

## **CHAPTER 2 – MISDEMEANORS**

### **ARTICLE 1 – MISDEMEANORS**

#### **SECTION 2-101: DRINKING AND POSSESSION OF ALCOHOLIC LIQUORS ON STREETS, IN PUBLIC PLACES OR ON PUBLIC PROPERTY**

1. It shall be unlawful for any person to drink alcoholic liquor of any kind or to have in his/her possession or upon his/her person any bottle or receptacle containing alcoholic liquors which is open or has been opened, or the seal of which has been broken, or the contents of which have been partially removed or consumed, while on the streets or alleys or upon property used or owned by the government of the United States, the State of Nebraska, or any governmental subdivision thereof, or in theaters, dance halls or in any other place open to or frequented by the public within said village, unless such premises are licensed for such purposes by the State of Nebraska or unless a special permit has been granted for the same by the Village Board. ▫

2. Upon application for a special permit for the consumption of alcoholic liquor on public streets or other public places, the Village Board may permit such consumption on such terms and conditions as it may determine. For such permit to be issued, written application must be made to the village clerk and the same must be acted upon at a special or regular meeting of the Village Board. The terms and conditions for issuance of a special permit shall be set forth in the minutes of the meeting at which such application is considered. ▫

#### **SECTION 2-102: DISTURBING THE PEACE**

It shall be unlawful for any person to disturb the peace and quiet of any person, family, neighborhood or public assembly; to make any loud, boisterous or unusual noise; or to quarrel, curse, swear or use obscene or indecent language within this village. ▫

#### **SECTION 2-103: EXCESSIVE NOISE**

It is hereby determined to be unlawful to operate industrial equipment, heavy machinery, jack hammers and other equipment emitting loud noise, or to race automobile engines within the Village between the hours of 8:00 P.M. and 7:00 A.M. in such a manner as to disturb the comfort, repose, peace and quiet of residents of the Village unless such activity has been approved in advance by the Village Board. ▫

#### **SECTION 2-104: DISORDERLY CONDUCT**

It shall be unlawful for any person to engage in any riotous or disorderly conduct; to fight, strike or assault another person in a threatening manner; or to do or engage in

any other disorderly act within said village. ▫  
Source: Neb. Rev. Stat. §17-556

## **SECTION 2-105: 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 to destroy any real or personal property of any description belonging to another. ▫

## **SECTION 2-106: TRESPASSING**

It shall be unlawful for any person to trespass upon any private grounds within the Village or to break, cut or injure any tree, shrub, plant, flower or grass growing thereon; or to enter upon an improved lot or grounds occupied for residence purposes and to loiter about the same without the consent of the owner or occupant. ▫

## **SECTION 2-107: WINDOW PEEPING**

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

## **SECTION 2-108: 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 the following definitions shall apply: ▫

"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. ▫

"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 him/her. ▫

## **SECTION 2-109: INDECENT EXPOSURE OF PERSON; PUBLIC URINATION; INDECENT BOOK, PICTURE, PLAY OR DESIGN**

It shall be unlawful for any person within this village to make an indecent exposure of his or her person; to urinate in public view; to commit any indecent or lewd act; 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 2-110: RESISTING OR FAILING TO ASSIST OFFICER**

It shall be unlawful for any person in this village to hinder, obstruct or resist any police officer in making any arrest or performing any duty of his/her office, or to refuse or neglect to assist any such officer when called upon by him/her in making any arrest or conveying a prisoner to jail. ▫

Source: Neb. Rev. Stat. §28-903, 28-904

## **SECTION 2-111: IMPERSONATING OFFICER**

It shall be unlawful for any person in said village, other than a regular police officer or other authorized officer or employee of the village, to wear a badge similar to or resembling the badges prescribed for or furnished to the police force or any other officer or employee of the village, or to willfully impersonate or endeavor to impersonate any such police officer, village officer or employee or seek to exercise authority as such. ▫

Source: Neb. Rev. Stat. §28-610

## **SECTION 2-112: LITTERING**

1. No person shall throw or deposit or accumulate upon any street, public way or lot or parcel of ground in the Village: ▫

- A. Any glass bottle, glass, nails, tacks, wire, cans or other substances likely to injure any person or animal or damage any vehicle upon any street, public way or other property; ▫
- B. Materials that may make the streets, public ways or property unsightly, such as rubbish, sewage, garbage, paper or any other material of such nature. ▫

2. Any person who deposits or permits to be deposited upon any street, public way or other property any litter, manure or destructive or injurious material shall immediately remove such or cause it to be removed so as to abate any nuisance occasioned thereby. ▫

3. Any person who removes a wrecked or damaged vehicle from a street shall also remove any glass or other injurious substances deposited on the street from such vehicle. ▫

4. If the owner fails to remove such litter after five days' notice by publication and by certified mail, the village sewer commissioner or the village police shall remove or cause the litter to be removed and shall assess the cost thereof against the property so benefited. ▫

Source: Neb. Rev. Stat. §28-523

### **SECTION 2-113: DISCHARGE OF FIREARMS**

It shall be unlawful for any person, except an officer of the law in the performance of his/her official duties, to fire or discharge any gun, pistol or other firearm within the Village; provided, nothing herein shall be construed to apply to any licensed shooting gallery or to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Board of Trustees. ▫

Source: Neb. Rev. Stat. §17-556

### **SECTION 2-114: DISCHARGE OF SLINGSHOTS, PAINTBALL GUNS, BLOW GUNS, AIR RIFLES OR SIMILAR INSTRUMENTS**

It shall be unlawful for any person to discharge a slingshot, paint ball gun, blow gun, air rifle or other like instruments capable of launching a dangerous projectile therefrom at any time or under any circumstances within the Village; provided, nothing herein shall be construed to apply to any formally organized entity if the organization has written permission from the Board of Trustees to conduct such activities. ▫

### **SECTION 2-115: APPLIANCES IN YARD**

It shall be unlawful for any person to permit any household appliance to be stored in the open on private or public property. ▫

Source: Neb. Rev. Stat. §18-1720

### **SECTION 2-116: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS**

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

### **SECTION 2-117: 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 2-118: OBSTRUCTING WATER FLOW**

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

**SECTION 2-119: OBSTRUCTING OR DAMAGING DRAINAGE DITCH OR  
CULVERT**

It shall be unlawful for any person, firm or corporation to willfully, maliciously, wantonly or negligently fill, obstruct or otherwise damage any drainage ditch within the Village. ▫

(Ord. 282)



## **ARTICLE 2 – CURFEW**

### **SECTION 2-201: CURFEW HOURS**

It shall be unlawful for any person under the age of 18 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 or vacant lots or operate any bicycle or other vehicle in, upon, over or through the streets or other public places of the Village between the hours of 10:30 P.M and 6:00 A.M. of the following day, Sunday through Thursday, and between 12:00 A.M and 6:00 A.M. of the following day, Friday and Saturday, 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/her parents, guardian or legal custodian, except as hereinafter provided. ▫

### **SECTION 2-202: CURFEW 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 continues beyond the curfew hours as set out in Section 2-201 above. In all such cases the hours herein prohibited shall be extended one hour after the closing of said special functions or entertainment for those minors attending said activities. ▫

### **SECTION 2-203: VIOLATION; PARENTAL LIABILITY**

It shall be unlawful for the parent, guardian or other adult person having the care and custody of minors under the age of 18 years to allow or permit said minor persons to do any of the acts or things prohibited by Sections 2-201 or 2-202 of this article. ▫

### **SECTION 2-204: ENFORCEMENT**

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

### **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 and a fine of \$10.00 for the second offense. A third and any subsequent violation shall constitute a violation of Section 2-203 and the parents, guardians or custodians of said child shall be determined to be guilty of a misdemeanor. ▫





## **ARTICLE 3 – DOGS**

### **SECTION 2-301: OWNER DEFINED**

Any person who shall feed, shelter or permit any dog to be present in or about his/her house, store or enclosure for a period of ten or more days shall be deemed the owner of such dog and shall be bound by all of the rules and regulations hereafter and shall be liable for all penalties herein described. ▫

### **SECTION 2-302: DOG RUNNING AT LARGE**

A dog found to be "running at large" shall mean it was found off the premises of the owner and not under the control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. Every dog found running at large upon the streets and public grounds of the Village without a collar or harness is hereby declared a public nuisance and shall be impounded pursuant to Section 2-318 hereafter. ▫

### **SECTION 2-303: BARKING AND OFFENSIVE DOGS PROHIBITED**

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 or chases pedestrians, vehicles or riders of horses while they are on any public sidewalks, streets or alleys in the Village. Upon the written complaint of two or more affected persons from different households filed with the village police that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, a village police officer shall investigate the complaint and, if in his/her opinion the situation warrants, shall notify the owner to silence and restrain such dog. In the event that the owner fails to silence such dog, he/she shall be issued a citation for violation of this section. ▫

Source: Neb. Rev. Stat. §17-526

### **SECTION 2-304: DAMAGE BY DOG; LIABILITY OF OWNER**

It shall be unlawful for any person to allow a dog owned, kept or harbored by him/her or under his/her charge or control to injure or destroy any real or personal property belonging to another person. The owner of any such dog, in addition to the usual judgment upon conviction, shall be liable to the persons so injured in an amount equal to the value of the damage so sustained. ▫

### **SECTION 2-305: FIGHTING DOGS**

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. ▫

## **SECTION 2-306: KILLING AND POISONING**

It shall be unlawful to kill, administer or cause to be administered poison of any sort or in any manner to injure, maim, 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. ▫

## **SECTION 2-307: FEMALE IN SEASON**

It is hereby declared unlawful for any owner, keeper or harbinger of a female dog to permit or allow her, while in season, to run at large within the Village, even though she wears the collar and tag hereinbefore described; and every such female dog found running at large in violation hereof is hereby declared to be a public nuisance and as such may be destroyed by the animal control officer. ▫

## **SECTION 2-308: DANGEROUS DOGS; DEFINITIONS**

"Animal Control Authority" shall mean the Village Board.

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

"Dangerous dog" shall mean any animal:

1. That has killed or inflicted injury on a human being on public or private property; ▫
2. That has killed or injured a domestic animal without provocation; or ▫
3. Whose dominant characteristics identify it as Doberman, Rottweiler, pit bull or a wolf-hybrid dog. Such animals are hereby determined to be dangerous per se. In the event that a dispute arises as to whether the dominant characteristics identify such animals as described above, a veterinarian's statement as to the dominant characteristics shall be controlling. ▫

"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. Any person or entity who shall feed, shelter or permit an animal to be present in or about his/her or its property shall be deemed the owner of such animal. ▫

## **SECTION 2-309: DANGEROUS DOGS; PROHIBITED**

It is hereby determined unlawful for any person or other legal entity to harbor, keep, maintain, kennel or possess a dangerous animal within the confines of the Village or within its zoning jurisdiction. ▫

## **SECTION 2-310: DANGEROUS DOGS; EXCEPTION**

A dog, other than those determined to be dangerous as set forth herein, shall not be defined as dangerous if any threat or damage was sustained by a person who, at the time, was committing a willful trespass or any other tort upon the property owner of the animal; who was tormenting, abusing or assaulting the animal; who has, in the past, been observed or reported to have tormented, abused or assaulted the animal; or who was committing or attempting to commit a crime. ▫

## **SECTION 2-311: DANGEROUS DOGS; FAILURE TO COMPLY**

Any dangerous dog may be immediately confiscated by an animal control officer and said officer may enter upon private property in order to confiscate the animal. In lieu of confiscation, the animal control officer may immediately destroy the dangerous dog if it poses a threat of harm to said officer or any other person or property. The owner shall be responsible for the costs incurred by the Animal Control Authority for the care and boarding of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog. ▫

Source: Neb. Rev. Stat. §54-620

## **SECTION 2-312: DANGEROUS DOGS; IMPOUNDMENT, DESTRUCTION**

In addition to any other penalty, the Animal Control Authority may order the animal control officer to dispose of any dangerous dog in a humane manner. Notice of impoundment of all animals, including any significant marks or identification thereon, shall be posted at the office of the village clerk as public notification of such impoundment. Upon such notice, the Animal Control Authority shall schedule the matter to be heard at a special or regular meeting of the Animal Control Authority, at which time the owner must present clear and convincing evidence that the dog will be removed from the village limits upon release to him/her. If the owner refuses to agree to permanent removal of the dog from the village limits and zoning jurisdiction, the Village may dispose of such dog in any manner it determines best. If the owner agrees in writing to removal of the dog, it may be returned to the owner after he/she pays all costs associated with the capture and confinement of the animal. If the foregoing costs are not paid within 15 days of the hearing, the animal shall be destroyed. ▫

## **SECTION 2-313: 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 Village 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 village for less than 30 days, any dog brought into this village for show purposes, or any dog brought into this village for hunting purposes for a period of less than 30 days; such dogs shall be kept under the strict supervision of the owner. ▫

#### **SECTION 2-314: 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 village and shall be impounded under the supervision of a licensed veterinarian or public health authority for not less than ten days. If, upon examination 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 payment of the costs of said impoundment by said owner or, in the case of a stray, shall be disposed of in whatever manner deemed best by the animal control officer. ▫

Source: Neb. Rev. Stat. §71-4406

#### **SECTION 2-315: RABID ANIMALS; 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 2-316: RABID DOGS; PROCLAMATION**

It shall be the duty of the Village Board 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. Such 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 2-317: INTERFERENCE WITH OFFICER**

It shall be unlawful for any person to hinder, delay or interfere with any animal control officer who is performing any duty enjoined upon him/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 village animal shelter, any animal control wagon or other vehicle used for the collecting or conveying of dogs to the shelter. ▫

Source: Neb. Rev. Stat. §28-906

## **SECTION 2-318: IMPOUNDING**

1. It shall be the duty of the animal control officer to capture, secure and remove in a humane manner to the designated village animal shelter any dog violating any of the provisions of this article. All 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, and may be transported to a veterinary clinic for safekeeping. Each impounded dog shall be kept and maintained at the pound for a period of not less than five days after the 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 village clerk within 24 hours after impoundment as public notification of such impoundment. ▫

2. Any dog may be reclaimed by its owner during the period of impoundment by paying a general impoundment fee and daily board fee as set by resolution of the Village Board and on file in the office of the village clerk. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 72 hours after release. If the dog is not claimed at the end of the required waiting period after public notice has been given, the animal control officer shall dispose of the dog in accordance with the applicable rules and regulations pertaining to the same; provided, if in the judgment of the animal control officer a suitable home can be found for any such dog within or without the Village, such animal may be placed for adoption to any qualified individual. Prior to such adoption, however, the animal shall be neutered and the cost of such neutering shall be borne by the person desiring to adopt such impounded animal, and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided in this article. The Village 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 a humane manner, unless a suitable home can be found for such dogs. ▫

Source: Neb. Rev. Stat. §17-548, 71-4408

## **SECTION 2-319: 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, ventilated and lighted. ▫

## **SECTION 2-320: PENALTIES**

In addition to any other penalty provided by this article, any person or owner of a dog who shall violate any provisions of this article shall be fined not less than

\$10.00 nor more than \$500.00. Each day's violation of this article shall constitute a separate offense and may be prosecuted as such. ▫

## **ARTICLE 4 - ANIMALS AND FOWLS**

### **SECTION 2-401: ANIMALS; PROHIBITED**

Except as permitted in writing by the Village Board, it shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, cow, sheep, goat, swine or other livestock. ▫

### **SECTION 2-402: FOWLS; PROHIBITED**

It shall be unlawful for any person to keep or maintain any poultry, chickens, turkeys, geese or any other fowls within the corporate limits. ▫

### **SECTION 2-403: ENCLOSURES**

All pens, cages, sheds, yards or any other area or enclosure for the confinement of animals 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 2-404: WILD ANIMALS**

No wild animals may be brought into the village limits without proper authorization from the Village Board. Animals not in compliance may be removed immediately and humanely disposed of. ▫

### **SECTION 2-405: DOMESTIC PETS; RESTRICTED**

1. The term "domestic pets" means those four-legged animals commonly kept as pets in people's homes. Types of domestic pets include dogs, cats, pigmy goats, pot-bellied pigs, and similar household pets. ▫

2. It shall be unlawful for any owner, tenant or occupant of any residence located within the Village to keep or house more than four domestic pets upon the premises, which shall not include more than three cats, three dogs, or one of any other type of domestic pet, except that this restriction shall not apply to newborn litters up to the age of six months. This restriction shall not apply to any licensed kennel. ▫

(Ord. 290, 10/7/02)





## **ARTICLE 5 – WEEDS, JUNK CARS, LITTER AND DANGEROUS BUILDINGS REGULATIONS**

### **SECTION 2-501: DEFINITIONS**

1. The terms "weeds, grasses or worthless vegetation" shall mean any weed or grass growth of more than 12 inches in height. Weeds shall include, but not be limited to, bindweed, puncture vine, leafy spurge, Canada thistle, perennial peppergrass, Russian knapweed, Johnson grass, nodding or musk thistle, quack grass, perennial sow thistle, horse nettle, bull thistle, buckthorn, hemp plant and ragweed. ▫

2. The term "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; ▫
- E. Any machine, vehicle or parts of a machine or vehicle which have lost their identity, character, utility or serviceability as such through deterioration, dismantling or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded or thrown away or left as waste, wreckage or junk; ▫
- F. Any motor vehicle not housed in a storage or other building and not being currently licensed. ▫

3. The term "dangerous building" as used in this article is hereby defined to mean and include: ▫

- A. Any building, shed, fence or other man-made structure which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of its occupants or those of neighboring structures; ▫
- B. Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard; ▫
- C. Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is liable to cause injury or damage by collapsing or by a collapse of any part of such structure; ▫
- D. Any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows or broken windows or doors permits the entry of birds and animals or is an attraction for children or other persons to enter. ▫

## **SECTION 2-502: PUBLIC NUISANCE; GRASSES OR WEEDS**

It is hereby declared to be a public nuisance to permit grasses to grow in excess of 12 inches or to permit weeds of any height to be grown on any property within the corporate limits of the Village. ▫

## **SECTION 2-503: PUBLIC NUISANCE; LITTER OR DANGEROUS BUILDING**

It is hereby declared to be a public nuisance to permit the accumulation of litter or to maintain a dangerous building on any property within the Village. ▫

## **SECTION 2-504: ABATEMENT**

Whenever the Village Board or any member thereof, or other village official, receives a written complaint of violation of any of the terms of this article, such complaint shall be brought before the Board for consideration. If the Board by motion or resolution determines that any grass in excess of 12 inches or weeds of any height are growing on property within the Village, or litter is found on any property, or that any building or structure is a dangerous building, the village clerk shall cause written notice to be served upon the owner of the property on which grass, weeds, litter or such dangerous building is located, and further, upon the occupant thereof by registered mail or by personal service. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the Village or by conspicuously posting the notice on the lot or property upon which the nuisance is to be abated or removed. Such notice shall state that the premises have thereon grass in excess of 12 inches, weeds or litter or that the building situated thereon has been declared to be in a dangerous condition. The notice shall state that the grass in excess of 12 inches, weeds, litter or dangerous building must be removed or remedied within 15 days of receipt of notice. ▫

## **SECTION 2-505: 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 to correct which was published, posted or delivered by the village clerk, the Village may institute an action in the County Court for violation of this ordinance or may bring a mandatory injunction action in District Court to abate such nuisance. ▫

## **SECTION 2-506: 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 15 days from receipt of notice, the Village may also elect to 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 Village 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. ▫



## **ARTICLE 6 – SEXUAL PREDATORS**

### **SECTION 2-601: FINDINGS AND INTENT**

1. Repeat sex offenders who use physical violence and prey on children are sexual predators who present an extreme threat to the public safety. Sex offenders are extremely likely to use physical violence or to repeat their offenses, and most sex offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society at large very high. ▫

2. It is the intent of this article to serve the Village's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Village by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sex offenders and sexual predators are prohibited from establishing temporary or permanent residence. ▫

3. Due to children's vulnerability, the Village Board is compelled to take a protective role by adopting laws that are designed to protect the children of the Village from convicted and/or registered sex offenders who, according to studies submitted to the Joint Committee on Human Rights of the United Kingdom Parliament (January, 2005), child sex offenders have a high propensity for repeating sex crimes against children. ▫

4. It is common knowledge that the village playgrounds and parks are available to and used by children on a daily basis and child sex offenders currently may be able to frequent the same. The Village of Inglewood wishes to ensure the safety of the Village's children at village parks and within 300 feet of a village park. ▫

### **SECTION 2-602: DEFINITIONS**

When used in Sections 2-602 through 2-604, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: ▫

"Sex offender" shall be anyone defined in the Sex Offender Registration Act (Sections 29-4001 to 29-4713, inclusive, Neb. Rev. Stat.), or any amendments thereto, in which the victim of the offense was 17 years of age or younger. ▫

"Sexual Predator" means 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 Section 29-4013, and who has victimized a person 18 years of age or younger. ▫

"Permanent residence" means a place where the person abides, lodges or resides for 14 or more consecutive days. ▫

"Temporary residence" means (1) a place where an individual abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent residence; or (2) a place where the person routinely abides, lodges or resides for a period of four or more consecutive or non-consecutive days in any month, which is not the person's permanent residence. ▫

## **SECTION 2-603: RESIDENCE PROHIBITION AND EXCEPTIONS**

1. Prohibited Location of Residence. It is unlawful for any person who is subject to the Sex Offender Registration Act whose victim was 17 years of age or less and who is a sexual predator to establish a permanent residence or temporary residence within 500 feet of any school, designated public school bus stop, licensed day care center, park, playground, or library. ▫

2. 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 or temporary residence to the nearest outer property line of a school, designated school bus stop, licensed day care center, park, playground, library or other place where children regularly congregate. ▫

3. Exceptions. A person residing within 500 feet of any school, designated public school bus stop, licensed day care center, park, playground, library or other place where children regularly congregate does not commit a violation of this section if any of the following apply: ▫

- A. The person was a minor when he/she committed the offense and was not convicted as an adult; ▫
- B. The person is a minor; and ▫
- C. The school, designated public school bus stop or licensed day care center within 500 feet of the person's permanent residence was opened after the person established the permanent or temporary residence and reported and registered the residence pursuant to the Sex Offender Registration Act. ▫

4. Nonconforming Residence. Any sex offender who is a sexual predator and currently residing at a residence that is in violation of this ordinance shall be deemed a nonconforming residence. The nonconforming residence will be permitted to continue for a period not to exceed six months, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. After the six month period expires, the sex offender shall be deemed in violation of the terms of this ordinance. ▫

## **SECTION 2-604: PROPERTY OWNERS PROHIBITED FROM CERTAIN RENTALS**

It is unlawful to let or rent any place, structure, or part thereof, trailer, or other con-

veyance, with the knowledge that it will be used as a permanent residence or a temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this ordinance, if such place, structure, or part thereof, trailer or other conveyance is located within 500 feet of any school, designated public school bus stop, licensed day care center, park, playground, library or other place where children regularly congregate. ▫

## **SECTION 2-605: CHILD SAFETY ZONE, PROHIBITION; DEFINITIONS**

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory. ▫

"Village park" means (1) land owned or controlled by a unit of local government that is used or designated by such unit for park, picnicking, and/or recreational activities including regular use for such purposes by children; and (2) village recreational areas, including but not limited to forest preserve, conservation area, jogging trail, hiking trail, water park, swimming pool, soccer field, baseball field or school playground under the jurisdiction of a unit of local government. ▫

"Child sex offender" means:

1. A person who, pursuant to Chapter 28, Nebraska Revised Statutes, has been convicted or has entered a plea of guilty or nolo contendere for an offense under any one of the following provisions of the Nebraska Revised Statutes: ▫
  - A. Section 28-320.01 (Sexual Assault of a Child);
  - B. Section 28-703 (Incest);
  - C. Section 28-1463.03 (Visual Depiction of Sexually Explicit Conduct); ▫
  - D. Section 28-311 (Child Enticement);
  - E. Section 28-320.02 (Sexual Assault by Use of Computer);
  - F. Section 28-813.01 (Visual Depiction of Sexually Explicit Conduct Involving a Child);
  - G. Section 28-1463.05 (Visual Depiction of Sexually Explicit Acts with a Child Related to Possession of the Same);
  - H. Section 28-319(1)(c) (Sexual Assault of a Minor);
  - I. All crimes involving a child enumerated in Section 29- 4003(1)(a)(xii);
  - J. All crimes involving a child enumerated in Section 29-4013; and ▫
2. A person who has been convicted or has entered a plea of guilty or nolo contendere for an offense, or for the attempt to commit such offense, under any substantially similar federal law or law of another state, or law of a foreign county, or the Uniform Code of Military Justice. ▫

"Loiter" means standing or resting or sitting idly, whether or not the person is in a vehicle, or remaining in or around village park property or public way. ▫

"Public way" means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, common areas of schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, taverns, cafes, arcades and similar areas open to the use of the public. ▫

"Child safety zone" means all village parks and all public ways within 300 feet of a village park as defined herein. It is unlawful for any child sex offender to loiter in any child safety zone. ▫

#### **SECTION 2-606: VIOLATION, PENALTY**

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding \$100.00 for each offense for which each person stands convicted, together with costs of prosecution, and in default of payment thereof shall be adjudged to stand committed to the county jail until such fine and costs are paid, secured, or otherwise discharged according to law. Each separate occurrence shall be the basis for a separate offense and conviction thereon. ▫



## **ARTICLE 7 – HERBICIDE AND PESTICIDE USE**

### **SECTION 2-701: DEFINITIONS**

For the purposes of this article, the following terms shall have the following definitions: ▫

“Pesticide” means any substance or mixture of substances used or intended to be used for preventing, destroying, repelling or mitigating any pest, whether used as a liquid, spray, gas, powder or solid. This includes, but is not limited to, insecticides, rodenticides, fungicides, and nematocides. ▫

“Herbicide” means any substance or mixture of substances used or intended to be used as a plant regulator, defoliant, or desiccant (but not including substances to the extent that they are intended as plant nutrients, nutritional chemicals, plant inoculants or soil amendments), whether used as a liquid, spray, gas, powder or solid. This includes, but is not limited to, herbicides or any similar products, regardless of how applied for the purpose of controlling weeds or other nondesired plant life. ▫

“Pest” means any insect, snail, slug, rodent, nematode or any other form of terrestrial or aquatic animal life or virus, bacteria, or other microorganism which is normally considered to be a pest under the federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Sec. 136 et seq. ▫

“User of pesticides or herbicides” means: (A) Any person who applies or causes pesticides or herbicides to be applied to property by any means where such person is engaged in applying pesticides or herbicides for hire to trees, lawns, shrubs, plants, or the atmosphere; or (B) Any person who applies or causes pesticides or herbicides to be applied in commercial businesses and public buildings. ▫

“Property” means land, vegetation, including trees on the land, and all structural improvements appurtenant thereto including both publicly owned and privately owned property. ▫

### **SECTION 2-702: PROHIBITION**

No user of pesticides or herbicides as defined in this article shall use, apply or cause the same to be applied unless in conformity with the provisions of this article. Any violation thereof shall be subject to penalties as set forth in Section 2-709. ▫

### **SECTION 2-703: REGISTRATION AND PERMIT REQUIRED**

No user of pesticides or herbicides as defined in this article shall engage in the use or application of pesticides or herbicides without registering in the office of the village clerk, obtaining a permit, and complying with the regulations of this article. ▫

## **SECTION 2-704: APPLICATION AND FEE**

Registrants under this article shall sign an application and pay a \$15.00 annual fee to the village clerk. The application shall set forth the business name, address, telephone number and trade name(s) of pesticides or herbicides to be used. Proof of any current license issued by the State of Nebraska must be furnished for inspection by the clerk at the time of registration. ▫

## **SECTION 2-705: EXCESSIVE WIND VELOCITY**

No user of pesticides or herbicides as defined in this article shall apply the same where the true wind velocity at the level of actual use exceeds ten miles per hour, nor shall any user of pesticides or herbicides apply any such chemicals without complying with the posting requirements set forth in Section 2-706 below. ▫

## **SECTION 2-706: POSTING OF WARNINGS**

1. In regard to all outside uses of pesticides and herbicides, users shall provide and place a yard marker plainly visible to the public from the front yard thereof which contains in plainly visible lettering the words, "Chemically Treated Yard (or Lawn) -- Keep Children and Pets Off for 72 Hours." The information printed on the sign must have letters measuring at least three-fourths of an inch in height. Said yard marker shall be placed in such a manner as to minimize unauthorized removal but shall be placed in an easily noticed location. Said yard markers must be affixed every 75 feet of frontage and must protrude a minimum of 18 inches above the top of the grass line or grade line, whichever is higher. Said signs must be of a material that is rain resistant for at least a 72-hour period, and said signs must be rectangular and at least eight inches by six inches in size. In addition to the above warning, said signs must also state the name and telephone number of the company applying the pesticide or herbicide, or the name and telephone number of the person causing same to be applied if not done by a company, and shall also state the date of the application. Said signs shall be inserted on the lawn or yard no closer than two feet to the sidewalk or right-of-way and no further back than five feet from the sidewalk or right-of-way. ▫

2. Any user of pesticides or herbicides who applies any of same to any commercial business or public building in the Village shall, upon completing each such application, provide a decal to be displayed at the entrance of the premises showing the date of application. Said decal must be supplied by the user, shall be placed on display at said commercial building or public building following the application and shall remain posted until replaced at the time of the next application or after 90 days has passed, whichever occurs first. The decal shall be in a muted color, display a symbol that will inform the public that pesticides or herbicides have been applied on the premises and shall have a space provided in which the date of application or the practice of continuous application shall be indicated. ▫

3. The following shall each and all be violations of this article, subject to the penalties set forth in Section 2-709 below: (A) Failure to post yard markers; (B) any person removing a yard marker before the mandatory time expires; (C) failure to supply decals; (D) failure to post decals; or (E) removal of decals before the time stated. ▫

4. The village clerk is authorized to post signs notifying the public that users of pesticides or herbicides are required to obtain a permit to apply the same, and that users observe all requirements of village ordinances pertaining thereto including wind restrictions. ▫

### **SECTION 2-707: SAFETY PRECAUTIONS**

All users of pesticides and herbicides for uses covered under this article shall also comply with all safety precautions of the manufacturer of the chemical involved including use, storage, and/or disposal of containers. Vehicles carrying chemical spraying materials shall not use any surface waters located within the Village nor village fire hydrant water to fill their tanks, and no residue from said tanks shall be flushed, dumped or disposed of in village sanitary sewers, storm sewers, village ditches, sloughs, or in any surface waters located within the corporate limits of the Village. ▫

### **SECTION 2-708: LOG AND REPORT OF INDIVIDUAL APPLICATIONS**

Each user of pesticides or herbicides as defined in this article shall keep a log of all such applications and shall report the same in writing to the village clerk on or before the 10th day of each month for all such uses or applications during the preceding month. Each such user shall also keep and maintain written records at his/her usual place of business, or at home if no separate place of business. Said log shall contain the following information: (1) date of application; (2) all chemicals or products applied on each date of application; (3) the street address of the premises where said chemicals were applied; (4) the name, address, and telephone number of the owner of the premises or person who authorized the application if not the owner; (5) wind condition at the time of application; (6) name, address, and telephone number of the business responsible for the application if the user applied same for hire; and (7) the name of the actual person(s) who made each application. ▫

### **SECTION 2-709: VIOLATION; PENALTY**

Violation of any of the provisions of this article shall constitute a misdemeanor and, upon conviction thereof for a first offense, the person so convicted shall be fined in an amount not exceeding \$50.00 and pay the costs of prosecution and stand committed until such fine and costs are paid in full. In the event the person convicted is a corporation or other business entity, the president or chief managing officer thereof shall stand committed in the event said \$50.00 and costs are not paid in full.

Any person convicted a second time of violating any provision of this article, regardless whether the same provision or a separate provision is violated, shall upon conviction be fined in an amount not exceeding \$100 and shall pay the costs of prosecution and stand committed until such fine and costs are paid in full. In addition, any user of pesticides or herbicides shall, upon a second conviction for violation of any provision of this article, have his/her/their/its license rescinded for a period of 12 months from the date of such conviction. A separate violation shall be deemed to exist for each day during which violation of the article continues. Upon a third conviction, a user of pesticides or herbicides shall have his/her/their/its license permanently revoked. ▫

(Ord. 225, 3/7/88)

## **ARTICLE 8 – PENAL PROVISION**

### **SECTION 2-801: VIOLATION; PENALTY**

Any and all persons violating any of the provisions of the several articles of this chapter for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not more than \$500.00. Each day that maintenance of the same continues shall constitute a separate offense. ▫

