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CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: TRESPASSING

It shall be unlawful for any person to trespass upon any private grounds within the City, or to break, cut, or injure any tree, shrub, plant, flower, or grass growing thereon, or without the consent of the owner or occupant to enter upon an improved lot or grounds occupied for business or residence purposes and to loiter about the same. (Neb. Rev. Stat. §28-588, 28-588.01) (Am. by Ord. No. 692, 11/16/99)

SECTION 3-102: APPLIANCES IN YARD

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

SECTION 3-103: LITTERING

- A. Any person, who deposits, throws, discards, or otherwise disposes of any lit-

ter 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.
3. The word "litter" as used in this section means all rubbish, refuse, waste material, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description, but does not include the waste or primary process 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.
4. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or water craft commits the offense of littering.

(Neb. Rev. Stat. §17-123.01, 28-523) (Am. by Ord. No. 522, 3/6/95)

SECTION 3-104: DISORDERLY CONDUCT

It shall be unlawful for any person to engage in conduct or behavior which disturb the peace and good order of the City by clamor or noise, intoxication, drunkenness, fighting, using of obscene or profane language in the streets or other public places, or is otherwise indecent or disorderly conduct or lewd or lascivious behavior. (Neb. Rev. Stat. §17-129, 17-556)

SECTION 3-105: REFUSING TO ASSIST OFFICER

It shall be unlawful for any person to refuse to assist a city law enforcement officer when lawfully requested to do so. (Neb. Rev. Stat. §28-728)

SECTION 3-106: RESISTING OFFICER

It shall be unlawful for any person to resist any city law enforcement officer who is in the lawful performance of duties. (Neb. Rev. Stat. §28-729)

SECTION 3-107: CURFEW; PARENT/GUARDIAN RESPONSIBLE

A. It shall be unlawful for any minor under 18 years of age to ride in or operate any vehicle in or upon any street, alley, or other public place, or to loiter, wander, stroll, loaf, or play in or upon any of the streets, alleys, or other public places between the hours of 11:00 P.M. of any day to 6:00 A.M. of the following day unless accompanied by a parent, guardian or other adult person having the care, custody or control of said minor, or the minor is engaged in lawful employment or is on an emergency errand; provided, when an activity of the kind normally attended by minors under 18 years of age terminates after or less than one hour prior to 11:00 P.M., the curfew shall commence one hour after the termination of such activity. (Am. by Ord. No. 510, 10/4/94)

B. It shall be unlawful for any parent, guardian or other adult having custody and care of a child under the age of 18 years, to allow said child to loiter, congregate, play or run at large in or on any sidewalk, street, alley, public building or other public place between the hours of 11:00 P.M. and 6:00 A.M. (Am. by Ord. No. 718, 10/17/00)

SECTION 3-108: FALSE REPORTING

A. It shall be unlawful for any person to:

1. Furnish material information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or impede the investigation of an actual criminal matter;
2. Furnish information he or she knows to be false alleging the existence of the need for the assistance of an emergency medical service or out-of-hospital emergency care provider or an emergency in which human life or property are in jeopardy to any hospital, emergency medical service, or other person or governmental agency;
3. Furnish any information, or cause such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department;
4. Furnish any information he or she knows to be false concerning the location of any explosive in any building or other property to any person;
5. Furnish material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation.

B. A person who violates this section commits the offense of false reporting. (Neb. Rev. Stat. §28-907) (Ord. No. 247, 10/19/82) (Am. by Ord. No. 666, 2/16/99)

SECTION 3-109: 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:

A. "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

B. "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 3-110: WINDOW PEEPING

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

SECTION 3-111: CRIMINAL MISCHIEF

It shall be unlawful for any person to damage property or another intentionally or recklessly; or intentionally or recklessly tamper with property of another so as to endanger person or property; or intentionally or maliciously cause another to suffer pecuniary loss by deception or threat; provided, that the value of the property involved is under \$300.00. (Neb. Rev. Stat. §28-519)

SECTION 3-112: MALICIOUS DESTRUCTION OF PROPERTY

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

SECTION 3-113: DISTURBING THE PEACE

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

SECTION 3-114: DISCHARGE OF FIREARMS

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

SECTION 3-115: SLINGSHOTS, AIR GUNS, BB GUNS, BOW AND ARROW

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

SECTION 3-116: SHOPLIFTING

A. A person commits the crime of theft by shoplifting when he or she, with the intent of appropriating merchandise to his or her own use without paying for the same or to deprive the owner of possession of such property or its retail value, in whole or in part, does any of the following:

1. Conceals or takes possession of the goods or merchandise of any store or retail establishment;

2. Alters the price tag or other price marking on goods or merchandise of any store or retail establishment;
3. Transfers the goods or merchandise of any store or retail establishment from one container to another;
4. Interchanges the label or price tag from one item of merchandise with a label or price tag from another item of merchandise; or
5. Causes the cash register or other sales recording devices to reflect less than the retail price of the merchandise.

B. In any prosecution for theft by shoplifting, in order to allow the owner or owners of shoplifted property the use of such property pending criminal prosecutions, photographs of the shoplifted property may be accepted as prima facie evidence as to the identity of the property. Such photograph shall be accompanied by a written statement containing the following:

1. A description of the property;
2. The name of the owner or owners of the property;
3. The time, date, and location where the shoplifting occurred;
4. The time and date the photograph was taken;
5. The name of the photographer; and
6. Verification by the arresting officer.

SECTION 3-117: LOUD, UNNECESSARY NOISE

A. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City. (Ord. No. 737, 6/19/01)

B. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this code, but such enumeration shall not be deemed to be exclusive, namely:

1. *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the City except as a danger warning, the creation by means of any such signaling device of any unreasonably loud or harsh sound and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity, the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
2. *Radios, phonographs, etc.* The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at

any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntarily listeners thereto. The operation of any such set, instrument, phonograph, machine between the hours of 11:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this code.

3. *Loudspeakers; amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
4. *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence or of any persons in the vicinity.
5. *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
6. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises there from.
7. *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
8. *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 P.M. and 7:00 A.M., and if he/she shall further determine that loss or inconvenience would result to any party-in interest, he/she may grant permission for such work to be done within the hours of 6:00 P.M. and 7:00 A.M., upon application being made at the time the permit for the work is awarded or during the progress of work.

9. *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
10. *Pile drivers, hammers, etc.* The operation between the hours of 8:00 P.M. and 7:00 A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
11. *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(Ord. No. 737, 6/19/01)

Article 2 – Dogs and Cats

(Article am. by Ord. Nos. 961, 8/18/09; 971, 1/19/10)

SECTION 3-201: OWNER DEFINED

Any person who shall harbor or permit any dog or cat 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 or cat and shall be deemed to be liable for all such penalties herein prescribed. (Neb. Rev. Stat. §17-526, 54-606, 71-4401)

SECTION 3-202: MAXIMUM NUMBER ALLOWED

It shall be unlawful for any person to own, keep, or harbor at any time more than two adult dogs or two adult cats per residential or dwelling unit in the City. The total number of adult dogs or adult cats per residential or dwelling unit shall not exceed four adult animals. For the purpose of this section, an adult dog or cat is a dog or cat that is more than four months old. Provisions of this section shall not apply to catteries, kennels and pet stores which have been licensed by the City. (Ord. No. 720, 12/19/00)

SECTION 3-203: LICENSES

A. Any person who shall own, keep or harbor a dog or cat over the age of six months within the City shall, within ten days after acquisition of said dog or cat, acquire a license for each such dog or cat annually by or before January 1 of each year. The said tax shall be delinquent from and after March 15; provided, the possessor of any dog or cat brought into or harbored within the corporate limits subsequent to January 1 of any year shall be liable for the payment of the tax levied herein and such tax shall be delinquent if not paid within ten days thereafter. Fees for licenses after the delinquent date shall be double the normal fee. However, said fee may be waived by the city clerk and/or the animal control authority at their discretion. Licenses shall be issued by the animal control authority. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog or cat.

B. The owner shall state at the time the application is made and upon printed forms provided for such purpose his or her name and address and the name, breed, color, and sex of each dog or cat owned and kept by him or her. A certificate that the dog or cat has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for, and no license or tag shall be issued until the certificate is shown.

C. License fees for dogs and cats shall be set by ordinance of the City Council. In addition, the animal control authority may charge a handling/license issuance fee for each license. All fees shall be on file in the office of the city clerk, available for inspection by the public during office hours.

(Neb. Rev. Stat. §17-526, 54-603, 71-4412) (Am. by Ord. Nos. 263, 10/18/83; 441, 7/21/92; 805, 11/5/02)

SECTION 3-204: LICENSE TAGS

Upon payment of the required license fee, the animal control authority shall issue a numbered receipt and tag as necessary to the owner for the dog or cat licensed. Tags shall be issued annually or at another interval determined by the authority. The authority may recognize a microchip identification number as the license number and the microchip shall substitute for the physical tag. (Neb. Rev. Stat. §17-526, 54-603) (Ord. No. 898, 11/21/06)

SECTION 3-205: DOG GUIDES, HEARING AID DOGS AND SERVICE DOGS; EXEMPT FROM LICENSE TAX

Every dog guide for a blind or visually impaired person, hearing aid dog for a deaf or hearing-impaired person, and service dog for a physically limited person shall be licensed as required by the municipal code, but no license tax shall be charged upon a showing by the owner that the dog is a graduate of a recognized training school for dog guides, hearing aid dogs, or service dogs. Upon the retirement or discontinuance of the dog as a dog guide, hearing aid dog, or service dog, the owner of the dog shall be liable for the payment of the required license tax. (Neb. Rev. Stat. §54-603) (Ord. No. 664, 2/16/99)

SECTION 3-206: WRONGFUL LICENSING

It shall be unlawful for the owner, keeper, or harbinger of any dog or cat to permit or allow such dog or cat to wear any license, metallic tag or other city identification than that issued by the city clerk for dogs or cats. (Neb. Rev. Stat. §17-526)

SECTION 3-207: 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 or cat without the consent of the owner, keeper, or possessor thereof. (Neb. Rev. Stat. §17-526)

SECTION 3-208: UNLICENSED; RUNNING AT LARGE

Any dog found to be at large and going in or upon the private premises of others or upon the public grounds, streets or highways of the City without a collar or harness having a metal tag affixed as aforesaid is hereby declared to be a public nuisance. It shall be unlawful for any person or persons to have any dog which is owned, kept, harbored, or

allowed to be habitually in or upon the premises occupied by him/her/ them or under his/her/their control, to be at large and to go in or upon the private premises of others or upon the public grounds, streets or highways of the City; and it shall be unlawful for such person or persons to own, keep, harbor, or to have any dog in or upon the premises occupied by him/her/them or under his/her/their control unless said dog is securely fastened by a chain or otherwise confined in or upon said premises in some enclosure, provided said dog is not in violation of this section if said dog is with and under the control of its owner or an immediate member of the family. (Neb. Rev. Stat. §17-526)

SECTION 3-209: VIOLENCE ON OR INTERFERENCE WITH A SERVICE DOG

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

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

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

D. For purposes of this section:

“Blind person” shall mean a person with totally impaired vision or with vision, with or without correction, which is so severely impaired that the primary means of receiving information is through other sensory input, including but not limited to Braille, mechanical reproduction, synthesized speech, or readers;

“Deaf person” shall mean a person with totally impaired hearing or with hearing, with or without amplification, which is so severely impaired that the primary means of receiving spoken language is through other sensory input, including but not limited to lip reading, sign language, finger spelling, or reading;

“Hearing impaired person” shall mean a person who is unable to hear air conduction thresholds at an average of 40 decibels or greater in the person's better ear;

“Physically impaired person” shall mean a person having limited ambulatory abilities, including but not limited to having a permanent impairment or condition that requires the person to use a wheelchair or to walk with difficulty or insecurity to the extent that the person is insecure or exposed to danger; and

“Visually impaired person” shall mean a person having a visual acuity of 20/200

or less in the person's better eye with correction or having a limitation to the person's field of vision so that the widest diameter of the visual field subtends an angular distance not greater than 20°.

(Neb. Rev. Stat. §28-1009.01) (Ord. No. 665, 2/16/99)

SECTION 3-210: KILLING AND POISONING

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

SECTION 3-211: BARKING AND OFFENSIVE DOGS

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 vehicles while they are on any public sidewalks, streets, or alleys in the City. Upon the complaint of two or more affected persons from different households, filed within any 30-day period with the city clerk and/or the animal control authority, 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 animal control authority shall investigate the complaint and, if in the authority's opinion the situation warrants, shall notify the owner to silence and restrain such dog. (Neb. Rev. Stat. §17-526)

SECTION 3-212: OFFENSIVE CATS

It shall be unlawful for any person to own, keep, or harbor any cat which shall annoy or disturb any neighborhood or person. Upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the city clerk and/or the animal control authority, that any cat owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, the animal control authority shall investigate the complaint and, if in the authority's opinion the situation warrants, shall notify the owner to restrain such cat. (Neb. Rev. Stat. §17-526)

SECTION 3-213: DOGS; FEMALE IN SEASON

It is hereby declared unlawful for the owner, keeper, or harbinger of a female dog to permit her to run at large within the City while in season. Any such female dog found running at large in violation of this section shall be declared to be a public nuisance and as such may be impounded or killed according to the provisions herein. (Neb. Rev. Stat. §17-526)

SECTION 3-214: FIGHTING

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

SECTION 3-215: LIABILITY OF OWNER; DAMAGE TO PROPERTY OF OTHERS

It shall be unlawful for any person to allow a dog or cat owned, kept, or harbored by him/her or under his/her charge or control to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog or cat, in addition to the usual judgment upon conviction, 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. §17-526, 54-601, 54-602)

SECTION 3-216: RECKLESS OWNER

A. The animal control authority shall initiate administrative proceedings to declare an owner who has been convicted of one or more violations of this chapter on three separate occasions in a 24-month period or whose animal has been determined to be dangerous or potentially dangerous and who has not complied with the requirements of this chapter pertaining to dangerous or potentially dangerous animals a reckless owner and to revoke all pet license(s) associated with said animal issued to such person. Such proceedings shall be instituted by service of a notice in writing upon such owner either by certified and regular mail to the owner's last known address or personally. The notice shall contain:

1. The name and address of the owner who is subject to such declaration and revocation;
2. The name(s), description(s) and license number(s) of any pet animal(s) associated with such violations licensed to the owner;
3. A description of the violations or requirements which form the basis of such declaration and revocation, including the case numbers, if any;
4. A summary of the effects of such declaration, including the revocation of said pet license(s) and surrender of said pet animal(s);
5. The date of proposed entry of the declaration and revocation order which shall be not less than ten days after the date of mailing or personal service of the notice; and
6. Notification of the availability of an appeal, if the owner objects to such declaration and revocation, within ten days of the date of mailing or personal service of the notice.

B. Upon entry of such declaration and revocation order, unless an appeal of such order is filed with the animal control authority in accordance with this section, such reckless owner shall be required to surrender said pet animal(s) to the animal control authority within 24 hours. Failure to surrender such pet animal(s) shall result in immediate impoundment by the animal control authority in accordance with Section 3-223. Such surrendered or impounded pet animal(s) shall immediately become the property of the animal control authority and may be disposed of by the animal control authority as the authority deems appropriate.

C. An owner who is declared a reckless owner shall be prohibited from licensing, residing with, or owning any additional animal(s) in the City for a period of 48 months from the date of entry of the declaration and revocation order.

D. An appeal of such declaration and revocation order shall be heard by the City Council, which shall provide an opportunity for the owner to appear and offer evidence to dispute the declaration and revocation order at the next scheduled council meeting. The filing fee for each appeal shall be payable to the City. Said fee shall be set by the Council and filed in the office of the city clerk. A determination to affirm or reverse such order shall be voted upon by the Council.

SECTION 3-217: RABIES CONTROL; DEFINITIONS

For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

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

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

“Own” unless otherwise specified, shall mean to possess, keep, harbor or have control of, charge of or custody of a dog or cat. “Own” shall not apply to dogs or cats owned by other persons which are temporarily maintained on the premises of a veterinarian or kennel operator for a period of no more than 30 days.

“Owner” shall mean any person possessing, keeping, harboring or having charge or control of, or permitting any dog or cat to habitually be or remain on, or be lodged or fed within, such person's house, yard or premises. “Owner” shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs or cats owned by other persons for a period of not more than 60 days.

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

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

(Ord. No. 720, 12/19/00)

SECTION 3-218: RABIES CONTROL; VACCINATION REQUIRED

A. Every animal required to be licensed by this chapter shall be vaccinated against rabies (1) within 30 days after it has reached three months of age; (2) one year after initial vaccination; and (3) thereafter triennially, according to vaccine manufacturers' guidelines. Unvaccinated animals acquired or moved into the state must be vaccinated within 30 days after purchase or arrival, unless under three months of age as specified above.

B. An animal is currently vaccinated if the initial rabies vaccine was administered at least 28 days previously or booster vaccinations have been administered in accordance with the manufacturer's guidelines. Regardless of the age of the animal at initial vaccination, a booster vaccination shall be administered one year later. If a previously vaccinated animal is overdue for a booster, it shall be revaccinated.

C. An owner or keeper of any animal required to be licensed by this chapter to be vaccinated by a licensed veterinarian is exempt from the requirements of this section if a medical reason exists that precludes the vaccination of the animal. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the animal and the medical reason that precludes the vaccination.

(Ord. No. 720, 12/19/00) (Am. by Ord. No. 996, 2/15/11)

SECTION 3-219: RABIES CONTROL; REVACCINATION

Every dog or cat shall be revaccinated following a period of not more than 36 months since its last vaccination with chick embryo, LEP (low egg passage), cury vaccine or with killed or inactivated vaccine. The intervals of any other anti-rabies vaccine shall be set by the state veterinarian, and he/she shall follow the latest recommendations of the U. S. Public Health Service. (Ord. No. 720, 12/19/00) (Am. by Ord. No. 996, 2/15/11)

SECTION 3-220: RABIES CONTROL; PERSON BITTEN BY ANIMAL; PROCEDURE

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

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

(Ord. No. 720, 12/19/00)

SECTION 3-221: RABIES CONTROL; PROCLAMATION

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

SECTION 3-222: INTERFERENCE WITH ANIMAL CONTROL OFFICER

It shall be unlawful for any person to hinder, delay, or interfere with the 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 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 3-223: IMPOUNDING

A. It shall be the duty of the animal control authority to capture, secure, and remove in a humane manner to the animal shelter any dog or cat violating any of the provisions of this article. The dogs or cats 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 or cat shall be kept and maintained at the pound for a period of not less than five days after public notice has been given unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the animal control authority within 24 hours after impoundment as public notification of such impoundment.

B. Any dog or cat may be reclaimed by its owner during the period of impoundment by payment of the required fees as set by the animal control authority. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 72 hours after release. If the dog or cat is not claimed at the end of required waiting period after public notice has been given, the animal control authority may dispose of the dog or cat in accordance with the applicable rules and regulations pertaining to the same, provided that if, in the judgment of the animal control authority, a suitable home can be found for any such dog or cat, the said dog or cat shall be turned over to that person and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided in this article.

C. The City and/or animal control authority shall acquire legal title to any unlicensed dog or cat impounded in the animal shelter for a period longer than the required waiting period after giving notice. (Neb. Rev. Stat. §17-526, 17-548)

SECTION 3-224: ANIMAL SHELTER

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

SECTION 3-225: CAPTURE IMPOSSIBLE

The animal control authority 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. §17-526)

SECTION 3-226: DANGEROUS DOGS; DEFINITIONS

A. No person shall own, keep, or harbor or allow to be in or upon any premises occupied by him/her or under his/her charge or control any dangerous or potentially dangerous dog without said dog being confined so as to protect the public from injury. A police officer, animal control officer or other authority designated by the mayor and City Council is authorized to kill such dog if found running at large. The prudent use of fire-

arms by such officer for this purposes or for any purpose required by this section shall not be considered a violation of this code or other ordinances of the City.

B. "Dangerous dog" shall be defined as one who meets one or more of the following conditions:

1. Any animal which attacks, snaps at, bites, or has a history of attacking a human being or other domestic animal one or more times without provocation.
2. Any animal engaging in or found to have been trained to engage in exhibitions of fighting.
3. Any animal which by breeding, training, disposition, or behavior may pose a potential risk of attacking and inflicting injury without provocation upon people or other animals.

C. "Potentially dangerous dog" shall defined as one who meets one or more of the following conditions:

1. Any dog that, when unprovoked (a) inflicts an injury on a human that does not require medical treatment or injures a domestic animal either on public or private property; or (b) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
2. 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.

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

E. Definitions for the purpose of this section

"Animal control authority" shall mean an entity authorized to enforce the animal control laws of a city.

"Animal control officer" shall mean any individual designated or authorized by an animal control authority for the purpose of aiding in the enforcement of this article or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment 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.

“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.

“Severe injury” shall mean any physical injury that results in disfiguring lacerations requiring medical treatment or one or more broken bones or that creates a potential danger to the life or health of the victim.

SECTION 3-227: JUDICIALLY EXCLUDED ANIMALS

It shall be unlawful for any person to bring any animal into the City which has been judicially determined in another jurisdiction to be dangerous, potentially dangerous, vicious, a nuisance, or a threat to the health or safety of human beings.

SECTION 3-228: IMPOUNDMENT OF CERTAIN ANIMALS DURING ENFORCEMENT PROCEEDINGS

A. If there is reasonable cause shown that the offending animal under Section 3-226 may constitute a hazard to the safety of the public at large during the pendency of any action commenced thereunder, the court may order such animal impounded pending the outcome of such proceedings. Any person who owns, keeps, harbors, maintains, or controls any animal involved in such impoundment shall pay all expenses to the animal control authority, including shelter, food, veterinary expenses, boarding, or other expenses necessitated by the impoundment of the animal for the protection of the public and other expenses as may be required. The authority may require such person, prior to expiration of ten days after the date of impoundment, to pay an amount sufficient to pay all reasonable expenses incurred in caring and providing for the animal, including estimated medical care, for 30 days, inclusive of the date on which the animal was impounded. If such payment is not made prior to expiration of such ten-day period, the animal shall become the property of the authority to be disposed of as the authority deems appropriate. Such payment shall be required for each succeeding 30-day period. If any such payment is not made prior to the end of each succeeding 30-day period, the animal shall become the property of the authority to be disposed of as the authority deems appropriate.

B. The amount of the payment shall be determined by the authority based on the current rate for board at the animal shelter and the condition of the animal after its examination by a veterinarian acting for the authority. Any such payment received by the authority in excess of the amount determined by the authority to be due for the board and care of the animal shall be refunded by the authority upon expiration of the order of impoundment. Notwithstanding the foregoing, if the owner or custodian is found not guilty of animal neglect or cruelty, the owner or custodian shall only be required to pay the veterinary expenses and one-half of the board and care fees determined by the authority to be due.

C. Notwithstanding the foregoing, if it is determined by a veterinarian acting for the authority that such animal is diseased or disabled beyond any useful purpose, the

animal shall immediately become the property of the authority to be humanely disposed of as the authority deems appropriate.

**SECTION 3-229: DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS;
SPAYING OR NEUTERING; MICROCHIP IDENTIFICATION AND
LICENSE REQUIRED**

Any animal judicially determined to be dangerous or administratively determined to be potentially dangerous shall be spayed or neutered and implanted with microchip identification by a licensed veterinarian at the owner's expense no less than 30 days after such determination is entered, with written proof of spaying or neutering and the microchip identification number being provided to the animal control authority within 72 hours of completion of the procedure. In addition, such dangerous or potentially dangerous animal shall be required to be licensed as a dangerous or potentially dangerous dog within 30 days of the determination.

**SECTION 3-230: DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS;
CLASSES REQUIRED**

The owner of any animal judicially determined to be dangerous or administratively determined to be potentially dangerous shall be required to attend, at the owner's expense, within 90 days after such determination is entered, a responsible pet ownership class approved by the animal control authority and, at the discretion and direction of the animal control authority, a dog behavior class provided or approved by the animal control authority.

SECTION 3-231: DANGEROUS DOGS; RESTRAINED

It shall be unlawful for any person owning, harboring, or having the care of a dangerous or potentially dangerous animal to permit such animal to go beyond the property of such person unless the animal is under the control of a person 19 years of age or older and restrained securely by a harness and leash no longer than 6 feet and properly muzzled to reasonably prevent the animal from biting.

SECTION 3-232: DANGEROUS DOGS; CONFINED

No person owning, harboring, or having the care of a dangerous animal shall permit such animal to go unconfined while unattended on the premises of such person. A dangerous dog shall be securely confined in a humane manner indoors or 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, if allowed by zoning regulations, shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground no less than one foot or have a concrete pad. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property.

**SECTION 3-233: DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS;
PROOF OF INSURANCE**

Any animal that has been determined to be a dangerous animal by a court determination or any animal administratively determined to be a potentially dangerous animal cannot be licensed unless the person having custody, ownership or control of such dog or other animal first presents written proof of public liability insurance of not less than \$100,000.00 to the animal control authority. Such insurance shall be maintained in effect for the period such dangerous or potentially dangerous animal is so designated.

SECTION 3-234: DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS; IMPOUNDMENT

Any animal that has been determined to be a dangerous animal or a potentially dangerous animal that bites a human being without provocation may be immediately impounded by an animal control officer, if in violation of this chapter. The owner shall be responsible for the reasonable costs incurred for the care of such impounded dangerous animal.

SECTION 3-235: DANGEROUS ANIMALS AT LARGE; DESTRUCTION

In the event that an animal that has been determined to be dangerous as defined in Section 3-226 is found at large and unattended upon public property, park property, or a public right-of-way, or upon the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the chief of police or authorized designee, the animal control authority, or a law enforcement officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large nor shall it have a duty to notify the owner of such animal prior to its destruction.

SECTION 3-236: 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 dangerous dog confiscated by an animal control officer or for the destruction of any dangerous 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.

SECTION 3-237: POTENTIALLY DANGEROUS ANIMAL; DETERMINATION

A. The animal control authority shall initiate administrative proceedings to determine an animal to be a potentially dangerous animal, if it meets the definition of "potentially dangerous animal" under Section 3-226, by service of a notice in writing upon such animal's owner either by certified and regular mail to the owner's last known address or personally. The notice shall contain:

1. The name and address of the owner whose animal is subject to such determination;
2. The name, description and license number of the animal that is subject to such determination;

3. A description of the facts which form the basis of such determination;
4. A summary of the effects of such determination, including the requirements for Sections 3-229, 3-230, 3-231, and 3-233 and state that noncompliance will result in an owner being declared a reckless owner by the animal control authority;
5. The date of proposed entry of the determination, which shall be not less than ten days after the date of mailing or personal service of the notice; and
6. Notification of the availability of an appeal if the owner objects to such determination, within ten days of the date of mailing or personal service of the notice.

B. An owner whose animal is determined to be a potentially dangerous animal shall be required to comply with Section 3-231 immediately, Sections 3-229 and 3-233 within 30 days of the date of entry of the determination order, and Section 3-230 within 90 days of the date of entry of the determination order unless a notice of appeal of the order is filed with the animal control authority; provided, noncompliance with any of the sections set forth above in this paragraph shall result in the owner being declared a reckless owner by the animal control authority under Section 3-216.

C. An appeal of such determination order shall be heard by a hearing officer designated by the animal control authority within ten days of the date of the filing of the notice of appeal and shall provide an opportunity for the owner to appear and offer evidence to dispute the determination order. The filing fee for each notice of appeal shall be set by the City Council and filed in the office of the city clerk for public inspection during office hours. A decision to affirm or reverse such order shall be entered by the hearing officer within ten days of the date of the hearing.

D. An owner may request termination of the determination order if there are no incidents of the type specified in Section 3-226(C) for at least two years following the date of the determination order. Such request for termination shall be heard by a hearing officer designated by the animal control authority within ten days of the date of the filing of the request for termination. Said hearing shall provide an opportunity for the owner to appear and offer evidence to support termination of the determination order. The owner must provide documented evidence that the animal's behavior has changed due to environment, health, age, training, neutering or other relevant factor. The filing fee for each request for termination shall be set by the City Council and filed in the office of the city clerk for public inspection during office hours. A decision to continue or terminate such determination order shall be entered by the hearing officer within ten days of the date of the hearing.

SECTION 3-238: 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.

SECTION 3-239: KENNELS; CERTIFICATES; DENIAL

To enable the owner of any kennel to have it licensed under the provisions of this article, such owner shall present to the city clerk a certificate or other information showing

compliance with all laws and regulations pertaining to dog kennels from the city zoning administrator, the Board of Health, and the animal control authority. No kennel shall be maintained nor shall a license be issued to a kennel that creates a nuisance in the immediate neighborhood through noise, odor, or unsanitary conditions. Upon the written complaint of two or more affected persons from different households filed within any 30-day period with the city clerk and/or the animal control authority that any kennel has excessive noise, odor, or ordinance violation, said complaint may result in loss of the holder's license or impoundment or penalty as otherwise provided by this code. (Neb. Rev. Stat. §17-526) (Ord. No. 262, 10/18/83)

SECTION 3-240: PUBLIC NUISANCE

A. It shall be unlawful for any person owning, keeping or harboring an animal or allowing such animal to be under his or her charge or control to do any of the following:

1. Permit an animal to defecate on any privately owned or occupied property other than that of the owner or the person having control of the animal without immediately cleaning or removing the excrement;
2. Permit an animal to defecate on public property, including designated off-leash dog parks, without immediately cleaning or removing the excrement;
3. Permit unsanitary conditions to exist on any premises where an animal is kept which would cause foul or obnoxious odors, attract flies or vermin or otherwise threaten the public health and safety;
4. Permit an animal to unreasonably obstruct the use and enjoyment of property held by others in the community by allowing such animal to habitually bark, howl, yelp, bay or make other noise which by loudness or frequency causes a breach of the peace; provided, however, this section shall not apply to the animal shelter, veterinarians, and medical laboratories;
5. Permit an animal to engage in menacing behavior including but not limited to the chasing of vehicles or the molesting or frightening of passersby or neighbors.

B. An animal control officer may abate any of the above nuisances, either through issuance of a citation or impounding the animal, if no owner or agent can be found at the time of the nuisance.

(Ord. No. 1014, 4/17/12)

Article 3 – Animals Generally

(Article adopted by Ord. No. 983, 8/17/10)

SECTION 3-301: SHORT TITLE AND DEFINITIONS

This ordinance shall be known and may be cited as "The Gretna Animal Protection Ordinance."

For the purpose of this article, the following definitions shall prevail.

"Person" shall include all natural persons or artificial persons including but not limited to firms, partnerships, associations, corporations, companies, political and corporate bodies, societies, communities, the public generally, individuals, and joint stock companies and shall include all aggregate organizations of any character whatsoever.

"Pet shop" shall mean any commercial retail establishment or premises or part thereof maintained for the purchase, sale, or breeding of animals of any type and shall also include any places where cleaning, caring, and grooming services are provided for animals; provided, however, that the term shall not include livestock auction houses, the places of business of licensed veterinarians, boarding kennels, or animal shelters.

"Owner" shall mean any person or persons, who shall harbor or permit any animal to be in or about his, her, or its house, store, or enclosure, or to remain to be fed in or about his, her, or its house, store, or enclosure for a period of 10 days or more.

"Animal" shall mean any vertebrate member of the animal kingdom, excluding humans.

"Unusual animal" shall mean any poisonous or potentially dangerous animal not normally considered domesticated and shall include animals prohibited by the City of or by federal requirements, and also:

- A. Class *Mammalia*; order *Carnivora*, family *Felidae* (such as lions, tigers, jaguars, leopards, bobcats and cougars), except commonly accepted domestic cats and hybrids involving the same; family *Canidae* (such as wolves, coyotes, and fox); family *Mustelidae* (such as weasels, martins, fishers, skunks, wolverines, mink and badgers); family *Procyonidae* (such as raccoons); family *Ursidae* (such as bears); order *Primata* (such as monkeys and chimpanzees); and order *Chiroptera* (such as bats).
- B. Poisonous reptiles, cobras, and their allies (*Elapidae*, *Hydrophiidae*); vipers and their allies (*Croctiladae*, *Viperidae*); boas and snakes and Kirkland's tree snakes; and Gila monsters (*Heleodermatidae*).

"Livestock" shall mean any domestic cattle, horses, mules, donkeys, sheep, goats, swine, or fowl.

"Chicken" shall mean a domesticated chicken (*Gallus domesticus*)

SECTION 3-302: UNUSUAL ANIMALS AND LIVESTOCK PROHIBITED; EXCEPTIONS

It shall be unlawful for any person to own, harbor, or have under his or its care, custody, or control any unusual animal or livestock within the corporate limits of the City, except as provided in this section and article. It shall be unlawful for any pet shop to sell, give, transfer, import into the corporate limits any unusual animal or livestock. This section shall not be construed to prohibit:

- A. Public zoo, circus, Humane Society, or other public exhibition or carnival from displaying unusual animals or livestock as exhibits;

B. Primary or secondary schools, colleges or universities from using unusual animals or livestock for research or teaching;

C. Wildlife rescue organizations with appropriate permits from the Nebraska Game and Parks Commission from rehabilitation or sheltering unusual animals;

D. Individuals authorized by the State of Nebraska from sheltering animals belonging to a public zoo that require rehabilitation; or

E. Individuals from owning or possessing chickens, provided such ownership and possession complies with Section 3-303 of this article and all applicable zoning and building regulations.

SECTION 3-303: CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS

A. It shall be unlawful for any person to permit or allow any chicken to run or fly at large within the corporate limits of the City.

B. It shall be unlawful for any person to own, keep, harbor, or have under his/her/its care, custody or control any cock or rooster chicken two (2) months of age or older. The unlawful keeping or harboring of cocks or roosters is hereby declared to be a public nuisance.

C. It shall be unlawful for any person to own, keep, harbor, or have under his/her/its care, custody or control any chicken without a valid permit issued by the City. The fee for such permit shall be established by the City. No permit shall be assignable or transferable either as to permittee, location or chickens.

D. The requirements for the issuance of a permit by the City to own, keep, harbor, or have custody or control over a chicken are:

1. No more than four (4) chickens shall be permitted on any lot of one (1) acre or less. No more than ten (10) chickens shall be permitted on any lot of more than one (1) acre.
2. The chickens must be housed in a chicken facility and run approved by the City, such chicken facility and run to be maintained in compliance with all of the City's requirements as a condition of the permit. The requirements for the chicken facility and run include:
 - a. The chicken facility and run must be in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances;
 - b. The chicken facility and run shall not constitute a nuisance or disturb neighboring residents due to noise, odor or threats to public health;
 - c. The chicken facility and run shall prevent chickens from roaming at large;
 - d. The run shall be constructed to include metal wire fencing anchored to the ground and a fully-enclosed roof or similar enclosure to prevent escape by chickens and entry by predators and general members of the

- public;
- e. The chicken facility shall be constructed of durable material and the flooring of any chicken facility shall be of a waterproof hard-surfaced non-porous material;
 - f. The chicken facility shall provide not less than three (3) square feet per occupant chicken, and the run shall provide not more than eight (8) square feet per occupant chicken;
 - g. On lots less than one acre in size, the chicken facility shall not exceed an overall height of (8) feet and overall size of (32) square feet; on lots more than one acre in size, the chicken facility shall not exceed an overall height of (10) feet and an overall size of (80) square feet;
 - h. The chicken facility and run shall be located so as to be at least thirty (30) feet from any dwelling, front yard or side yard, street, public sidewalk, public building, park or recreation area; and
 - i. The chicken facility and run shall comply with all applicable city building and zoning codes and must be consistent with the requirements of any land use regulation.
3. Offal, manure and waste material shall not be permitted to accumulate nor be confined in any manner that is conducive to the breeding or attraction of flies, mosquitoes or other noxious insects or in any manner that endangers the public health or safety. All permit applicants must provide a statement of the method in which offal, manure and waste material accumulating from the chickens will be sanitarily disposed of at least once every seven (7) days;
 4. All grain, feed and feedstuffs intended for use as food for chickens shall be kept in tightly-fitted containers constructed to keep out vermin and wild animals; and
 5. The permit application shall be accompanied by adequate evidence, as determined by the City, that the applicant has notified all abutting property owners and residents of the property lines of the property on which the chickens will be located, of the application. The City may consider resident objections in deciding whether to issue a permit under this section.

E. The slaughtering or destruction of chickens within the corporate limits of the City shall be prohibited.

(Am. by Ord. No. 999, 4/19/11)

SECTION 3-304: VIOLATION; PENALTY

Except as otherwise provided herein, any person upon whom a duty is placed by the provisions of this article and who shall fail, neglect, or refuse to perform such duty or who shall violate any of the provisions of this article shall be deemed guilty of a Class II misdemeanor as defined by Section 3-801 of this code. If such violation may be and is disposed of pursuant to a waiver of appearance and plea of "guilty," the fine shall be not more than \$500.00 dollars. Each day that such violation continues shall be deemed a separate offense.

Article 4 – Nuisances

SECTION 3-401: WEEDS AND GRASSES, JUNK, LITTER; DEFINITIONS

A. 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.

B. The term "litter" shall include, but not be limited to:

1. Trash, rubbish, refuse, garbage, paper, rags and ashes;
2. Wood, plaster, cement, brick or stone building rubble;
3. Offal and dead animals;
4. 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;
5. Any motor vehicle without a current license and not housed in a storage or other building.
6. Any wood or tree limbs not cut and stacked in neat rows on an area not exceeding 10 feet by 16 feet.

SECTION 3-402: WEEDS OR GRASSES; PUBLIC NUISANCE

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 City.

SECTION 3-403: LITTER; PUBLIC NUISANCE

It is hereby declared to be a public nuisance to permit the accumulation of litter on any property within the corporate limits of the City.

SECTION 3-404: NOTICE OF NONCOMPLIANCE

Whenever any grass in excess of 12 inches or weeds of any height are growing on property within the City or litter is found on any property, the designated code enforcement officer shall cause written notice to be served upon the owner of the property on which grass, weeds or litter is located and further, upon the occupant thereof, by registered mail or by personal service. Such notice shall describe the nature of the nuisance and state the action that must be taken to remove or remedy the problem. Such notice shall state that such nuisance must be abated or removed within five days of receipt of notice. (Am. by Ord. No. 1028, 6/4/13)

SECTION 3-405: FAILURE TO CORRECT; FINE

In the event that the owner or occupant of said premises fails to correct and eliminate

said nuisance pursuant to the notice to correct, he/she shall be guilty of a misdemeanor and fined in a sum of not more than \$500.00. Each day's violation after the expiration of the ten business days' notice shall be a separate offense.

SECTION 3-406: COST ASSESSED TO PROPERTY

In addition to filing a complaint for violation of this article, the City may cause the work to be done to abate the nuisance and assess the cost of the same against the property. In this event, however, the City shall comply with the notice and hearing requirements set forth in Sections 3-412, 3-413 and 3-414 set forth hereafter.

SECTION 3-407: DANGEROUS BUILDINGS; DEFINITIONS

Any buildings or structures which have any or all of the following defects are hereby declared to be unsafe or dangerous buildings or structures and a public nuisance:

A. Those having walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;

B. Those showing 33% or more of damage or deterioration of the supporting member or members, exclusive of the foundation;

C. Those with improperly distributed loads upon floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;

D. Those damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants of the people of the City;

E. Those which have become dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein;

F. Those having light, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein;

G. Those having inadequate facilities for egress in the case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication;

H. Those having parts thereof which are so attached that they may fall and injure persons or property;

I. Those that are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of the City because of their condition;

J. Those having been inspected by the County Health Department or a professional engineer appointed by the City which are, after inspection, deemed to be in viola-

tion of any provision of the Health Department rules and regulations or which are structurally unsafe or unsound as found by the inspection of the professional engineer;

K. Those existing in violation of any provision of this article, any provision of the Fire Prevention Code, any provision of the county health rules and regulations or other applicable provisions of the ordinances of the City, including but not limited to the building code adopted by the City.

SECTION 3-408: DANGEROUS BUILDINGS; STANDARDS

The following standards shall be followed in substance in determining whether the structure or building should be repaired, vacated, or demolished:

A. If the unsafe or dangerous building or structure can reasonably be repaired so that it will no longer exist in violation of any of the terms or provisions of this article, it shall be ordered to be repaired.

B. If the unsafe or dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

C. In any case where an unsafe or dangerous building or structure cannot be repaired so that it will no longer exist in violation of the terms or provisions of this article, it shall be demolished. In all cases where the unsafe or dangerous building is a fire hazard existing or erected in violation of the applicable fire codes and regulations, or any other provision of an ordinance of this City or statute of the state, it shall be demolished.

SECTION 3-409: DANGEROUS BUILDINGS; PUBLIC NUISANCE

All unsafe or dangerous buildings or structures within the terms of this article are hereby declared to be nuisances and shall be repaired, vacated, or demolished as provided herein.

SECTION 3-410: BUILDING INSPECTOR

The building inspector, his/her authorized representatives, a general building contractor, county health official, or professional engineer shall, at the direction of the City Council:

A. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in a dangerous or unsafe manner;

B. Inspect any building or structure within the jurisdictional area of the City for the purpose of determining whether any conditions exist which render such place a dangerous or unsafe building or structure within the terms of this article;

C. Report to the City Council the results of the inspection;

D. Appear at all hearings and testify as to the condition of the unsafe or dangerous building or structure.

SECTION 3-411: DANGEROUS BUILDINGS; PROCEDURE

If the building inspector or his/her representatives, a general building contractor, the county health official or a professional engineer designated by the City Council finds that a building or structure is unsafe or dangerous and a nuisance, the Council shall:

A. Notify the owner, occupant, lessee, mortgagee, agent or other persons having an interest in the building or structure that it has been found to be an unsafe or dangerous building. The notice will indicate whether the owner must vacate, repair or demolish the building or structure.

B. Set forth in the notice a description of the building or structure deemed unsafe or dangerous, accompanied by a statement of the particulars which make the building or structure unsafe or dangerous and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable.

C. Direct the building inspector, or other designated official, to place a sign on the building or structure found to be unsafe or dangerous on its exterior near the main entrance which shall state that the building or structure is unsafe or dangerous for occupancy and use.

SECTION 3-412: FAILURE TO COMPLY

In case any owner, occupant, lessee, mortgagee, agent or other person having an interest in the property, building or structure shall fail, neglect, or refuse to comply with the notice by or on behalf of the City to repair, rehabilitate or demolish and remove a building or structure which is unsafe or dangerous and a public nuisance, or shall fail to comply with the notice to abate grasses, weeds or litter, the City may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the City Council, which is authorized to levy the cost as a special assessment against the property. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments under Nebraska statutes. In addition, the City may bring a civil action against the offending party to recover the cost of the work.

SECTION 3-413: DISPUTES

A. In the event that the owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure determined dangerous, disagrees with or disputes the information contained in the notice to abate, such person shall notify the city clerk with a written statement that sets forth the reasons for the disagreement or dispute and the relief requested. This written request shall be made within 10 days of mailing of the notice. If written notice is received by the city clerk within 10 days, a hearing shall be held before the City Council at a regularly scheduled monthly meeting. The clerk shall notify the person requesting the hearing, in writing, of the time, place, and date of the regular monthly meeting and shall place the name of the person on the agenda of such meeting.

B. The hearing before the City Council shall be shall be informal and not governed by the Nebraska Rules of Evidence. Such hearing shall be quasi-judicial in nature

and its decision shall be based on the evidence presented at the hearing. The person requesting the hearing may be represented by legal counsel or other representative, may present witnesses and offer evidence, and may examine and copy, at his/her own expense, and not less than three business days before the hearing, the records of the City regarding the inspection and notice. The City Council need not make a written finding of fact and may make its pronouncement orally at the hearing. The decision of the City Council shall be final unless appealed. Failure of the person to attend the hearing shall relieve the City Council of any further procedures before action is taken as set forth in a notice.

SECTION 3-414: APPEAL

Any person aggrieved by the decision of the City Council may appeal the decision to the District Court of Sarpy County. This appeal shall and must be taken within 30 days of the pronouncement of the Council's decision. The record and evidence made before the City Council shall become the record for purposes of appeal. All appeals shall be made on the record and not a trial de novo.

SECTION 3-415: IMMEDIATE HAZARD

In the event the building constitutes an immediate hazard to the life or safety of any persons and must be demolished to protect their health or safety, the building inspector or a professional engineer designated by the City Council shall report such facts to the Council, who shall follow the procedures set forth in state statutes. The City, by and through the City Council, may immediately contract for the immediate demolition of the unsafe or dangerous building without requiring bids. The cost of such emergency vacation and demolition of unsafe or dangerous buildings or structures shall be levied, equalized, and assessed, as are other special assessments.

Article 5 – Alcohol and Controlled Substances

SECTION 3-501: DRINKING ON PUBLIC PROPERTY; POSSESSION OF OPEN ALCOHOLIC LIQUOR CONTAINER

A. Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. Rev. Stat. §53-286(2), it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property. (Neb. Rev. Stat. §53-286)

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

C. Except as provided in Neb. Rev. Stat. §53-286, it is unlawful for any person to consume an alcoholic beverage in a public parking area or on any highway in this City or inside a motor vehicle while in a public parking area or on any highway in this City.

D. For purposes of this article:

1a. "Alcoholic beverage" shall mean:

- i. Beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor;
- ii. Wine of not less than one-half of one percent of alcohol by volume; or
- iii. Distilled spirits, which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.

1b. "Alcoholic beverage" does not include trace amounts not readily consumable as a beverage.

2. "Highway" shall mean a road or street including the entire area within the right-of-way.

3. "Open alcoholic beverage container" shall mean any bottle, can, or other receptacle that contains any amount of alcoholic beverage and that is open or has a broken seal; or the contents of which are partially removed.

4. "Passenger area" shall mean the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. "Passenger area" does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.

(Neb. Rev. Stat. §60-6,211.08) (Am. by Ord. No. 708, 7/6/00)

SECTION 3-502: DRIVING UNDER THE INFLUENCE

A. It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:

1. While under the influence of alcoholic liquor or of any drug;
2. When such person has a concentration of 0.08 of one gram or more by weight of alcohol per 100 milliliters of his or her blood; or
3. When such person has a concentration of 0.08 of one gram or more by weight of alcohol per 210 liters of his or her breath. (Neb. Rev. Stat. §60-6,196(1))

B. Any person who operates or has in his or her actual physical control a motor vehicle in this City shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine. (Neb. Rev. Stat. §60-6,197(1))

C. Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of this City may require any person arrested for any offense arising out of acts alleged to have been committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in this City while under the influence of alcoholic liquor or drugs in violation of subsection (A) of this section. (Neb. Rev. Stat. §60-6,197(2))

D. Any peace officer who has been duly authorized to make arrests for violation of traffic laws of this state or ordinances of this City may require any person who operates or has in his or her actual physical control a motor vehicle in this City to submit to a preliminary test of his or her breath for alcohol concentration if the officer has reasonable grounds to believe that such person has alcohol in his or her body, has committed a moving traffic violation, or has been involved in a traffic accident. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of subsection (A) of this section shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of an offense. (Neb. Rev. Stat. §60-6,197(3))

E. Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood, breath, or urine for a determination of the concentration of alcohol or the presence of drugs. If the chemical test discloses the presence of a concentration of alcohol in violation of subsection (A) of this section, or if any person refuses to submit to such test or tests required pursuant to this section, the person shall be subject to the administrative revocation procedures provided in Neb. Rev. Stat. §60-6,205 to 60-6,208 and shall be guilty of an offense. (Neb. Rev. Stat. §60-6,197(4))

F. Upon the conviction of any person for violation of this section, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Neb. Rev. Stat. §60-6,201 for the test administered and the analysis thereof if such test was actually made. (Neb. Rev. Stat. §60-6,203) (Am. by Ord. Nos. 251, 10/19/82; 348, 9/15/87; 357, 2/2/88; 498, 5/17/94; 784, 4/16/02)

SECTION 3-503: DRIVING UNDER THE INFLUENCE; PERSON UNDER 21 YEARS OF AGE

A. It shall be unlawful for any person under 21 years of age to operate or be in the actual physical control of any motor vehicle:

1. When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per 100 milliliters of his or her blood but less than the concentration prescribed under subsection (1)(b) of Neb. Rev. Stat. §60-6,196; or
2. When such person has a concentration of two-hundredths of one gram or

more by weight of alcohol per 200 ten liters of his or her breath but less than the concentration prescribed under subsection (1) (c) of Neb. Rev. Stat. §60-6,196.

B. Any person who operates or has in his or her actual physical control a motor vehicle in the state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood or breathe for the purposes of determining the concentration of alcohol in such blood or breath.

C. Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of the City may require any person under 21 years of age to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath when the officer has probable cause to believe that such person was driving or was in actual physical control of a motor vehicle in the City in violation of this section. Such peace officer may require such person to submit to a preliminary breath test. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of this section shall be placed under arrest.

D. Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood or breathe for a determination of the concentration of alcohol. If the chemical test discloses the presence of a concentration of alcohol in violation of this section, or such person refuses to submit to such test or tests required pursuant to this section shall be guilty of an offense.

E. Upon the conviction of any person for the violation of this section, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Neb. Rev. Stat. §60-6,201 for the test administered and the analysis thereof if such test was actually made. (Neb. Rev. Stat. §60-6,211.01; 60-6,211.02; 60-6,203) (Ord. No. 499, 5/17/94) (Am. by Ord. No. 674, 4/20/99)

SECTION 3-504: MINORS; PROHIBITED ACTS INVOLVING ALCOHOLIC LIQUOR

A. For purposes of this section, the definitions found in Neb. Rev. Stat. §53-203 shall apply, including, but not limited to, the definitions of the terms alcoholic liquor, consume, minor, sale, and to sell.

B. Except as provided in Section 5-233 (Alcoholic Beverages; Manufacture, Sale, Delivery, and Possession; General Prohibitions; Exceptions), no minor may sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, or highways, upon property owned by the State of Nebraska or any subdivision thereof, or inside any vehicle while in or on any other place, including, but not limited to, the public streets, alleys, roads, or highways, or upon property owned by the State or any subdivision thereof, except that a minor may consume, possess, or have physical control of alcoholic liquor in his or her permanent place of residence or on the premises of a place of religious worship on which premises alcoholic liquor is consumed as a part of a religious rite, ritual, or ceremony.

C. It shall be unlawful for any person under 21 years of age to transport, consume, or knowingly possess or have under his or her control beer or other alcoholic liquor in or transported by any motor vehicle.
(Neb. Rev. Stat. §53-280.02) (Ord. No. 785, 4/16/02)

SECTION 3-505: UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE

It shall be unlawful for any person to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner as defined in Neb. Rev. Stat. §28-401. (Neb. Rev. Stat. §28-417) (Ord. No. 786, 4/16/02)

Article 6 – Sex Offender Residency Restrictions

(Adopted by Ord. No. 879, 11/15/05)

SECTION 3-601: FINDINGS AND INTENT

A. The Nebraska Legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act.

B. Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant.

C. It is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.
(Am. by Ord. No. 892, 8/1/06)

SECTION 3-602: DEFINITIONS

“Child care facility” means a facility licensed pursuant to the Child Care Licensing Act;

“Political subdivision” means a village, city, county, school district, public power district, or any other unit of local government;

“School” means a public, private, denominational, or parochial school which meets the requirements for accreditation or approval prescribed in Neb. Rev. Stat. Chapter 79;

“Sex offender” means 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; and

“Sexual predator” means an individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in Neb. Rev. Stat. §29-4001.01, and who has victimized a person 18 years of age or younger.

(Neb. Rev. Stat. §29-4016) (Am. by Ord. Nos. 892, 8/1/06; 994, 12/7/10)

SECTION 3-603: RESIDENCY RESTRICTIONS

A. *Prohibited location of residence.* It is unlawful for any sexual predator to reside within 500 feet from a school or childcare facility.

B. *Measure of distance.* For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.

(Neb. Rev. Stat. §29-4017)

SECTION 3-604: EXCEPTIONS

These regulations shall not apply to a sexual predator who:

1. Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;

2. Established a residence before July 1, 2006, and has not moved from that residence; or

3. Established a residence after July 1, 2006, and the school or childcare facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.

(Neb. Rev. Stat. §29-4017)

Article 7 – Pollution

SECTION 3-701: AIR POLLUTION; PROHIBITED

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 in the judgment of the Board of Health. 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 and 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 Board of Health 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 3-702: WATER POLLUTION; PROHIBITED

It shall be unlawful for any person, firm, or corporation to obstruct or impede without le-

gal 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 8 – Penal Provisions

SECTION 3-801: VIOLATION; PENALTY

A. 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.

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

C. Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(Neb. Rev. Stat. §17-505, 18-1720, 18-1722) (Am. by Ord. No. 712, 7/6/00)