDEMEANORS; 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.

6-309 MISDEMEANORS; DISCHARGE OF FIREARMS. It shall be unlawful for any person except an officer of the law in the discharge of his official duty, to fire or discharge any gun, pistol or other fowling piece within the Municipality; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Governing Body. (Ref. 17-556 RS Neb.)

6-310 MISDEMEANORS; CONCEALED WEAPONS. It shall be unlawful for any persons to carry about their person any concealed pistol, revolver, knife, billy club, slingshot, metal knuckles or other dangerous weapon of any kind. Nothing herein shall be construed to apply to the Municipal Police. (Ref. 28-1202, 17-556 RS Neb.)

6-311 MISDEMEANORS; SLINGSHOTS, AIR GUNS, BB GUNS. It shall be unlawful for any person to discharge a slingshot, air gun, BB gun or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the Municipality.

6-312 MISDEMEANORS; FIRECRACKERS. It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever within the Municipality 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 (7/8) inch in length or one-eighth (1/8) inch in diameter and which do not contain more than one half (1/2) grain each in weight of explosive material. Fireworks may lawfully be shot off beginning June 25th and ending July 3rd of each year from 10:00 a.m. to 10:00 p.m. each day; and on July 4th of each year from 10:00 a.m. to 11:59 p.m. (Ref. 28-1241 RS Neb.)

6-313 MISDEMEANORS; ASSAULTS. It shall be unlawful for any person to assault or threaten any other person. Any person who assaults another person shall be deemed to be guilty of a misdemeanor. (Ref. 28-308, 28-309, 28-310 RS Neb.)

6-314 MISDEMEANORS; DISTURBING THE PEACE. Any person who shall intentionally disturb the peace and quiet of any person, family or neighborhood commits the offense of disturbing the peace. (Ref. 28-1322 RS Neb.)

6-315 MISDEMEANORS; DISORDERLY CONDUCT. Any person who shall knowingly conduct a fight, commit assault or battery, make unnecessary noise or otherwise conduct themselves in such a way as to breach the peace shall be deemed to be guilty of a misdemeanor. (Ref. 17-556 RS Neb.)

6-316 MISDEMEANORS; LITTERING. It shall be unlawful for any person to throw, cast, lay or drop on any public way or property any paper, scrap material or other waste whatsoever. (Ref. 28-523 RS Neb.)

6-317 MISDEMEANORS; PROHIBITED FENCES. It shall be unlawful for any person to erect, or cause to be erected, and maintain any barbed wire or electric fence within the corporate limits where such fence abuts a public sidewalk, street or alley.

6-318 MISDEMEANORS; APPLIANCES IN YARD. It shall be unlawful for any person to permit a refrigerator, icebox, freezer or any other dangerous appliance to be in the open and accessible to children whether on private or public property unless he shall first remove all doors and make the same reasonably safe. (Ref. 18-1720 RS Neb.)

6-319 MISDEMEANORS; OBSTRUCTION OF PUBLIC WAYS. It shall be unlawful for any person to erect, maintain or suffer to remain on any street or public sidewalk a stand, wagon, display or other obstruction inconvenient to or inconsistent with the public use of the same.

6-320 MISDEMEANORS; OBSTRUCTING WATER FLOW. It shall be unlawful for any person to stop or obstruct the passage of water in a street gutter, culvert, water pipe or hydrant.

6-321 MISDEMEANORS; REMOVING DIRT. It is hereby declared unlawful for any person to remove, disturb or take away from any street, alley or public grounds any dirt, earth, stones or other material forming a part of such street, alley or public grounds without first having obtained written permission to do so from the Governing Body.

6-322 MISDEMEANORS; WEED REMOVAL. It shall be the duty of every owner of real estate in the Municipality to cut and clear such real estate together with one half (1/2) of the streets and alleys abutting thereon, of all weeds and worthless vegetation that extend ten (10) inches above the ground. that are noxious, obstruct travel on public ways or create a fire hazard. Subsequent to the cutting of the said weeds, all loose vegetation shall be immediately removed. Upon the failure of the owner, lessee or occupant having control of any such real estate to cut and clear the said weeds and worthless vegetation, the Village Law Enforcement Officer or Municipal

Clerk shall serve notice on the said owner, lessee or occupant to do so. In the event that the weeds and vegetation have not been removed after a period of fourteen (14) days, the Governing Body may order the same to be done under the direction of the Utilities Superintendent and the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the Municipality after being properly billed, the cost may be assessed against the real estate and the Governing Body shall have the assessment certified to the County Treasurer and the same shall be collected in the manner provided by law. In the event the property owner is a nonresident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the nonresident owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. (Ref. 17- 563.01, 18-1719 RS Neb.)

6-323 MISDEMEANORS; RADIO INTERFERENCE. Any person operating or causing to be operated any motor, sign or other electrical apparatus that is connected with the light and power system shall equip the apparatus with proper filtering attachments to eliminate interference; provided, that the provisions herein shall not apply to the use of necessary medical equipment or apparatus where electrical interference cannot be reasonably and safely eliminated. Any person who 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. (Ref. 18-1720 RS Neb.)

6-324 MISDEMEANORS; ABANDONED AUTOMOBILES. It shall be unlawful to abandon any automobile on the Municipal streets, highways, alleys, parks or other property. An automobile shall be deemed to be abandoned if left unattended:

- A. With no number plates affixed thereto for more than six (6) hours on any public property; or
- B. For more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted; or
- C. For more than forty-eight (48) hours after the parking of such vehicle shall have become illegal, if left on a portion of a public property on which parking is legally permitted; or
- D. For more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner shall be terminated.
- E. Any vehicle so abandoned may be towed away at the owner's expense for towing and storage, upon order from the Village Law Enforcement Officer.

(Ref. 60-1904, 60-1906, 60-1907, 60-1909 RS Neb.)

The title to any automobile so abandoned which at the time of such abandonment, has no number plates of the current year affixed and is of wholesale value, taking into consideration the condition

of such vehicle, of one hundred dollars (\$100.00) or less, shall immediately vest in the Municipality.

In the event the automobile is licensed for the current year or is of a wholesale value of over one hundred dollars (\$100.00), the Village Law Enforcement Officer shall make a reasonable effort to contact the owner of the said automobile by sending a notice to the registered owner, if known; by sending an Inquiry to the County it is registered in, if the owner is unknown; or by contacting the Director of Motor Vehicles. If notified by the Director of Motor Vehicles that a lien or mortgage exists on said vehicle, notice 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. If the owner, lienholder or mortgagee is known and does not claim the automobile within five (5) days after date when the notice was mailed or upon receiving word from the Director of Motor Vehicles that the owner is known, title will immediately vest in the Municipality and the automobile may be sold. Any proceeds from the sale of the automobile less any expenses incurred by the Municipality in such sale shall be held without interest for the benefit of the owner of such vehicle for a period of two (2) years. If not claimed within such period of time, the proceeds shall then be paid into the General Fund.

For purposes of this Section, public property shall mean any public right-of-way, street, highway, alley, park or other state, county or municipally owned property which is not included within the definition of public property.

Any person who abandons an automobile as herein defined shall be deemed guilty of a misdemeanor. (Ref. 60-1901 through 60-1911 RS Neb.)

6-325 MISDEMEANORS; UNLICENSED OR INOPERABLE VEHICLES. No person in charge or control of any property within the Municipality, other than Municipal property, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, inoperable, wrecked, junked or discarded vehicle to remain on such property longer than thirty (30) days. No unlicensed vehicle shall be permitted to remain on any private or public property for any length of time; provided, this Section shall not apply to a vehicle in an enclosed building; to a vehicle on the premises of a business enterprise, operated in a lawful place and manner when such vehicle is necessary to the lawful operation of the business; or to a vehicle in a lawful place and manner by the Municipality. Any vehicle allowed to remain on property in violation of this Section shall constitute a nuisance and shall be abated and any person violating this Section shall be guilty of a misdemeanor.

6-326 MISDEMEANORS; UNLICENSED MOTOR VEHICLES AND/OR MOTOR VEHICLE PARTS. It is hereby expressly found and determined that the practice of permitting unlicensed motor vehicles, motor vehicle bodies and motor vehicle chassis or parts therefrom to be stored or accumulated on private premises is unsightly and unhealthy and constitutes a nuisance to the citizens and residents of the Municipality; provided, the storage or accumulation of such motor vehicles, motor vehicle bodies and motor vehicle chassis or parts therefrom in completely enclosed buildings shall not be considered a nuisance.

No person in charge or control of any property within the Municipality, other than municipal property, whether as owner, tenant, occupant, lessee or otherwise, shall store, retain, or keep on, or permit to be stored, retained or kept on any private premises any motor vehicle that has been unlicensed for a period in excess of four (4) months under the laws of the State of Nebraska or allow any partially dismantled, inoperable, wrecked, junked or discarded vehicle to remain on such property; provided, this ordinance shall not apply to such motor vehicle, motor vehicle body or motor vehicle chassis or parts therefrom that is kept in a completely enclosed building, or any complete motor vehicle that is covered completely with a fitted cover. Such fitted cover shall be constructed of a non-opaque and non-transparent material and shall completely cover such motor vehicle. A fitted covering shall be defined as a covering made specifically to cover a motor vehicle and not made for any other purposes. Said covering shall be attached in such a manner to prevent it from being removed by adverse weather conditions. If such covering are removed for any reason or by adverse weather, it shall be restored immediately.

Any vehicle or parts thereof allowed to remain on such property in violation of this ordinance shall constitute a nuisance and shall be abated. The Municipal Clerk or her duly designated officer of the Municipality shall give written notice to the owner or occupant of the real property upon which such nuisance exists to abate the nuisance within ten days. The notice to abate shall be served either in person, by mailing notice by certified mail or registered mail or by publication, or by affixing notice on such vehicle. Any publication notice shall be in a newspaper of general circulation of the Municipality which is published at least weekly; such notice shall be published once; and the time period shall run from the date of publication. Upon failure to abate the nuisance within the time provided, the Municipality may remove such vehicle or parts of any vehicle and sell the same at public sale. Notice of the sale shall be given in the same manner as notice to abate. Any proceeds from such sale shall be first applied to any expenses incurred by the Municipality in removing, storing and selling the vehicle or vehicle parts and the balance shall be held without interest for the benefit of the owner of such vehicle or vehicle parts for a period of two (2) years. If not claimed within such period of time, the proceeds shall then be paid to the general fund of the Municipality.

This section shall not apply to the premises for which permit has been granted to a junk dealer; nor shall it apply to the premises where a licensed motor vehicle dealer, farm implement dealer or an automotive repair or restoration business conducts a business, if such business is the primary business conducted on such premises.

6-327 MISDEMEANORS; FALSE REPORTING. It shall be unlawful for any person to:

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

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

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

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

(5) Furnish material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation. (Ref. 28-907 RS Neb.)

6-328 MISDEMEANORS; POSSESSION OF TOBACCO PRODUCTS BY MINORS.. It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided that the possession by a person under age of eighteen (18) under the direct supervision of a parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited. Nothing in this section shall prohibit a person under the age of eighteen (18) from handling tobacco products or selling tobacco products in the course of his or her employment

Tobacco Products Defined: 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.

Possession of Tobacco Products By Minors; Persons convicted of violating the provisions of this section shall be punished by a monetary fine of not less than thirty-five (\$ 35.00) dollars and not more than One Hundred (\$ 100.) dollars.

6-329 MISDEMEANORS; ABATEMENT OF NUISANCE. Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same in the manner provided by law.

Whenever in any action it is established that a nuisance exists, the court may together with the fine or penalty imposed enter an order of abatement as a part of the judgement in the case. (Ref. 18-1720 RS Neb.)

6-330 VIOLATIONS; PENALTY. Unless otherwise specified in the particular article or section for which the person stands convicted of violating, the penalty for violating any provision of this municipal code declaring such act to be a misdemeanor, infraction, nuisance, or otherwise unlawful shall be fined in an amount not more than one hundred (100) dollars plus the costs of the acts.

Any person violating the provisions of sections 6-324, 6-325, or 6-326 shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined in the sum of no less than \$100.00 and no more than \$500.00 for a first offense. Fines for second and subsequent offenses shall be no less than \$200.00, and no more than \$500.00 per offense.

Any person violating this ordinance shall be punished in accordance with the Brady Municipal Code, as amended from time to time.