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CHAPTER 2 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 2-101: RESISTING OR FAILING TO ASSIST OFFICER

It shall be unlawful for any person in this city to hinder, obstruct or resist any city police officer in making any arrest or performing any duty of his or her office or to refuse or neglect to assist any such officer when called upon in the making of any arrest or the conveying of a prisoner to jail. (Neb. Rev. Stat. §28-903, 28-904)

SECTION 2-102: ABUSING OFFICER

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

SECTION 2-103: IMPERSONATING OFFICER

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

SECTION 2-104: TRESPASSING

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. §28-588, 28-588.01)

SECTION 2-105: 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. §28-519) (Am. by Ord. No. 478-A, 11/1/77)

SECTION 2-106: TRASH

It shall be unlawful for any person to willfully, maliciously or negligently place or throw upon the premises of another person any filth, garbage, leaves, papers or other matter to the annoyance of the owner or occupant thereon. (Neb. Rev. Stat. §28-523)

SECTION 2-107: 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 City 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. (Neb. Rev. Stat. §53-186) (Am. by Ord. No. 449-A, 4/19/76)

SECTION 2-108: DESTRUCTION OF POSTED ADVERTISEMENTS

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

SECTION 2-109: 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.

SECTION 2-110: DISCHARGE OF FIREARMS

It shall be unlawful for any person, except an officer of the law in the discharge of his or her official duty, to fire or discharge any gun, pistol or other firearm 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 2-111: CONCEALED WEAPONS

It shall be unlawful for any person(s) to carry about their person any concealed pistol, revolver, knife, billy club, slingshot, metal knuckles or other dangerous weapon of any kind which, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury. Nothing herein shall be construed to apply to any law enforcement officer currently employed by any municipal, state or federal law enforcement agency or any person who is a holder of a valid permit issued under the Nebraska Concealed Handgun Permit Act. (Neb. Rev. Stat. §28-1201) (Am. by Ord. No. 1293-A, 2/2/09)

SECTION 2-112: 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.

SECTION 2-113: EXCESSIVE NOISE

It is hereby determined to be unlawful to operate industrial equipment, heavy machinery, jack hammers and other industrial equipment emitting loud noises or to race automobile engines within the City between the hours of 10:00 P.M. and 7:00 A.M. in such a manner as to disturb the comfort, repose, peace and quiet of residents of the City, unless such activity has been approved in advance by the City Council.

SECTION 2-114: 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 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)

SECTION 2-115: DISORDERLY CONDUCT

Any persons who shall knowingly start a fight, 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. (Neb. Rev. Stat. §17-129, 17-556)

SECTION 2-116: WINDOW PEEPING

It shall be unlawful for any person to maliciously or stealthily go upon the premises of another in the 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 2-117: 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 the person or repetitiously telephoning the person.

SECTION 2-118: OPERATING GAMBLING DEVICES OR LOTTERY

It shall be unlawful for any person or organization to operate or permit to be operated in this city any lottery, game of chance or gambling device of any kind unless sanctioned by the City and operated pursuant to state law. (Neb. Rev. Stat. §28-1101 through 28-1104)

SECTION 2-119: GAMBLING

It shall be unlawful for any person to participate in any lottery or game of chance, except bingo, in this city unless sanctioned by the City and authorized and licensed by state law. (Neb. Rev. Stat. §28-1101 through 28-1104)

SECTION 2-120: PANDERING, PROSTITUTION, ILLICIT SEXUAL INTERCOURSE

It shall be unlawful for any person to engage in or commit any act of pandering, prostitution or illicit sexual intercourse within the City.

SECTION 2-121: HOUSE OF PROSTITUTION; DISORDERLY HOUSE

It shall be unlawful for any person to keep, operate or maintain or to be an inmate of or visit a house of prostitution or a disorderly house within this city. A "house of prostitution" shall be construed to mean a house or other place which is kept, used or operated as a place for hire for prostitution purposes. A "disorderly house" shall be construed to mean (A) any place kept in such a manner as to disturb, annoy or scandalize the public generally or persons within the particular neighborhood; (B) any place used as a public resort by drunkards, prostitute or other idle or vicious persons; or (C) any place of public resort where illegal practices are habitually carried on to the corruption of public morals.

SECTION 2-122: INDECENT EXPOSURE OF PERSON; PUBLIC URINATION; INDECENT BOOK, PICTURE, PLAY, DESIGN

It shall be unlawful for any person within this city to make an indecent exposure of his or her person; to urinate or defecate in public view; to commit any indecent or lewd act; or to sell or offer for sale, or to dispense of in any manner any obscene, lewd or indecent book, picture or other publication or thing; to exhibit or perform any indecent, immoral, lewd or obscene play or other representation; or in any public place to write, draw, or make any profane, obscene, indecent or lewd work, sentence, figure or design.

SECTION 2-123: 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. 976, 3/21/95)

SECTION 2-124: ALLOWING THE ACCUMULATION OF LITTER

It shall be unlawful for any person to allow the accumulation of litter on property owned or controlled by him or her. Upon notice by the municipal police of the accumulation of litter, the owner or person in the control of such property shall promptly remove such litter within 24 hours of such notice or shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00.

SECTION 2-125: PROHIBITED FENCES

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

SECTION 2-126: 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 or she shall first remove all doors and make the same reasonably safe. (Neb. Rev. Stat. §18-1720)

SECTION 2-127: 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 public use of the same.

SECTION 2-128: OBSTRUCTION OF WATER FLOW

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

SECTION 2-129: 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 materials forming a part of such street, alley or public grounds without first having obtained written permission to do so from the City Council.

SECTION 2-130: POSSESSION OF TOBACCO BY MINORS

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 19 years to possess any tobacco products or electronic nicotine delivery devices, provided that the possession by a person under the age of 19 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. "Electronic nicotine delivery devices" shall be defined to include Juul, vape pens and mods, and IQOS systems.

C. Persons convicted of violating the provisions of this section shall be punished by a monetary fine of not less than \$35.00 and not more than \$100.00.
(Ord. Nos. 1083, 2/17/98; 1383, 12/2/19)

SECTION 2-131: DESTRUCTION OF PROPERTY

It shall be unlawful for any person wantonly or maliciously in any manner to molest, injure or destroy any property of another in this city. (Neb. Rev. Stat. §28-572, 28-573)

SECTION 2-132: PARADE; DISTRIBUTION OF MATERIAL

It shall be unlawful for any person to do any activity which should induce an individual to enter any parade route or to distribute material, candy, etc. from any parade entry unless distributed by an individual walking and the material, candy, etc. is handed directly to observers or is tossed beyond the street and curb. (Ord. No. 1122, 2/8/99)

SECTION 2-133: SEXUAL PREDATORS; DEFINITIONS

As used in this article, unless the context otherwise requires

"Actor" shall mean a person accused of sexual assault.

"Child care facility" shall mean a facility licensed pursuant to the Child Care Licensing Act.

"Intimate parts" shall mean the genital area, groin, inner thighs, buttocks, or breasts.

"School" shall mean a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;

"Serious personal injury" shall mean great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.

"Sex offender" shall mean an individual who has been convicted of a crime listed in Neb. Rev. Stat. §29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act or any person convicted under the law of another state if, at the time of conviction under the law of such other state, the offense for which the person was convicted would have required registration under the Nebraska Sex Of-

fender Registration Act if the conviction had occurred in Nebraska.

“Sexual contact” shall mean the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts; shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification.

“Sexual penetration” shall mean sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's body or any object manipulated by the actor into the genital or anal openings of the victim's body which can be reasonably construed as being for nonmedical or non-health purposes. Sexual penetration shall not require emission of semen.

“Sexual predator” shall mean an individual who is required to register under the Sex Offender Registration Act, who has a high risk of recidivism as determined by the Nebraska State Patrol under Neb. Rev. Stat. §29-4013 of the current state statutes, and who has victimized a person 18 years of age or younger.

“Residence” shall mean a place where the person regularly sleeps, where the person has established his home, where he is habitually present, and to which he intends to return when he departs. 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.

"Victim" shall mean the person alleging to have been sexually assaulted.
(Ord. No. 1298, 7/6/09)

SECTION 2-134: SEXUAL PREDATORS; RESIDENCY RESTRICTIONS; EXCEPTIONS

A. *Prohibited Location of Residence.* It is unlawful for any person who is a sexual predator, as defined herein, or under similar provisions of any other state, to reside within 500 feet of the real property compromising the following:

1. A public, private, denominational or parochial school which meets the requirements for accreditation or approval in Neb. Rev. Stat. Chapter 79.
2. A child care facility.
3. A municipal park.
4. A municipal pool.

B. *Measurement of Distance.* 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, child care facility, municipal park, or municipal pool.

C. *Exceptions to Schools or Child Care Facilities.* A person residing within 500 feet of any real property comprising of a public or nonpublic elementary or secondary school, child care facility, municipal park, or municipal pool 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 established such residence before July 1, 2006 and has not

moved from that residence.

3. The person's place of residence becomes a violation of this ordinance solely because of annexation into the City.
4. The person established a residence after July 1, 2006 and the public or nonpublic elementary or secondary school, child care facility, municipal parks, or municipal pool within 500 feet of the person's permanent residence was established after his or her initial date of residence at that location.

D. *Exceptions to Parks and Pools.* A person residing within 500 feet of any real property comprised of municipal park or municipal pool 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 established such residence before July 1, 2021 and has not moved from that residence.
3. The person's place of residence becomes a violation of this ordinance solely because of annexation into the City.
4. The person established a residence after July 1, 2021 and the municipal park, or municipal pool within 500 feet of the person's permanent residence was established after his or her initial date of residence at that location.

(Ord. Nos. 1298, 7/6/09; 1393, 6/7/21)

Article 2 – Curfew

SECTION 2-201: HOURS

It shall be unlawful for any person under the age of 16 years to loiter, idle, wander, stroll, play or be in or upon the public streets, public places and public buildings, places of amusement and entertainment, vacant buildings, vacant lots or otherwise operate any bicycle or other vehicle, in, upon, over or through the streets of other public places of the City between the hours of 1:00 A.M. and 5:00 A.M. of any day, unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of said minor person or unless the minor person is upon an emergency errand or legitimate business, directed by his or her parents, guardian or legal custodian, except as hereinafter provided.

SECTION 2-202: HOURS EXTENDED

Nothing herein contained shall prohibit said minor persons from attending special school functions or adult supervised entertainment conducted by any school, church or fraternal organization, which continue beyond the curfew hours as set out in Section 2- 201 above. In all such cases the hours herein prohibited shall be extended for those minors attending said special social function or entertainment one hour after the closing of said special function.

SECTION 2-203: VIOLATION; PARENTAL LIABILITY

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 16 years to allow or permit said minor person to do any of the acts or things prohibited by Section 2-201 or 2-202. In the event that a parent violates the provisions herein, such parent shall be fined in a sum not to exceed \$500.00. Each violation shall constitute a separate offense.

SECTION 2-204: ENFORCEMENT; POLICE AUTHORIZATION

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

SECTION 2-205: PENALTIES

Any violation of the foregoing provisions of this article shall constitute a misdemeanor and shall be punishable by a warning for the first offense, a fine of \$10.00 for the second offense, and a third and any subsequent violation shall constitute a violation of Section 2-203 and the parents of said child shall be held liable.

Article 3 – Dogs

SECTION 2-301: 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 and thereafter annually by or before January 1 each year, file with the city clerk a current rabies certificate showing that the dog has had a rabies shot effective for the ensuing year and maintain a current tag of the rabies shot information on the dog. The owner shall state at the time the certificate is presented, upon a printed form provided for such purpose, his or her name and address and the name, breed, color and sex of each dog owned and kept by him or her. (Neb. Rev. Stat. §17-526, 54-603, 71-4412) (Am. by Ord. Nos. 877, 5/5/92; 1276, 7/1/06; 1307, 8/2/10)

SECTION 2-302: LICENSE TAGS

(Repealed by Ord. No. 1307, 8/2/10)

SECTION 2-303: WRONGFUL LICENSING

(Repealed by Ord. No. 1307, 8/2/10)

SECTION 2-304: 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)

SECTION 2-305: UNCOLLARED

Any dog found running at large upon the streets and public grounds of the City without a collar or harness is hereby declared a public nuisance. Uncollared dogs found running at large shall be killed or impounded in the city dog shelter by the city police. (Neb. Rev. Stat. §54-605)

SECTION 2-306: RUNNING AT LARGE

It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the City. It shall be the duty of the city police to cause any dog found to be running at large within the City to be taken up and impounded. A dog found "running at large" shall mean it was off the premises of the owner and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. "Owner" shall be defined as anyone who provides food, shelter or exercises control over the dog while on premises owned or controlled by him or her.

SECTION 2-307: CAPTURE IMPOSSIBLE

The city police shall have the authority to kill any animals showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Neb. Rev. Stat. §54-605)

SECTION 2-308: RABIES VACCINATION

Every dog three months of age and older shall be vaccinated against rabies pursuant to Nebraska law. Puppies shall be vaccinated within 30 days after having reached three months of age. Unvaccinated dogs acquired or moved into the City must be vaccinated within 30 days after purchase or arrival unless under three months of age as specified above. The provisions of this ordinance with respect to vaccination shall not apply to any dogs owned by a person temporarily residing within this city for less than 30 days, any dog brought into this city for show purposes, or any dog brought into this city for hunting purposes for a period of less than 30 days; such dogs shall be kept under the strict supervision of the owner.

SECTION 2-309: RABIES SUSPECTED; IMPOUNDMENT

Any dog or other animal suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions set forth above which has bitten any person or has caused an abrasion of the skin of any person shall be seized by a police officer or animal control officer of this city and shall be impounded under the supervision of a licensed veterinarian or public health authority for not less than ten days. If testing is required by the licensed veterinarian the cost of the same shall be paid by the owner of the animal tested. If, upon examination and testing by a veterinarian, the dog or other animal has no clinical signs of rabies at the end of such impoundment, it shall be released to the owner upon said owner paying the costs of said impoundment or, in the case of a stray, shall be disposed of in whatever manner deemed best by the city police officer. (Neb. Rev. Stat. §71-4406)

SECTION 2-310: RABID DOGS; CAPTURE IMPOSSIBLE

The animal control officer shall have the authority to kill any domestic animals with the characteristics of rabies which make capture impossible because of the danger involved.

SECTION 2-311: RABID DOGS; PROCLAMATION

It shall be the duty of the City Council or mayor whenever, in their 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 wherein the said owner may reside.

Upon issuance of the proclamation it shall be the duty of all persons owning, keeping or harboring any dog to confine the same as herein provided.

SECTION 2-312: INTERFERENCE WITH ANIMAL CONTROL

It shall be unlawful for any person to hinder, delay, or interfere with any city police officer who is performing any duty enjoined upon him or her by the provisions of this article or to break open or in any manner directly or indirectly aid, counsel, or advise 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)

SECTION 2-313: KILLING AND POISONING

It shall be unlawful to kill, administer or cause to be administered poison of any sort to a dog or 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 the city police acting within their power and duty. (Neb. Rev. Stat. §28-1002)

SECTION 2-314: 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 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 dog shelter. (Neb. Rev. Stat. §17-526) (Am. by Ord. No. 521, 11/6/79)

SECTION 2-315: FIGHTING

It shall be unlawful for any person, by agreement or otherwise, to set dogs to fighting, or by any gesture or word to encourage the same to fight. (Neb. Rev. Stat. §17-526)

SECTION 2-316: LIABILITY OF OWNER

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

SECTION 2-317: 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 thereof. (Neb. Rev. Stat. §17-526)

SECTION 2-318: IMPOUNDING

A. It shall be the duty of the city police to capture, secure, and remove in a humane manner to the city animal shelter, licensed kennel or veterinary clinic any dog violating any of the provisions of this article. The dogs so impounded shall be treated in a

humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the pound for a period of not less than five days after public notice has been given unless reclaimed earlier by the owner.

B. Notice of impoundment of all animals, including any significant marks or identifications, 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 general impoundment fee and daily board fee as set by resolution of the City Council, on file in the office of the city clerk, and by complying with the licensing and rabies vaccination requirements prior to release. If the dog is not claimed at the end of required waiting period after public notice has been given, it becomes the property of the Holt County Animal Shelter.

(Neb. Rev. Stat. §17-548, 71-4408) (Am. by Ord. Nos. 477-A, 11/1/77; 626, 3/1/83; 834, 6/5/91; 1327, 1/21/13)

SECTION 2-319: DANGEROUS DOGS; DEFINITIONS

"Animal control authority" shall mean the entity authorized to enforce the animal control laws of the City, which is hereby designated as the O'Neill Police Department.

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

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

- A. Has inflicted any injury on a human being or damage to public or private property;
- B. Has injured a domestic animal without provocation while the dog was off the owner's property; or
- C. Has been previously determined to be a potentially dangerous dog by an animal control authority and the owner has received notice of such determination; such dog again bites, attacks or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass as defined in Neb. Rev. Stat. §20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog; who was tormenting, abusing or assaulting the dog; who has, in the past, been observed or reported to have tormented, abused or assaulted the dog; or who was committing or attempting to commit a crime.

"Domestic animal" shall mean a cat, a dog or livestock.

"Owner" shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping or having control or custody of a dog.

"Potentially dangerous dog" shall mean:

- A. Any dog that, when unprovoked, chases or approaches a person upon streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of

attack, or

- B. Any specific dog with a known propensity, tendency or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

(Neb. Rev. Stat. §54-617) (Ord. Nos. 794, 12/5/89; 1321, 8/6/12)

SECTION 2-320: DANGEROUS DOGS; RESTRAINED

No owner of a dangerous dog shall permit the dog to be outside of the required secured enclosure or fencing unless the dog is restrained by a chain or leash of sufficient strength to control it and the dog is muzzled in such a manner as to prevent it from biting or injuring any person or animal. (Neb. Rev. Stat. §54-618) (Ord. Nos. 794, 12/5/89; 1321, 8/6/12)

SECTION 2-321: DANGEROUS DOGS; CONFINED

While unattended on the owner's property, a dangerous dog shall be securely confined in a humane manner indoors, outdoors in an area bounded by a secure fence at least 6 feet high with an impenetrable base embedded into the ground at a depth of at least 1 foot and all gates locked, or outdoors in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top or shall be 6 feet high. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least 1 foot. The pen or structure shall be at least 10 feet from any property line of the owner and shall protect the dog from the elements. The owner shall post warning signs on the property where the dog is kept that are clearly visible from all areas of public access, informing that a dangerous dog is on the property. Each sign shall be not less than 10 inches by 12 inches and shall contain the words "Warning" and "Dangerous Animal" in high-contrast lettering at least 3 inches high on a black background. (Neb. Rev. Stat. §54-619) (Ord. Nos. 794, 12/5/89; 1321, 8/6/12)

SECTION 2-322: DANGEROUS DOGS; FAILURE TO COMPLY

A. Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of such a dog confiscated by an animal control officer or for the destruction of any such dog if the action by the animal control authority is pursuant to law and if the owner violated this article.

B. In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner. (Neb. Rev. Stat. §54-620) (Ord. Nos. 794, 12/5/89; 1321, 8/6/12)

SECTION 2-323: DANGEROUS DOGS; ADDITIONAL REGULATIONS

Nothing in this article shall be construed to restrict or prohibit the City Council from establishing and enforcing laws or ordinances at least as stringent as the provisions of this article. (Neb. Rev. Stat. §54-624) (Ord. No. 794, 12/5/89)

SECTION 2-324: OFFICER'S COMPENSATION

For destroying and burying dogs under the provisions of this article, the official appointed to destroy said dogs shall be paid, in addition to his or her regular salary, the sum of \$1.00 for each dog so destroyed and buried. (Neb. Rev. Stat. §17-526)

SECTION 2-325: SPECIFIC BREEDS; DEFINITIONS

A. "AKC or UKC registered show dog" shall mean an American Staffordshire Terrier or Staffordshire Bull Terrier for which the owner thereof has documentation showing the dog to be a registered AKC or UKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog. The documentation to prove the animal is a show/performance dog must include:

1. An AKC or UKC registration;
2. AKC or UKC three-generation pedigree;
3. Proof the dog is being used as a show dog once the dog reaches the age of six months; and
4. The first five numbers of the AKC or UKC registration tattooed on the abdomen of the upper side of the left rear leg.

B. "Pit Bull breed" shall include:

1. American Pit Bull Terrier;
2. Staffordshire Bull Terrier and American Staffordshire Bull Terrier (unless exempted as a registered show dog);
3. American Bulldog;
4. Any dog whose sire or dam is a dog of a breed which is defined as a Pit Bull breed of dog in this definition;
5. Any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a Pit Bull breed;
6. Any dog conforming or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or American Bulldog as defined by the United Kennel Club or American Kennel Club; and
7. Any dog which is of the breed commonly referred to as "Pit Bull" and commonly recognized and identifiable as such.

C. If a dispute exists as to whether a dog is of the Pit Bull breed as set forth herein, the City shall employ a Nebraska-licensed veterinarian to examine the animal or pictures of the animal to determine whether such dog is one of the Pit Bull breed or has the primary characteristics of the breed. Such determination shall be final on both the City and the person owning or harboring the dog.

(Ord. No. 1364, 12/5/16)

SECTION 2-326: SPECIFIC BREEDS; RESTRICTIONS

It shall be unlawful for any person to keep within the City of O'Neill's jurisdiction any Pit Bull breed dog as defined in this article, except for an AKC or UKC registered show dog as defined and identified in Section 2-325; a dog owned and maintained by a local, state or federal agency and used for law enforcement purposes; or a dog registered in accordance with this article. (Ord. No. 1364, 12/5/16)

SECTION 2-327: SPECIFIC BREEDS; REGISTRATION

A. No registration shall be issued for a Pit Bull breed dog until all requirements

listed herein have been met. In addition to all other fees, the City will assess, and the owner or custodian of the dog must pay, the sum of \$25.00 for issuance of the registration allowing possession of a Pit Bull breed dog in the City. The registration shall be for a one-year period and may be renewed for additional one-year periods upon payment of the \$25.00 annual fee and compliance with other requirements of this article.

B. The following are owner requirements for registration:

1. Prior to bringing a Pit Bull breed dog into city jurisdiction, the owner or custodian shall register the dog.
2. The owner of a Pit Bull breed dog who desired to continue to keep such dog within the city jurisdiction was to have had 60 days subsequent to the effective date of this ordinance to register the animal with the City of O'Neill Police Department in order for that animal to have been allowed to remain in the City.

C. The following are requirements for registration:

1. The animal must be registered with an identification chip inserted under the skin by a licensed veterinarian and a copy of said registration shall be provided to the City.
2. The owner shall provide proof of rabies and other vaccinations to the City.
3. At the owner's expense, he or she shall have the animal spayed or neutered and shall present the Police Department documented proof from a licensed veterinarian that the said sterilization has been performed. An owner of a Pit Bull breed dog may be exempted from the spay or neuter requirement if the owner produces documentation from a licensed veterinarian stating that a spay or neuter would place the dog's life at risk or if the owner produces documentation showing that the dog is a registered AKC or UKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog as defined in Section 2-325(A).
4. The Police Department shall create and maintain a registration system containing the numbers and names of the animals and the names and addresses of the owners. The owner shall be responsible for notifying the department of any change in address within ten days of such change regardless of whether the new address is inside or outside city jurisdiction. The owner shall also be responsible for notifying the department when the dog dies.

(Ord. No. 1364, 12/5/16)

SECTION 2-328: SPECIFIC BREEDS; ABANDONMENT

It is hereby unlawful to abandon a Pit Bull breed dog within the jurisdiction of the City.

(Ord. No. 1364, 12/5/16)

SECTION 2-329: SPECIFIC BREEDS; JURISDICTION

The regulations herein apply to all Pit Bull breed dogs within the O'Neill municipal limits.

(Ord. No. 1364, 12/5/16)

SECTION 2-330: SPECIFIC BREEDS; VIOLATION; PENALTY

A. Any person in violation of this article, upon conviction, shall be subject to the

maximum fine of \$500.00 or the maximum allowed by state law for a misdemeanor. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

B. In addition, the dog found to be the subject of the violation of the regulations set forth herein shall be subject to immediate seizure and impoundment and the owner of said dog shall have the registration for keeping a Pit Bull breed dog within the City revoked.

C. A Pit Bull breed dog seized by the Police Department shall be held for a period of five business days, within which the owner may reclaim the dog by payment of a fee of \$60.00. The dog shall not be released unless the said reclamation fee is paid and the owner meets all registration requirements.

D. If not reclaimed within five days, the dog shall become the property of the Holt County Animal Shelter.

(Ord. No. 1364, 12/5/16)

Article 4 – Kennels

SECTION 2-401: DEFINITIONS

As used in this article, unless the context otherwise indicates:

"Dog" shall be intended to mean both male and female.

"Owner" shall be intended to mean person or persons, firms, associations or corporations owning, possessing, keeping or harboring a dog or permitting same to be or remain upon or about his, her, their or its premises.

"Kennel" shall be intended to mean the ownership, possession, keeping or harboring of three or four dogs over the age of six months to be or remain upon any premises. No kennel shall own, possess, keep or harbor more than four dogs or any amount of puppies over the age of six weeks upon the premises. A dog owned by the Holt County Humane Society and kept by an individual in foster care shall not be counted as a dog for determining a kennel. A person may keep only one Holt County Humane Society dog in foster care at any time.

(Am. by Ord. No. 1276, 7/10/06)

SECTION 2-402: LICENSING REQUIRED

A. It shall be unlawful to operate a kennel, as defined above, anywhere in the City or its one mile zoning jurisdiction without first securing a kennel license from the O'Neill Police Department. At the time of application for such kennel license, the owner shall state on a form provided for such purpose his or her name and address; the breed, sex and number of dogs; and number of dogs for breeding. A five-day waiting period will follow said application for an inspection of the kennel by the O'Neill police in order that it may be determined whether the kennel meets the standards and regulations for operating a kennel before issuance of the license. Said permit and license shall be valid for one year from date of issuance and can be revoked for violation of said standards and regulations after due notice and hearing to said kennel owner or operator. The one-year fee for such a kennel license shall be \$200.00.

B. The owner shall also be liable to comply with Section 2-301 requiring providing a rabies certificate for each dog in said kennel. It is specifically provided that the owner shall have a certificate or other substantial proof evidencing that each dog over the age of six months in said kennel is currently vaccinated for rabies, said certificate or

other substantial proof to be available for inspection by the officers of the O'Neill Police Department upon request. The proof of the vaccination will also be required to be presented to the O'Neill police at the time of application for a kennel license. The owner shall also be liable to comply with all city ordinances pertaining to dogs. Any owner that violates any of the regulations and ordinances shall have his or her kennel license revoked.

(Neb. Rev. Stat. §17-526) (Ord. No. 1102, 8/3/98) (Am. by Ord. No. 1307, 8/2/10)

SECTION 2-403: STRUCTURE, SITE CONDITION, AND CARE OF DOGS

Every kennel shall be constructed, maintained and the dogs therein cared for pursuant to the provisions of Section 2-502 of this chapter for the care and housing of animals. (Am. Ord. 1392, 10/5/20)

SECTION 2-404: VIOLATION OF LICENSING PROVISIONS

A. In the event it is determined that the kennel is in violation of any provision relating to kennel licenses, the City shall give the license holder written notice setting forth the violations and ten days in which to correct said violations. In the event said violations are not corrected in said ten-day period, a hearing will be held by the O'Neill City Council to determine if the kennel license should be revoked. Notice of said hearing shall be given to the license holder in writing at least five days prior to the hearing. Any written notice required herein shall be delivered personally or by regular U. S. mail, postage prepaid, duly addressed to the address as shown on the application for kennel license.

B. The City may issue citations for kennel license violations without first holding any hearing as set forth above. In the event the holder of the license is convicted in court of any violation, the licensee shall cease operation of a kennel and shall immediately reduce the number of dogs to fewer than three.

(Ord. No. 1102, 8/3/98)

Article 5 – Animals Generally

SECTION 2-501: BANNED FROM CITY

It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat, swine or other livestock. (Neb. Rev. Stat. §17-123)

SECTION 2-502: ANIMAL CARE; ENCLOSURES; NEGLECT

A. It shall be unlawful for any person owning, keeping or harboring any animal to fail, refuse or neglect to provide such animal with adequate food, water, shade, shelter, living environment, or veterinary care as may be necessary for diseased or injured animals. Any animal habitually kept outside or repeatedly left unattended outside shall be provided with a structurally sound, moisture-proof and wind-proof shelter large enough to accommodate and keep the animal reasonably clean, dry, and comfortable. Adequate food, water, shade, shelter, living environment and care shall mean:

1. *Food.* Each animal shall, at suitable intervals and at least once every 24 hours, receive a quantity of wholesome foodstuff suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition for the animal.
2. *Water.* Each animal shall at all times have access to an adequate supply of clean, fresh, potable water for the species' physical condition and age, and

such water shall be provided either free-flowing or in a receptacle. Snow or ice is not an acceptable water source. If water pans or dishes are used, such pans or dishes shall have weighted bottoms or be mounted or secured in a manner that prevents tipping.

3. *Shelter.* Each animal shall have convenient access to adequate shelter throughout the year. Any artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements. It shall be of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, does not comply with this section. The shelter and any other spaces accessible to the animal and all bedding for the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured or becoming infested with parasites.
4. *Medical Care.* Each animal shall receive care and medical treatment for debilitating injuries, parasites, and disease, sufficient to maintain the animal in good health and to minimize suffering.
5. *Living Environment.* Any animal being confined in any sort of shelter or restrained in any way shall be provided space to walk and lie down in and said space shall have adequate drainage such that the animal shall be free to walk and lie down without coming into contact with standing water.
6. *Tethering.* If any animal is restrained by a chain, leash, wire cable, or similar restraint, such restraint shall be designed and placed to prevent the choking or strangulation or entanglement with other objects. Any tethering device must be attached to a properly fitting collar or harness. Choke chain collars, prongs or pinch collars, or any collar devised for training so that it chokes or pinches the animal when pulled is prohibited for the purposes of tethering an animal. The tethering device must be at least ten feet in length but shall not allow the animal to leave the property on which it is tethered.
7. *Enclosures.*
 - a. If any animal is kept in an enclosure, the enclosure shall be constructed in a manner and of material designed to minimize the risk of injury to the animal and shall encompass sufficient usable space to keep the animal in good condition.
 - b. When a dog is confined outside a residence, the following minimum space requirements shall be used. An additional 16 square feet shall be required for each dog sharing a pen with another.

Size of Dog	Enclosure Size (sq. ft)
Extra large (over 75 lbs.)	48
Large (not over 75 lbs.)	40
Medium (not over 50 lbs.)	32
Small (not over 20 lbs.)	24

B. *Animal in Unattended Vehicle.* It shall be unlawful for any person to place or confine an animal or allow an animal to be confined in a motor vehicle or trailer in such a manner or under such conditions or for such periods of time as to endanger the health or well-being of the animal including but not limited to extremes of heat or cold, lack of

food or water, or any other circumstances which may cause suffering, disability, injury or death.

C. *Abandonment of Animals.* It shall be unlawful for any person to abandon any animal within the City. "Abandonment" shall mean leaving an animal for a period of time in excess of 24 hours without appropriate provisions having been made for the its feeding, watering, and care; leaving an animal unattended with the intent to discontinue its care and maintenance; or leaving an animal at an uninhabited dwelling.

D. *Authority to Remove and Impound.* If the lead animal control officer reasonably believes that a violation of this section exists, he or she is hereby authorized and empowered to seek a warrant from the appropriate court to enable the officer to enter private property in order to inspect, care for, or impound the animals which show signs of animal neglect or abuse.

E. *Owner's Cost.* Any person or persons violating this section shall bear full cost and expenses incurred by the City in the recovery, care, medical treatment, impoundment cost and disposal of said animals, including removal from a motor vehicle or trailer.

F. *Animal Seizure.* Whenever an animal has been seized pursuant to a warrant issued by the court, the release or disposition of the animal shall be within the sound discretion of the court. Upon conviction of the owner for a violation of this section, the court may order that the animal be destroyed in a humane fashion, and any such impoundment or disposal costs incurred by the City shall be taxable to the person so convicted.

(Am. Ord. No. 1392, 10/5/20)

SECTION 2-503: ENCLOSURES

All pens, cages, sheds, yards or any other area or enclosure for the confinement or animals and fowls not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the said enclosure is located.

SECTION 2-504: SNAKES AND FOWLS PROHIBITED; DEFINITIONS

A. It is unlawful for any person, firm or corporation to keep, maintain or confine snakes or fowls within the corporate limits of the City and maintenance or confinement of such snakes or fowls is hereby determined to be a nuisance.

B. Definitions:

1. "Snakes" shall be defined as any poisonous snake or boa constrictor.
2. "Fowls" shall be defined as chickens, turkeys, guinea hens, ducks, swans, ostriches, emus, geese or any similar bird. Canaries, parrots and other birds normally kept in the house are specifically excluded from this definition.

Article 6 – Nuisances

SECTION 2-601: GENERALLY DEFINED

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

either:

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

(Neb. Rev. Stat. §18-1720)

SECTION 2-602: SPECIFICALLY DEFINED

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

- A. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish or fowl.
- B. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats or which are foul or malodorous.
- C. Filthy, littered or trash-covered cellars, house yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.
- D. Animal manure in any quantity which is not securely protected from flies and the elements or which is kept or handled in violation of any ordinance of the City.
- E. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the City, nor the dumping of nonputrefying waste in a place and manner approved by the health officer.
- F. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same is kept in covered bins or galvanized iron receptacles.
- G. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, which may be a fire danger, or which is so unsightly as to depreciate property values in the vicinity thereof.
- H. Any unsightly building, billboard, or other structure or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are fire hazards, menaces to the public health or safety, or are so unsightly as to depreciate the value of proper-

I. All places used or maintained as junkyards or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

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

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

L. Maintenance of weeds, grasses or worthless vegetation of 12 inches or more in height on any lot or piece of ground located within the corporate limits, or 8 inches or more 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. 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*).

M. All other things specifically designated as nuisances elsewhere in this code.
(Neb. Rev. Stat. §18-1720)

SECTION 2-603: ABATEMENT

Whenever the city police or code enforcement officer determines that a nuisance is being maintained within the City, the police chief or city attorney shall cause written notice to be served by registered mail or by personal service upon the owner or occupant of the property on which the nuisance is located. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the City or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated or removed. Such notice shall state the type of nuisance located on the property and shall provide that such nuisance shall be abated or removed within ten days of receipt of such notice or publication or posting, whichever is applicable. (Am. by Ord. Nos. 1179, 8/6/01; 1239, 7/7/03; 1260, 1/3/05; 1316, 9/12/11)

SECTION 2-604: FAILURE TO CORRECT

In the event that the owner or occupant of said premises fails to correct and eliminate said nuisance pursuant to the notice, he or she shall be guilty of a misdemeanor. Each day's violation after the expiration of the ten days' notice shall be a separate offense. (Am. by Ord. 1260, 1/3/05; 1316, 9/12/11)

SECTION 2-605: COST OF REMOVAL

If the owner or occupant of the lot or piece of ground fails to comply with the order to abate and remove the nuisance within ten days from receipt of the notice to abate, the City may have such work done and the cost and expense of such work shall be paid by the owner of the property. If 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. (Neb. Rev. Stat. §18-1720) (Am. by Ord. Nos. 1239, 7/7/03; 1260, 1/3/05; 9/12/11)

SECTION 2-606: JURISDICTION

The mayor and chief of police are directed to enforce this municipal code against all nuisances. The jurisdiction of the mayor, chief of police, and court shall extend to, and the territorial application of this article shall include, all territory adjacent to the limits of the City within one mile thereof and all territory within the corporate limits. (Neb. Rev. Stat. §18-1720)

SECTION 2-607: AIR POLLUTION

It shall be unlawful for any person, firm or corporation to permit the emission of smoke from any source that is injurious or offensive to the residents of the City. Air shall be considered to be polluted when the discharge into the open air of dust, fumes, gases, mist, odors, smoke or any combination thereof is of such character and in a quantity which to any group of persons interferes with their health, repose or safety, or causes severe annoyance or discomfort or is offensive and objectionable to normal persons and causes injury to real and personal property of any kind. The standards for air pollution established or adopted by the State of Nebraska shall be presumptive evidence as to when the air is deemed to be polluted under this section. It is hereby unlawful for any such person, firm or corporation to permit or cause the escape of the aforesaid nuisances; the escape of the said dust, fumes, gases, mists, odors, and smoke is hereby declared to be a nuisance and shall be summarily abated upon written notice by the chief of police to the violator. Such abatement may be in addition to the penalty for air pollution in the City. (Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 2-608: WATER POLLUTION

It shall be unlawful for any person, firm or corporation to obstruct or impede, without legal authority, any river or collection of water or to corrupt and render unwholesome or impure any watercourse, stream or other water. The standards for water quality established or adopted by the State of Nebraska shall be presumptive evidence as to when the water is deemed to be polluted under this section. Such a corruption of the water in or about the City shall constitute a nuisance and shall be summarily abated upon written notice to the violator by the Board of Health. The said abatement may be in addition to the penalty for water pollution. (Neb. Rev. Stat. §18-1720, 28-1321)

Article 7 – Penal Provisions

SECTION 2-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

SECTION 2-702: ABATEMENT OF NUISANCE

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