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CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: OBSTRUCTING AN OFFICER

It shall be unlawful for any person to use or threaten to use violence, force, physical interference, or obstacle to intentionally obstruct, impair, or hinder the enforcement of the penal law or the preservation of the peace by a peace officer acting under color of his or her official authority or a police animal assisting a peace officer acting pursuant to the peace officer's official authority. "Police animal" shall mean a horse or dog owned or controlled by the state or any county, city or village for the purpose of assisting a peace officer acting pursuant to his or her official authority. (Neb. Rev. Stat. §28-906)

SECTION 3-102: RESISTING OR FAILING TO ASSIST OFFICER

It shall be unlawful for any person in this city to hinder, obstruct, or resist any law enforcement officer in making any arrest or performing any duty of his or her office or to refuse or neglect to assist any such officer when called upon by him or her in making any arrest or conveying a prisoner to jail. (Neb. Rev. Stat. §§28-903, 28-904) (Ord. No. 246, 3/7/91)

SECTION 3-103: IMPERSONATING OFFICER

It shall be unlawful for any person to falsely pretend to be a peace officer and perform any act in that pretended capacity. (Neb. Rev. Stat. §28-610)

SECTION 3-104: FALSE REPORTING

It shall be unlawful for any person to:

A. 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;

B. Furnish information he or she knows to be false, alleging the existence of (1) a need for the assistance of an emergency medical service or out-of-hospital emergency care provider or (2) an emergency in which human life or property is in jeopardy to any hospital, emergency medical service, or other person or governmental agency;

C. 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;

D. 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;

E. 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 on-going investigation and which actually results in causing or impeding such investigation. (Neb. Rev. Stat. §28-907)

SECTION 3-105: RESISTING ARREST WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON

A. It shall be unlawful for any person to intentionally prevent or attempt to prevent a law enforcement officer, acting under color of his or her official authority, from effecting an arrest on said person or on another by (1) using or threatening to use physical force or violence against the said officer or another; (2) using any other means which creates a substantial risk of causing physical injury to the officer or another; or (3) employing means which require substantial force to overcome resistance to effecting the arrest; provided, this section shall apply only to those actions taken to resist arrest without the use of a deadly or dangerous weapon.

B. It is an affirmative defense to prosecution under this section if the officer involved was out of uniform and did not identify himself or herself as a law enforcement officer by showing his or her credentials to the person whose arrest was attempted. (Neb. Rev. Stat. §28-904)

SECTION 3-106: CONCEALED WEAPONS

Except as otherwise provided in this section, any person who carries a weapon concealed on or about his or her person such as a revolver, pistol, Bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, or any other deadly weapon commits the offense of carrying a concealed weapon. This section shall not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon which is being carried is a handgun as defined in Neb. Rev. Stat. §69-2429. (Neb. Rev. Stat. §§17-556, 28-1202)

SECTION 3-107: DISCHARGE OF WEAPONS

A. It shall be unlawful for any person, except an officer of the law in performance of his or her official duty, to fire or discharge any gun or pistol within the city; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons discharging firearms have written permission from the City Council.

B. It shall be unlawful for any person or persons to discharge or cause to be discharged any paint ball gun, blow gun, air rifle, toy pistol, toy gun, slingshot or other like instrument capable of launching a dangerous projectile therefrom at any time or under any circumstances within the city; provided, this section shall not apply to toy cap pistols or toy cap guns.
(Neb. Rev. Stat. §§17-207, 17-556) (Ord. No. 116, 9/5/74)

SECTION 3-108: CRIMINAL TRESPASS

It shall be unlawful for any person, if he knows that he is not licensed or privileged to do so to:

A. Enter or secretly remain in any building or occupied structure or any separately secured or occupied portion thereof; or

B. Enter or remain in any place as to which notice against trespass is given by:

1. Actual communication to the actor; or

2. Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

3. Fencing or other enclosure manifestly designed to exclude intruders.

(Neb. Rev. Stat. §§28-520, 28-521)

SECTION 3-109: PUBLIC INDECENCY

It shall be unlawful for any person 18 years of age or over to perform, procure, or assist any other person to perform in a public place and where the conduct may reasonably be expected to be viewed by members of the public:

A. An act of sexual penetration as defined by Neb. Rev. Stat. §28-318(5);

B. An exposure of the genitals of the body done with intent to affront or alarm any person; or

C. A lewd fondling or caressing of the body of any other person of the same or opposite sex.

(Neb. Rev. Stat. §28-806)

SECTION 3-110: SEXUAL PREDATORS

A. *Definitions*. For purposes of this ordinance:

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

2. “Reside” means to sleep, live, or dwell at a place, which may include more than one location and may be mobile or transitory;

3. “Residence” means a place where an individual sleeps, lives, or dwells, which may include more than one location and may be mobile or transitory;

4. “School” means a public, private, denominational, or parochial school

which meets the requirements for state accreditation or approval;

5. “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

6. “Sexual predator” means an individual 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.

B. *Residency Restrictions*. It is unlawful for any sexual predator to reside within 500 feet from a school or child care facility. 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.

C. *Exceptions*. This ordinance shall not apply to a sexual predator who (A) resides within a prison or correctional or treatment facility operated by the state or a political subdivision; (B) established a residence before July 1, 2006, and has not moved from that residence; or (C) established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.
(Neb. Rev. Stat. §§29-4016, 29-4017)

SECTION 3-111: WINDOW PEEPING

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

SECTION 3-112: CRIMINAL MISCHIEF

It shall be unlawful for any person to damage property of another intentionally or recklessly, tamper with property of another intentionally or recklessly so as to endanger any person or property or cause another to suffer pecuniary loss by deception or threat intentionally or maliciously, provided that the value of the property involved is under $1,500.00. (Neb. Rev. Stat. §28-519)

SECTION 3-113: THEFT

A. For purposes of this section, the definitions found in Neb. Rev. Stat. §28-509 shall apply; and the offenses described in subsections (B) through (H) shall exist when the value of the thing involved is under $500.00.

B. A person commits theft if he or she takes or exercises control over movable property of another with the intent to deprive him or her thereof. A person commits theft

if he or she transfers immovable property of another or any interest therein with the intent to benefit himself or herself or another not entitled thereto. Except as provided for rental or lease of a motor vehicle in Neb. Rev. Stat. §28-511(4), it shall be presumed that a lessee's failure to return leased or rented movable property to the lessor after the expiration of a written lease or written rental agreement is done with intent to deprive if such lessee has been mailed notice by certified mail that such lease or rental agreement has expired and he or she has failed within ten days after such notice to return such property.

C. A person commits theft is he or she obtains property of another by deception as defined in Neb. Rev. Stat. §28-512.

D. A person commits theft if he or she obtains property of another by threatening to:

1. Inflict bodily injury on anyone or commit any other criminal offense;

2. Accuse anyone of a criminal offense;

3. Expose any secret tending to subject any person to hatred, contempt or ridicule or to impair his or her credit or business repute;

4. Take or withhold action as an official or cause an official to take or withhold action;

5. Bring about or continue to strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act; or

6. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense.

E. It is an affirmative defense to prosecution based on subdivisions (D)(2) through (4) herein that the property obtained by threat of accusation, exposure, lawsuit or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstances to which such accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful services.

F. A person who comes into control of property of another that he or she knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient commits theft if, with intent to deprive the owner thereof, he or she fails to take reasonable measures to restore the property to a person entitled to have it.

G. A person commits theft if he or she obtains services, which he or she knows are available only for compensation, by deception or threat or by false token or other

means to avoid payment for the service. Services include labor, professional service, telephone service, electric service, cable television service or other public service, accommodation in hotels, restaurants, or elsewhere, admission to exhibitions, and use of vehicles or other movable property. When compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to presumption that the service was obtained by deception as to intention to pay. Further, a person commits theft if, having control over the disposition of services of others to which he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another not entitled thereto.

H. A person commits theft if he or she receives, retains or disposes of stolen movable property of another knowing that it has been stolen, or believing that it has been stolen, unless the property is received, retained, or disposed with intention to restore it to the owner.
(Neb. Rev. Stat. §§28-511 through 28-515, 28-517, 28-518) (Ord. No. 196, 12/1/83)

SECTION 3-114: THREATS; ASSAULT IN THE THIRD DEGREE

It shall be unlawful for any person to intentionally, knowingly, or recklessly cause bodily injury to another person or threaten another in a menacing manner. It shall further be unlawful for any person to commit the above act in a fight or scuffle entered into by mutual consent. (Neb. Rev. Stat. §28-310)

SECTION 3-115: AIDING AND ABETTING

A person who aids, abets, procures or causes another to commit any offense may be prosecuted and punished as if the person were the principal offender.

SECTION 3-116: DISORDERLY CONDUCT

A. It shall be unlawful for any person or persons within the city to indulge or engage in any riotous, tumultuous or disorderly conduct; to take part in any disorderly assembly; to fight by agreement or otherwise; to quarrel; to engage in lewd, indecent or lascivious behavior; or to do or engage in any other disorderly act or conduct tending to disturb the peace and quiet of the city or its residents.

B. Disorderly conduct shall include but not be limited to:

1. Threatening, abusive or insulting conduct or behavior, if uttered or, as the case may be, engaged in with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, on the part of other persons present;

2. Language or other conduct or behavior which annoys and is uttered or, as the case may be, engaged in with intent to provoke a breach of the peace on the part of other persons present;

3. Loitering or other conduct which obstructs or interferes with the passage of persons upon a public street, avenue, road, alley, bridge, sidewalk, highway or any public way or place used for the passage of persons, if the obstruction or interference continues or commences after the law enforcement officers have ordered the person or persons so doing to cease and desist or to move on; or

4. Loitering about any public place at which children congregate with an apparent intent to molest any child under the age of 18 years.

C. For the purposes of this section, “language,” “conduct,” or “behavior” shall be deemed to be threatening, abusive, insulting or annoying if it would be so regarded by a person of ordinary sensibilities in the community. "Loiter" shall mean to linger, delay, be dilatory, stand, sit, saunter, lag behind, move slowly about, loaf or spend time idly. (Neb. Rev. Stat. §17-556) (Ord. No. 248, 3/7/91)

SECTION 3-117: DISTURBING THE PEACE

It shall be unlawful for any person or persons within the city to disturb the peace and quiet of any other person, family or neighbor, or any public assembly or assemblies of persons for any purpose, by any loud or unusual noise, boisterous laughing or talking, hollering, quarreling, swearing, obscene or indecent language, or by any other manner or device whatsoever. (Neb. Rev. Stat. §§17-556, 28-1322) (Ord. No. 248, 3/7/91)

SECTION 3-118: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS

A. It shall be unlawful for any person to make, or cause to be made, any continued, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city corporate limits.

B. The following acts, among others, are hereby declared to be loud, disturbing and unnecessary noises; however, this list shall not be considered exclusive:

1. *Animals*. The keeping of any animal which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity;

2. *Horns or Similar Devices*. The sounding of any horn or similar device, except as a danger warning, which produces an unreasonably loud sound for an unnecessary or unreasonable period of time; and

3. *Sound or Recording Devices*. Operation any radio, tape player, compact disc player, stereophonic sound system, or similar device which reproduces or amplifies radio broadcasts or musical recordings in or upon any street, alley, or other public place in such a manner as to be audible to

other persons more than 50 feet from the source. Persons operating such devices while participating in licensed or permitted activities, such as parades, shall not be deemed in violation of this subsection.

C. Any safety or warning signals or devices are exempt from this section.

D. An application may be made for a special permit to permit noise on the basis of any undue hardship. The mayor may grant this relief if the same is of a temporary duration and no alternative is available.

E. The making of a noise in violation of this section shall be considered and declared a public nuisance and may be abated as such as an alternative to this section. (Ord. No. 185, 6/4/81)

SECTION 3-119: CONTROLLED SUBSTANCE; EQUIPMENT; POSSESSION

It shall be unlawful for any person to possess an opium pipe or any device, contrivance, instrument or paraphernalia designed for use or principally used for smoking a controlled substance. It shall also be unlawful for any person to possess a hypodermic needle or syringe, or any other device, contrivance, instrument or paraphernalia designed for the use or used for injecting a controlled substance, except:

A. Licensed drug manufacturers, wholesale drug jobbers, pharmacists, physicians, dentist, podiatrists, veterinarians and nurses;

B. Hospital research, teaching and clinical laboratories personnel, funeral directors and embalmers;

C. Persons specifically authorized by a licensed physician, veterinarian, or podiatrist to use a hypodermic needle or syringe for medical treatment purposes, while so using the needle or syringe.

SECTION 3-120: CURFEW

A. Except as permitted under subsection (B), no person under 16 years of age shall be nor shall any parent, guardian or other person permit a person under 16 years of age who is in their legal custody to be on the streets, alleys, vacant lots, property of others or in public places at night after the hour of 10:00 p.m.

B. It shall not be considered a violation of this section if the person under 16 years of age:

1. Is accompanied by a parent, guardian or other person having the legal custody of the person under 16 years of age;

2. Is going to or from school, or a school-sponsored activity, a meeting, or other assemblage of lawful character;

3. Is performing an errand or duty directed by a parent, guardian or other person having the legal custody of the person under 16 years of age; or

4. Has employment which makes it necessary to be on the streets, alleys, vacant lots, property of others or in public places at night after the hour of 10:00 p.m.;

provided, the exceptions set forth herein shall not apply when a person under 16 years of age is playing or loitering unnecessarily on any street, alley, vacant lot, property of others or in a public place at night after the hour of 10:00 p.m., whether alone or accompanied by a parent, guardian or any other person.

C. No person under 16 years of age shall play or loiter in any street, alley or public place at any time to the inconvenience of the ordinary traffic on any street, alley or public place.
(Ord. No. 283, 8/4/94)

SECTION 3-121: LITTERING

A. Any person who deposits, throws, discards, scatters, or otherwise disposes of any litter, refuse, waste matter, or other thing on any public or private property or in any waters commits the offense of littering unless (1) such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or (2) the litter is placed in a receptacle or container installed on such property for such purpose.

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

C. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. “Litter” shall include all waste material susceptible of being dropped, deposited, discarded, or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing.

2. “Waste material” shall mean any material appearing in a place or in a context not associated with that material's function or origin.
(Neb. Rev. Stat. §§17-123.01, 28-523) (Ord. No. 166, 1/4/79)

SECTION 3-122: DEAD, DYING OR DISEASED TREES

A. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead, dying, or diseased trees within the right of way of streets or on private

property within the corporate limits of the city. For the purpose of carrying out the provisions of this section, the utilities superintendent shall have the authority to enter upon private property to inspect the trees thereon.

B. Notice to abate and remove such nuisances and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within 30 days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the city may have such work done and bill the property owner. If the owner fails to reimburse the city after being properly billed, the city may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied or assessed.

C. In the event the property owner is a nonresident of the county in which the property lies, the city shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.
(Neb. Rev. Stat. §§18-1720, 28-1321)

SECTION 3-123: DESTRUCTION OF PROPERTY

No person in the city shall willfully, maliciously, wantonly, negligently, or otherwise, injure, deface, or destroy real property or improvements thereto or movable or personal property belonging to the city or to any person in the city. (Ord. No. 160, 7/6/78)

SECTION 3-124: POSTING NOTICES

No person in the city shall fasten any poster or other advertising device in any way upon public or private property in the city unless legally authorized to do so.

SECTION 3-125: POSTED ADVERTISEMENTS

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

SECTION 3-126: APPLIANCE IN YARD

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be outside in the open and accessible to children, whether on private or public property. (Neb. Rev. Stat. §18-1720) (Ord. No. 264, 8/6/92)

SECTION 3-127: OBSTRUCTING WATER FLOW

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

SECTION 3-128: CITATION; FAILURE TO APPEAR

It shall be unlawful for any person to fail to appear in County Court on a charge of any violation of any ordinance of the city as directed in a citation issued by County Court, the city attorney or one of his or her deputies, or a police officer, as authorized by statute of by any provision of this Municipal Code.

Article 2 – Dogs and Cats

SECTION 3-201: DEFINITIONS

“Animal” means a domesticated animal (including a dog or cat) and a wild living creature previously captured.

“Animal Control Authority” shall mean an entity authorized to enforce the animal control laws of the city, and with which the city has contracted to render animal services.

“Animal control officer” shall mean any individual employed, appointed, or authorized by the Animal Control Authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensing 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.

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

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

“Domestic animal” shall mean a dog, cat or other animal which is not a wild animal.

“Kennel,” “boarding kennel” and “pet shop” shall include any enclosure, residence or establishment where three or more domestic animals are kept or confined for any purpose; provided, these terms shall not include the following:

A. An enclosure, residence or establishment in which no more than three domestic animals of at least five months of age are kept;
B. A pound operated by or under contract with the city; or
C. A licensed veterinary hospital.

“Owner” shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of an animal. Every person who shall harbor such an animal about his or her premises for ten days shall be held to be the owner. A person must be age 18 or older to be considered the legal owner of an animal. If a person under the age of 18 is considered the owner of the animal, the parents or legal guardians shall be considered, the legal owner of the animal and responsible for all matters involving that Animal. There shall be a rebuttable presumption that the person's name appearing on any animal's license or radio frequency identification device (RFID), commonly known as a "microchip," is the owner.

“Stray” means any domestic animal wandering at large or lost, escaped from its proper or intended place, with no identifying name tag, rabies tag, microchip, tattoo, ear tag, brand, or any other form of identification and therefore, which has no known owner.
(Neb. Rev. Stat. §§54-606, 71-4401) (Ord. No. 212, 11/7/85)

SECTION 3-202: RABIES VACCINATION

Every domestic animal shall be vaccinated against rabies pursuant to Nebraska law. Unvaccinated domestic animals acquired or moved into the city must be vaccinated within 30 days unless under sixth months of age. The provisions of this ordinance with respect to vaccination shall not apply to domestic animals owned by a person temporarily residing within this city for fewer than 30 days, any dog or cat brought into this city for show purposes, or any dog or cat brought into this city for hunting purposes for a period of fewer than 30 days; such dogs or cats shall be kept under the strict supervision of the owner. (Neb. Rev. Stat. §71-4402) (Ord. No. 212, 11/7/85)

SECTION 3-203: LICENSING; RABIES CERTIFICATE; FEE

A. Any person who shall own, keep, or harbor a domestic animal over the age of four months within the city shall, within 30 days after acquisition of the said animal, acquire a license for each domestic animal. Licenses shall be renewed annually. Application shall be made upon a printed form provided by the Animal Control Authority, upon which the owner shall state his or her name and address and the name, breed, color and sex of each domestic animal owned and kept by him or her. A certificate stating that the animal 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.

B. Upon payment of the license fee as set by resolution of the City Council and kept on file in the city office, the Animal Control Authority shall issue to the dog owner a license certificate and a metallic tag for each animal so licensed.

C. The Animal Control Authority shall issue tags of a suitable design that are different in appearance each year. The metallic tag shall be properly attached to the collar or harness of every dog or cat so licensed.
(Neb. Rev. Stat. §§17-526, 54-603) (Am. Ord. Nos. 317, 1/5/98; 328, 5/6/99)

SECTION 3-204: KENNELS PROHIBITED

It shall be unlawful to operate a kennel, boarding kennel or pet shop within the city. Any domestic animal found in an establishment within the city corporate limits in violation of this section shall be considered a public nuisance and such animal may be impounded in the same manner as provided for dogs and cats in Section 3-222 (Impoundment). (Ord. No. 287, 11/3/94)

SECTION 3-205: LOST TAG

In the event that a licensing tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the Animal Control Authority shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee for each such tag. Said fee shall be as set by the Animal Control Authority with approval by the City Council. (Neb. Rev. Stat.

§§17-526, 54-603)

SECTION 3-206: REMOVAL OF COLLAR OR HARNESS, LICENSE TAGS

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

SECTION 3-207: RUNNING AT LARGE; LICENSE REQUIRED

Any domestic animal found running at large within the city with or without a collar or harness and license tag is hereby declared a public nuisance and shall be impounded in the city's designated animal shelter as provided in Section 3-222. "Running at large" shall mean a domestic animal was found off the premises of the owner and not under control of the owner or a responsible person by leash, cord, chain, wire, rope, cage, or other suitable means of physical restraint. (Neb. Rev. Stat. §17-526) (Ord. No. 212, 11/7/85)

SECTION 3-208: DAMAGE; LIABILITY OF OWNER

It shall be unlawful for any person to allow an animal owned, kept, or harbored by him or her or under his or her charge or control to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such animal, 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. §§18-1720, 54-601, 54-602)

SECTION 3-209: BARKING AND OFFENSIVE BEHAVIOR; COMPLAINT

It shall be unlawful for any person to own, keep, or harbor any dog or cat which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood or person or which habitually barks, snaps at, chases or threatens pedestrians, drivers, or vehicles while they are on any public sidewalks, streets, or alleys in the city. Upon a written complaint, the animal control officer shall investigate the complaint and, if in his or her opinion the situation warrants, shall notify the owner to silence and restrain such dog or cat. The provisions of this section shall not be construed to apply to the city's designated animal shelter. (Neb. Rev. Stat. §17-526) (Ord. No. 212, 11/7/85)

SECTION 3-210: FEMALE IN SEASON

It is hereby declared unlawful for the owner, keeper, or harborer of a female dog or cat to permit her to run at large within the city while in season. Any such female dog or cat 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 3-211: FIGHTING ANIMALS

It shall be unlawful for any person, by agreement or otherwise, to set animals to fighting or by any gesture or word to encourage the same to fight. (Neb. Rev. Stat. §17-526) (Ord. No. 212, 11/7/85)

SECTION 3-212: RABIES SUSPECTED; IMPOUNDMENT

Any domestic animal suspected of being afflicted with rabies or any domestic animal not vaccinated in accordance with the provisions of this article which has bitten any person and caused an abrasion of the skin shall be seized and impounded under the supervision of the Animal Control Authority for a period of no fewer than ten days. If, upon examination by a veterinarian, the dog or cat has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of an unlicensed dog or cat, it shall be disposed of in accordance with the provisions herein. If the owner of the said domestic animal has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the domestic animal shall be examined by a licensed veterinarian. If no signs of rabies are observed, the domestic animal may be released from confinement. (Neb. Rev. Stat. §71-4406) (Ord. No. 212, 11/7/85)

SECTION 3-213: DANGEROUS DOGS; DEFINITIONS

"Dangerous dog" shall mean any dog that, according to the records of the Animal Control Authority:

A. Has killed or inflicted injury on a human being of public or private property:

B. Has killed a domestic animal without provocation; or

C. Has been previously determined to be a potentially dangerous dog by the Animal Control Authority and the owner has received notice of such determination; such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

D. Notwithstanding the foregoing, a dog shall not be defined as a dangerous dog:

1. If the threat, any injury that is not a severe injury, or the damage was sustained by a person who (a) at the time was committing a willful trespass as defined in state statutes or any other tort upon the property of the owner of the dog; (b) at the time was tormenting, abusing, or assaulting the dog; (c) has in the past been observed or reported to have tormented or assaulted the dog; or (d) at the time was committing or attempting to commit a crime; or

2. If the dog is a trained dog assisting a police officer engaged in law enforce-

ment duties.

“Potentially dangerous dog” shall mean any dog that, when unprovoked;

A. Inflicts a non-severe injury on a human or injures a domestic animal on either public or private property or chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or

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

“Severe injury” shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures, cosmetic surgery, or one or more broken bones or that creates a potential danger to the life or health of the victim.
(Neb. Rev. Stat. §54-617) (Ord. No. 290, 4/6/95)

SECTION 3-214: DANGEROUS DOGS; DETERMINATION BY CITY; NOTICE

A determination that a specific dog is a potentially dangerous dog shall be made by the attorney who is principally charged with the responsibility of filing complaints against persons charged with the violation of any ordinance of the city. The owner of the dog shall be given written notice of such determination. Such written notice shall inform the owner that if the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals, the city may determine the dog to be a dangerous dog and require it to be restrained as provided in this Municipal Code. The city may, in its discretion, determine that any dog which satisfies the definition of a dangerous dog as defined elsewhere in this article or any dog which has been determined to be potentially dangerous and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals is a dangerous dog. Such determination shall be made by the deputy city attorney who is principally charged with the responsibility of filing complaints against persons charged with the violation of any ordinance of the city. The owner of the dog shall be given written notice of such determination. The notice shall be in writing and shall inform the owner: (A) that the dog has been determined to be dangerous; (B) that such dog is required to be restrained and confined as described in this article.

SECTION 3-215: DANGEROUS DOGS; CONFINED; WARNING SIGN

While unattended on the owner's property, 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 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 at a depth of at least one foot. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least 10 feet from any property line of the owner. 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. Each warning sign shall be no less than 10 inches by 12 inches and shall contain the words “Warning” and “Dangerous Animal” in high-contrast lettering at least 3 inches high on a black background. (Neb. Rev. Stat. §54-619)

SECTION 3-216: DANGEROUS DOGS; RESTRAINED

No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless such dog is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length.

SECTION 3-217: DANGEROUS DOGS; MICROCHIP

The owner must, as soon as reasonably possible but no later than 14 days after the designation or confirmation of the dangerous dog designation, have the dog microchipped. If the dog has been seized or impounded, the owner must arrange for the dog to be microchipped before or at the time of release from custody of the Animal Control Authority. The name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority or a qualified veterinarian under the direction of the said authority. In any case, all costs related to implantation of the microchip must be borne by the dog’s owner and must be paid before the dog shall be released from impound.

SECTION 3-218: DANGEROUS DOGS; FAILURE TO COMPLY

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 a 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. In addition to any other penalty, a court may order the Animal Control Authority to dispose of a dangerous dog in an expeditious and humane manner. (Neb. Rev. Stat. §54-620)

SECTION 3-219: DANGEROUS DOGS; VIOLATION; PRIOR CONVICTION

If a dangerous dog belonging to an owner with a prior conviction under this section attacks or bites a person or another domestic animal, the owner shall be guilty of a misdemeanor. In addition, the dangerous dog shall be immediately confiscated by the Animal Control Authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. (Neb. Rev. Stat. §54-624)

SECTION 3-220: DANGEROUS DOGS; ADDITIONAL REGULATIONS

Nothing in this article shall be construed to restrict or prohibit the City Council from establishing and enforcing laws or ordinances at least as stringent as the provisions of

this article. (Neb. Rev. Stat. §54-624)

SECTION 3-221: PROHIBITED ACTS

No person shall: (A) own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging that dog to unprovoked attacks upon human beings or domestic animals, or (B) possess with intent to sell, offer for sale, breed, or buy or attempt to buy, within the city any dangerous dog.

SECTION 3-222: IMPOUNDMENT

A. It shall be the duty of the animal control officer to capture, secure, and remove in a humane manner to the city's designated animal shelter any domestic animal violating any of the provisions of this article. Each impounded domestic animal shall be kept and maintained at the pound for a period of not less than five days, unless reclaimed earlier by the owner.

B. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the Animal Control Authority within 24 hours after impoundment as public notification of such impoundment; provided, if the owner of the dog or cat is known, the Animal Control Authority may also attempt to personally notify the owner of the impoundment. Any dog or cat may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee and daily board fee as set by the Panhandle Humane Society or by resolution of the City Council and kept on file in the office of the city clerk. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 72 hours after release and will submit a valid certificate of vaccination to the city within seven days after release of the dog or cat from impoundment.

C. If the dog or cat is not claimed at the end of the required waiting period after public notice has been given, the Animal Control Authority may dispose of the animal in accordance with the applicable rules and regulations pertaining to the same; provided, if a suitable home, in the judgment of the Animal Control Authority, can be found, the animal 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.

D. The city shall acquire legal title to any unlicensed dog or cat impounded in the shelter for a period longer than the required waiting period after giving notice. All dogs or cats may be destroyed and buried in the summary and humane manner as prescribed by the Animal Control Authority unless a suitable home can be found for such dog or cat as provided in subsection (C) above.
(Neb. Rev. Stat. §17-548) (Am. Ord. No. 212, 5/6/99)

SECTION 3-223: ADOPTION

At any time that an impounded dog or cat is placed for adoption by the city or its Animal Control Authority, no unclaimed dog or cat shall be released for adoption without (A) being sterilized or (B) without a written agreement from the adopter guaranteeing the animal will be sterilized within a certain period of time after the date of release. (Ord. No. 229, 8/4/88)

SECTION 3-224: INTERFERENCE WITH ANIMAL CONTROL

It shall be unlawful for any person to interfere with, prevent or hinder an animal control officer in the performance of any duty required by this chapter including but not limited to removing or attempting to remove an animal from an animal control officer's vehicle, tampering with or removing an animal from an Animal Control Division animal trap, tampering with or destroying signs and/or other Animal Control Authority property, interfering with the lawful execution of the duties of an animal control officer, or interfering with the lawful impoundment of an animal.

Article 3 – Animals Generally

SECTION 3-301: LIVESTOCK PROHIBITED

No cattle, sheep, goats, swine, horses or any other animal commonly classed as farm stock nor any waterfowl or poultry, other than ducks, chickens or turkeys comprising not more than eight hens per single family dwelling, shall be kept, housed, penned or otherwise held within the corporate limits. (Ord. No. 386, 5/1/08)

SECTION 3-302: WILD ANIMALS AND BIRDS

A. "Wild animals" or "birds" shall mean any of the following:

1. Coots, cranes, curlews, doves, grouse, partridges, pheasants, plovers, prairie chickens, quail, rails, snipes, swans, woodcocks, wild turkeys, all migratory waterfowl and any game or upland game birds as defined in Neb. Rev. Stat. §37-229;

2. Crows, game animals, or fur-bearing animals;

3. 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), except domesticated dogs and hybrids involving the same; family *Mustelidae* (such as weasels, martins, fishers, skunks, wolverines, mink and badgers), except ferrets; family *Procyonidae* (such as raccoons); family *Ursidae* (such as bears); order *Primata* (such as monkeys and chimpanzees); and order *Chiroptera* (such as bats);

4. Poisonous reptiles, cobras, and their allies (*Elapidae*, *Hydrophiidae*); vipers and their allies (*Crotalidae*, *Viperidae*); boomslangs and Kirkland's tree snakes; Gila monsters (*Helodermatidae*); sunbeam snakes (*Xenopeltidae*); dwarf boas (*Tropidophiidae*); pythons (*Pythonidae*); splitjaw snakes (*Bolyeriidae*); old world sand boas (*Erycinae*); and boas (*Boidae*);

5. Members of the family *Crocodylidae* or *Alligatoridae*;

6. Nongame wildlife in need of conservation as determined by the Nebraska Game and Parks Commission; or

7. Wildlife determined to be an endangered or threatened species under the Federal Endangered Species Act of 1973 or any later act or amendment thereto.

B. No person shall keep in captivity within the city any wild animals or birds; provided, the following shall be exempt from this section;

1. Any municipal, city, state or federal zoo, park, refuge or wildlife area;

2. Any *bona fide* circus or animal exhibit displayed to the public on a temporary basis;

3. A person possessing or having custody of a sick or injured wild animal or bird solely for the purpose of transporting the animal to a licensed veterinarian for care or to an animal shelter; a zoo; or a state, federal or local government official with the authority to handle such animal or bird;

4. Licensed veterinarians and incorporated animal or bird shelters which care for injured or sick wild animals or birds and supply temporary emergency shelter and care;

5. Any research facility within the meaning of Neb. Rev. Stat. §54-907(3) of the federal Animal Welfare Act, 7 U.S.C. 2131 et seq., as such act existed on January 1, 2010, or any amendment or successor provision licensed by the secretary of the United States Department of Agriculture pursuant to the act;

6. The Nebraska Game and Parks Commission and any of its agents or officials acting in their official capacity;

7. Any agency or official of the United States government acting in its, his or her official capacity;

8. State colleges and universities or any other agency of the state working with wildlife;

9. A wildlife rehabilitator who holds state and/or federal permits; or

10. Any person legally holding in captivity any wild bird or animal within the city.

C. Any wild animal or bird found within the city corporate limits in violation of this section shall be considered a public nuisance and may be impounded in the same manner as provided for dogs and cats; provided, a wild animal or bird shall not be released to the owner unless such owner can:

1. Furnish evidence that he or she holds a permit or permits required by the state for keeping wild birds and/or animals in captivity; and

2. Provide assurance that such bird and/or wild animal shall not remain or be kept within the city corporate limits.

(Ord. No. 259, 4/2/92)

SECTION 3-303: SICK OR INJURED ANIMALS; HUMANE DESTRUCTION

A. Any animal found at large in the city may be immediately destroyed under the following circumstances:

1. Any animal that is behaving in such a manner as to constitute an immediate threat to the safety of a human being may be immediately destroyed by an animal control officer or police officer.

2. Any animal that is so sick or injured that, in the judgment of an animal control officer, human compassion requires that the suffering be promptly ended, may be destroyed by an animal control officer or police officer. Before such animal shall be destroyed, the animal control officer shall make a reasonable effort to identify and notify its owner.

3. If an animal arrives at the impounding agency in such a sick or injured condition that, in the judgment of an animal control officer, police officer, or a licensed veterinarian, human compassion requires that the suffering be promptly ended, the animal may be immediately destroyed. Before such animal shall be destroyed, the animal control officer shall make a reasonable effort to identify and notify its owner.

B. The destruction of an animal pursuant to this section shall be accomplished in such a manner as to cause the animal a minimum of pain and suffering. Prudent use of firearms to accomplish the destruction of an animal pursuant to the authority of this section shall not be considered a violation of city ordinances.
(Ord. No. 310, 5/1/97)

Article 4 – Nuisances

(Ord. No. 264, 8/6/92)

SECTION 3-401: PUBLIC NUISANCES PROHIBITED

It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the city to keep such real estate free of public nuisances. (Neb. Rev. Stat. §§17-207, 18-1720)

SECTION 3-402: GENERALLY DEFINED

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

A. Injures or endangers the comfort, repose, health or safety of others,

B. Offends decency,

C. Is offensive to the senses,

D. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, sidewalk, public park, parkway, square, alley, street or highway in the city,

E. In any way renders other persons insecure in life or the use of property, or

F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
(Neb. Rev. Stat. §18-1720)

SECTION 3-403: SPECIFICALLY DEFINED

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

A. Any odorous, putrid, unsound, or unwholesome grain, meat, hides, skins, feathers, vegetable matter or the whole or any part of any dead animal, fish or fowl.

B. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats or which are foul or malodorous.

C. Filthy, littered or trash-covered cellars, house yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.

D. Animal manure in any quantity which is not securely protected from flies and the elements or which is kept or handled in violation of any ordinance of the city.

E. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the city nor the dumping of non-putrefying waste in a place and manner approved by the health officer.

F. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all trash or abandoned material, unless the same is kept in covered bins or galvanized iron receptacles.

G. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, appliances, scrap iron, tin, or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

H. Any buildings or structures which have any or all of the defects defined at Section 3-501 hereafter.

I. All places used or maintained (1) as junkyards or dumping grounds; (2) for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind; (3) for the storing or leaving of worn-out, wrecked, or abandoned automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof; or (4) for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons in any residential designated area of the city.

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

K. 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.

L. Any motor vehicle as follows:

1. It shall be unlawful for any person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, to allow any non-operating, wrecked, junked, or partially dismantled vehicle to remain on such property longer than 30 days. It shall be unlawful for any person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, to allow any vehicle which

has been unregistered for more than 30 days to remain on such property. This section shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the lawful operation of such business enterprise, a vehicle in an appropriate storage place or depository maintained in a lawful place and manner, or a vehicle on the premises of a person who has obtained a hobbyist permit which is then in effect for the restoration of said vehicle, as provided in subsection (2) below.

2. A hobbyist permit for the restoration or repair of up to two non-operating, wrecked, junked, or partially dismantled vehicles on any premises used for residential purposes may be granted to the resident of such premises as follows:

   a. Application for a hobbyist permit shall be filed in writing with the city clerk on a form provided by the city and shall contain the name and address of the applicant and the make, model, year, and vehicle identification number on each vehicle to be restored or repaired. The vehicle(s) to be restored or repaired shall be owned by the applicant.

   b. The fee for such hobbyist permit shall be as set by the City Council by resolution and kept on file in the office of the city clerk. All such permits shall expire one year following the date of issuance thereof.

M. Any wood or tree limbs not cut and stacked in neat rows on an area not exceeding 10 feet by 16 feet.

N. Debris from burned or damaged buildings, whether created by consensual burning or demolition or whether occurring due to fire or age.

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

P. Maintenance of weeds, grasses, or other worthless vegetation 12 inches or more in height. “Weeds” shall include all vegetation, other than commonly known and recognized trees, decorative shrubs and ornamental grasses which are not maintained, have attained a height of 12 inches or more and which meet any one of the following tests:

1. Vegetation which may emit unpleasant or noxious odors.

2. Vegetation which does or could conceal deposits of trash or other material or which does or could afford food or harborage for rats, mice, or snakes.

3. Vegetation commonly known and recognized as weeds and grasses.

4. Vegetation which could interfere with the passage of motor vehicles, bicycles or pedestrians on any public right of way.

5. Vegetation which causes a safety hazard by obstructing the line of sight of a motor vehicle driver, bicyclist or pedestrian at a street intersection.

A “maintained landscape” shall mean a planned and designed yard or landscape that controls, directs, and maintains the growth of vegetation including but not limited to ornamental flower gardens and native landscapes.

Q. All other things specifically designated as nuisances elsewhere in this code.
(Neb. Rev. Stat. §18-1720) (Ord. No. 166, 1/4/79)

SECTION 3-404: NOTICE PROCEDURE; ABATEMENT

A. Whenever the Board of Health or code enforcement officer appointed by the mayor determines that any weeds or grasses in excess of 12 inches are growing on property within the city, or other nuisance, as defined herein, is found on any property, the following abatement procedure shall be followed:

1. The code enforcement officer shall document the weeds or nuisance by photographing the same. Once the weeds or nuisance has been documented, the city clerk or code enforcement officer shall give notice to mow, abate, and remove such weeds or nuisance to each owner or owner's duly authorized agent and to the occupant of the premises, if any, by personal service, which shall be made by the city clerk or code enforcement officer. If notice by personal service is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the lot or property upon which the nuisance is to be abated or removed. Such notice shall contain a copy of the photograph of the weeds or nuisance, a copy of this ordinance, instructions on abatement of the weeds or nuisance, time in which such abatement shall take place, and possible penalties for failure to abate.

2. Within five business days after receipt of such notice, the owner, agent or occupant of the lot or piece of ground may request a hearing with the city to appeal the order to mow, abate, or remove the weeds or nuisance by filing a written appeal with the office of the city clerk. A hearing on the appeal shall be held within 14 days after the filing of the appeal and shall be conducted by the Board of Health. The hearing shall be conducted informally and the formal rules of evidence shall not apply but either party may appear with an attorney and may request that the hearing be recorded for

appeal purposes. The said board shall render a decision on the appeal within five business days after the conclusion of the hearing. Any decision rendered by the mayor may be appealed to the District Court. If no appeal is taken within ten days of the Board of Health's decision, the owner, agent, or occupant shall promptly comply with the notice to abate. If abatement is not completed within 20 days of the Board of Health's decision and no appeal is taken, the code enforcement officer shall proceed pursuant to subsections (3) and (4) below or to subsections (B)(1) and (2) as set forth below.

3. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or fails to appeal the decision of the mayor and fails to comply with the order to mow or abate and remove the weeds or nuisance, the city shall again photograph the weeds or nuisance to document that abatement has not occurred.

4. If abatement has not occurred within the time prescribed, the code enforcement officer may deliver the original photographs, a copy of the delivered notice to abate, the certificate of delivery or acknowledged return receipt of the notice, and the photographs taken subsequent to the time to abate has elapsed to the prosecuting attorney for the city and request that charges be filed against the owner or occupant of the premises for maintenance of a nuisance.

B. In the alternative, the city may cause the weeds to be mowed or the nuisance to be corrected or removed. The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the city may either:

1. Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed, or

2. Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

SECTION 3-405: SECOND OFFENSE

In the event that an owner or agent of any property with the city shall have received a notice to correct or abate a nuisance within the past 12 months and is again charged with maintaining a nuisance, as defined herein, the code enforcement officer shall document such offense as set forth above and request that a complaint against such owner, agent or occupant be filed for maintenance of a nuisance with the County Court.

SECTION 3-406: JURISDICTION

The code enforcement officer and Board of Health and are directed to enforce this city code against all nuisances. The jurisdiction of the code enforcement officer and Board of Health, and court shall extend to, and the territorial application of this chapter shall include, all territory adjacent to the limits of the city within one mile thereof and all territory within the corporate limits. (Neb. Rev. Stat. §18-1720)

SECTION 3-407: ADJOINING LAND OWNERS; INTERVENTION BEFORE TRIAL

In cases of appeal from an action of the City Council condemning real property as a nuisance or as dangerous under the police powers of the city, the owners of the adjoining property may intervene in the action at any time before trial. (Neb. Rev. Stat. §19-710)

Article 5 – Unsafe Buildings

(Am. Ord. No. 355, 10/7/04)

SECTION 3-501: DEFINITIONS

A. It shall be unlawful for the owner or occupant of any building or structure within the corporate limits of the city to cause or permit such building or structure to become or remain an unsafe building or structure within the meaning of this article. A wind energy conversion system and any component thereof constitutes a structure within the meaning of this article. Any such building or structure is hereby declared to be a public nuisance and shall be repaired, rehabilitated, vacated or demolished, as the case may be, as provided herein.

B. All buildings or structures which have any or all of the following defects are hereby declared to be unsafe buildings or structures:

1. All buildings or structures having one or more walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity of the lean, list or buckle point falls outside of the middle third of the base of the wall or structural member;

2. All buildings or structures which, exclusive of the foundation, show 33% or more of damage or deterioration of a supporting member or members, or 50% or more of damage or deterioration of the non-supporting part of the enclosing or outside walls or covering;

3. All buildings or structures the floor or roof of which bears a load or loads of such weight as to create a danger of collapse of the building or structure, or any part thereof;

4. All buildings or structures having a part or parts which are so attached that they may fall and injure persons or property;

5. All buildings or structures which have been damaged by fire, wind, or other cause so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the city; and

6. All buildings or structures which have become or are so dilapidated, decayed, unsafe or unsanitary as to be likely to cause sickness or disease, so as to injure the health, safety or general welfare of the occupants or the people of the city.

SECTION 3-502: INSPECTION

The code administrator as defined in Section 9-101 or his or her duly appointed depu-

ties may inspect or cause to be inspected all public or quasi-public buildings, schools, halls, churches, theaters, hotels, tenements, commercial offices, manufacturing or loft buildings, and all structures that are not buildings for the purpose of determining their structural safety. Whenever the administrator or his or her duly appointed deputies shall receive information that any other type of building or portion thereof in the city violates the provisions of this article, the administrator or his or her duly appointed deputies may inspect or cause to be inspected such building, structure or portion thereof. It shall be the duty of every owner, agent, lessee or occupant of any building or structure to permit such an inspection at any reasonable time.

SECTION 3-503: DETERMINATION; ORDER; FILING

If the administrator, upon inspection by him- or herself or his or her duly appointed deputy, shall find a building or structure to be an unsafe building or structure because of one or more violations of this article, he or she shall proceed forthwith to make such a determination in writing and enter an order to repair, rehabilitate, vacate or, as the case may be, demolish the building or structure. The determination shall specify the respects in which the administrator has found the building or structure to be an unsafe building or structure within the meaning of this article. A copy of the determination shall be filed within three business days in the office of the register of deeds.

SECTION 3-504: ORDER; REPAIR OR REHAB

If the order is to repair or rehabilitate the building, the order shall specify the repairs to be made and the time, which shall be a reasonable time, as determined by the administrator, within which the repairs or rehabilitation is to be completed. If the administrator shall determine that the building is unsafe for occupancy pending repair or rehabilitation, the order shall include an order that the building be vacated within a time specified and that it shall not be reoccupied without a written permit from the administrator.

SECTION 3-505: ORDER; EMERGENCY

If the administrator shall determine that a building or structure or a portion thereof is unsafe or is unsafe in a respect such that a delay in repairing, rehabilitating, vacating or demolishing the building or structure until after a hearing by the City Council would result in undue danger or other hazard to persons or property, he or she may declare an emergency exists, in which case the order shall become final and effective immediately.

SECTION 3-506: NOTICE; POSTING; AFFIDAVIT

Upon making a determination that building or structure is unsafe and entering an order to repair, rehabilitate, vacate or, as the case may be, demolish the building or structure, the administrator shall issue and cause to be posted a written notice as herein provided. The notice shall summarize the determination and order which have been made, be printed or typewritten upon cardboard or other material of equivalent durability and be

posted in two or more conspicuous places on the exterior of the building or structure. Upon completion of such posting, the administrator shall sign and cause to be filed in the office of the city clerk an affidavit, to which shall be attached and in which shall be incorporated by reference a copy of the posted notice. Such affidavit shall identify the building or structure upon which the notice was posted and the tract of land upon which the building or structure was situated and shall specify the date of the posting and the locations of the posting upon the building or structure, and the person by whom the posting was done.

SECTION 3-507: COMPLIANCE; HARDSHIP

It shall be unlawful for any person to fail or refuse to comply with any order of the administrator issued pursuant to this article; provided, if the administrator shall find that compliance with the order within the time specified in the order would create undue hardship to the owner or occupant of the building and that delay would not involve undue hazard or injury to persons or property, the administrator may grant an extension of time within which compliance with the order shall be completed. Such finding, the grounds therefor, and the order of extension shall be made in writing.

SECTION 3-508: STANDARDS FOR REPAIR, REHAB, VACATION, DEMO

The following standards shall be followed in substance by the code administrator and the City Council in ordering repairs, rehabilitation, vacation or demolition:

A. If the cost of repairing or rehabilitating an unsafe building so that it will no longer exist in violation of the terms of this article does not exceed 50% of the actual appraised value of the building as shown by the records of the office of the county assessor, it shall be ordered repaired or rehabilitated.

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

C. In any case where the cost of repair or rehabilitation of the unsafe building so that it no longer will exist in violation of the terms of this article is in excess of 50% of the actual appraised value of the building as shown by the records of the office of the county assessor, it shall be ordered demolished unless repaired or rehabilitated so that it no longer will exist in violation of the terms of this article.

SECTION 3-509: NONCOMPLIANCE; REPORT TO COUNCIL

A. Whenever any person shall fail to comply with an order of the code administrator to repair, rehabilitate vacate or demolish an unsafe building or structure as provided in the preceding sections of this article, except Section 3-505 (Emergency), the administrator shall file a report with the city clerk concerning the matter, addressed to the City Council and signed by the administrator. The report shall state the legal description of the lot or tract upon which the building or structure is situated; the address

and the nature and general condition of the building or structure; the name of the owner and mortgagee, if any, of record of the lot or tract and the building or structure; the name of any person or persons in possession of the lot or tract and the building and the nature of the interest (if known) in the lot, tract or building owned or claimed by such person or persons; the names of any other person or persons who have, appear or claim to have an interest, of record or otherwise, in the lot, tract or building or structure and the nature (if known) of such interest or claim; a statement that the administrator has made a determination that the building or structure is an unsafe building or structure and has entered an order to repair, rehabilitate, vacate, or, as the case may be, demolish the building or structure, filed a copy of such determination with the register of deeds, and posted copies of a notice of the determination and orders on the building or structure, all as provided by the article; the dates of such determination, order, filing and posting; and such other information as the administrator shall include. There shall be attached to the report a copy of the determination, orders, notice and affidavit required by this article; provided, compliance by the administrator with the provisions of this article shall not be considered essential to the jurisdiction or exercise of the jurisdiction of the City Council to consider, hear and take action upon a complaint or information that a building or structure is unsafe and a public nuisance.

B. After a report shall have been filed with the city clerk as provided in subsection (A) herein, no building permit shall be issued in respect of the building which is the subject of such report, except with the consent and approval of the City Council.

SECTION 3-510: VIOLATION; NUISANCE; HEARING

A. Upon receipt of a written report as provided in Section 3-509 (Noncompliance) or, in the discretion of the City Council, without such a report, the City Council may by resolution set a date, time and place at which the person or persons who own, have, or appear or claim to have an interest in a lot or tract and the building or structure which is the subject of such a report or a building or structure which, as the council has been informed in some other manner, is or appears to be an unsafe building, may appear before the council and show cause why the council shall not determine the building or structure to be an unsafe building or structure and, as the case may be, a public nuisance, and order the building or structure repaired, rehabilitated, vacated or, as the case may be, demolished. If the resolution is to be adopted as a result of information received in some manner other than a report filed by the administrator as provided in Section 3-509, it shall include an order that the administrator prepare and file with the city clerk, within the time specified in the order, a written statement containing the type of information required to be contained in a report filed pursuant to Section 3-509, together with a summary of the information received by the council indicating that the building or structure is or appears to be an unsafe building or structure within the meaning of this article.

SECTION 3-511: VIOLATION; NOTICE; FORM

A. After the City Council shall have adopted a resolution as provided herein, the

city clerk shall issue a written notice:

1. Addressed to the owner(s) of record of the lot or tract and the building or structure or of any interest therein; the holders of any encumbrances of record; the person(s) in possession of the lot or tract and building or structure; and all other persons, including persons whose real names are unknown, who have or appear or claim to have some interest in the lot or tract and building or structure; and

2. Stating that such hearing has been set before the City Council; the date, time and place of hearing; and the persons to whom the notice is addressed may appear before the council at such time and place to show cause, if any, why the council shall not determine the building or structure to be an unsafe building or structure and, as the case may be, a public nuisance, and order the building or structure a public nuisance to be repaired, rehabilitated, vacated or, as the case may be, demolished.

B. The notice shall state that the building or structure allegedly is an unsafe building and, as the case may be, a public nuisance for reasons stated in the report or statement of the administrator which shall be kept on file in the office of the city clerk, a copy of which may be obtained from the city clerk, and that at the hearing the persons addressed may show cause, if any, why the City Council shall not determine the building or structure to be an unsafe building or structure and, as the case maybe, a public nuisance, and order the building repaired, rehabilitated, vacated or, as the case may be, demolished. The form of the notice shall be approved by the city attorney as to legal sufficiency prior to service and publication.

SECTION 3-512: VIOLATION; NOTICE; SERVICE; POSTING

Copies of the notice, signed by the city clerk, shall be served as follows:

A. A copy shall be delivered by the city clerk, or by any person whom he or she shall authorize in writing to deliver it to the person or persons to whom the notice is addressed, unless the person is a nonresident of, or after diligent investigation and inquiry cannot be found within, the city.

B. If a person to whom the notice is addressed is a nonresident of or after diligent investigation and inquiry cannot be found within the city, the city clerk shall cause a copy of the notice to be mailed by certified or registered mail addressed to the person at his or her last known address and requiring a receipt signed by such person.

C. If a person to whom the notice is addressed is deceased and the city clerk, after diligent investigation and inquiry, is unable to ascertain and does not know the names, residence, places of abode or whereabouts of the heirs, devisees, personal representatives or other persons interested in the estate of such named person deceased, the city clerk shall cause to be published a notice addressed to "the heirs,

devisees, legatees, personal representatives and all other persons interested in the estate of such named person deceased, "real names unknown."

D. If the city clerk, after diligent investigation and inquiry, is unable to ascertain the name, residence or address of a person not deceased who has or appears or claims to have some interest in the lot or tract and building or structure, the city clerk shall cause to be published a notice addressed to "all persons having or claiming to have an interest in," followed by a legal description of the lot or tract. If publication of notice is required, the city clerk shall also cause a copy of the notice to be posted in a conspicuous place on the building or structure to which the notice relates. Service and posting of the notice shall be reviewed by the city attorney as to legal sufficiency. If for any reason the service or posting of a notice shall be determined to have been insufficient or defective, then the hearing may be continued by the City Council for a period sufficient to enable proper service to be had on all persons to whom the notice is addressed or, as the case may be, to enable proper posting to be had.

SECTION 3-513: VIOLATION; NOTICE; SERVICE; POSTING; TIME FRAME

If a copy of a notice is required to be delivered, posted, or mailed according to the provisions set forth in Section 3-510, the copy shall be so delivered, posted or mailed not less than ten days prior to the hearing. Publication of such notice shall be made for two successive weeks, commencing not less than ten days before the hearing, in a newspaper of general circulation within the city. The city clerk, within five days after the first publication, shall cause a copy of the published notice to be mailed by certified or registered mail to the last known address of any person appearing or claiming to have an interest in the lot or tract and building or structure.

SECTION 3-514: VIOLATION; NOTICE; AFFIDAVIT

Upon completion of service of notice, and, if posting of notice is required, upon completion of posting as provided in Section 3-512 herein, a copy of the notice shall be filed in the office of the city clerk, to which shall be attached:

A. An affidavit, signed by the person who served and, as the case may be, posted and mailed the notice, stating that the attached copy of the notice is a true copy of the notice which was served, posted and mailed; the names of the persons upon whom the notice was served and the date and manner of service; the date when the notice was posted, and the names and addresses of the persons to whom the notice was mailed; and

B. If the notice was published, an affidavit by the printer of publication.

SECTION 3-515: VIOLATION; HEARING; ORDER; EXTENSION

A. At the time fixed for hearing, the City Council shall hear all objections and evidence submitted by the person or persons who own, have an interest in, or appear

or claim to own or have an interest in the lot or tract and the building or structure, as well as evidence and arguments submitted by the administrator and other interested persons. If, after consideration of such evidence and arguments, the council shall find that the building or structure is an unsafe building or structure and, as the case may be, a nuisance, it shall so determine by ordinance and shall in such ordinance order, in accordance with the provisions of Section 3-508 (Standards), that the building or structure be repaired, rehabilitated, vacated, or, as the case may be, demolished. If the order is to repair or rehabilitate the building or structure, the order shall specify the repairs or rehabilitation work to be done and the time, which shall be a reasonable one, within which the repairs or rehabilitation is to be completed, and shall require that such repairs or rehabilitation work be done by the owner or, as the case may be, by the lessee or occupant of the building or structure.

B. If the order is to vacate the building, the order shall specify the time within which the building shall be vacated. If the order is to demolish the building or structure and remove all materials and debris from the lot or tract, it shall specify the time, which shall be a reasonable one, within which the demolition and removal shall be completed. In the discretion of the City Council, the order may also direct that, if the building or structure is not repaired, rehabilitated or demolished and the material and debris removed by the owner within the time specified: (1) the building or structure shall be repaired or demolished and the debris therefrom removed by the city under the direction of the administrator; and (2) the cost thereof shall be levied by the council as a special assessment against the land and the assessment shall be a lien on the real estate and be collected in the manner provided for special assessments.

C. Subsequently, upon written application of a person affected by the order, the council may, by resolution, extend the time within which the building or structure is to be repaired, rehabilitated, vacated or demolished by the owner if the council shall make a finding that repair, rehabilitation, vacation or demolition of the building or structure within the time limited by the order would cause undue hardship to such person.

SECTION 3-516: VIOLATION; PLACARDING

After the City Council has enacted an ordinance determining a building or structure and, as the case may be, a nuisance, and ordered it repaired, rehabilitated, vacated, or demolished, the city clerk shall file a copy of the ordinance in the office of the Register of Deeds for recording, and the administrator shall cause to be placed upon the building or structure a placard stating that the building or structure has been determined by the council to be an unsafe building and, as the case may be, a public nuisance, and has ordered the building or structure is unlawful. The placard shall be printed or written upon cardboard or other material of equivalent durability and be posted in two or more conspicuous places on the exterior of the building or structure. Upon completion of such posting, the administrator shall sign and cause to be filed in the office of the city clerk an affidavit to which shall be attached and in which shall be incorporated by reference a copy of the placard and which shall identify the building or structure posted and the tract of land upon which the building or structure was situated, specifying the date of

the posting and the locations of the posting upon the building or structure and the name of the person by whom the posting was done. It shall be unlawful for any person to deface or remove such placard.

SECTION 3-517: VIOLATION; OCCUPANCY UNLAWFUL

If the City Council shall have declared a building to be an unsafe building or structure and, as the case may be, a nuisance, and shall have ordered it vacated or not used until required repairs or rehabilitation work shall have been completed, it shall be unlawful for any person thereafter to occupy, use, or continue to occupy or use the building or structure until the building or structure shall have been repaired or rehabilitated as required by the order and a certificate of occupancy shall have been obtained from the administrator. If the council shall have declared a building or structure to be an unsafe building or structure and, as the case may be, a nuisance, and shall have ordered it vacated and demolished, it shall be unlawful for any person thereafter to occupy, use, or continue to occupy or use the building or structure.

SECTION 3-518: VIOLATION; DEMOLITION; REMOVAL OF DEBRIS

A. If the City Council shall order a building or structure repaired or demolished and debris removed by the city as provided in Section 3-515 (Hearing) herein, and the owner shall fail or refuse to comply with the order in whole, or in part, within the time specified in the order, the administrator shall so report in writing to the city clerk and submit an estimate to the city clerk concerning the cost of the repair or demolition and removal and a recommendation concerning the manner in which the repair, demolition and removal shall be effected.

B. If it shall appear to the city clerk that the aggregate cost of the repair or demolition and removal work will not exceed the sum of $7,500.00, the city clerk shall in writing so determine and at his or her discretion shall order either that the repair or demolition and the removal work be done by the city under the direction of the administrator or that the work be done by a private contractor subject to inspection and approval by the administrator.

C. If the city clerk shall determine that the work shall be done by the city under the direction of the administrator, he or she shall proceed with the repair or demolition of the building or structure and removal from the lot or tract of all materials and debris, and the shall place the lot or tract in a safe condition.

D. If the city clerk shall determine that the work shall be done by a private contractor, he or she shall determine in writing whether the taking of bids would likely result in the lowest cost and, depending upon his or her decision in that respect, shall make appropriate arrangements for a contract with a private contractor for that purpose. Such bids may be solicited in any manner which in the sound discretion of the city clerk is the best suited to eliciting the lowest and best bid but the bids shall be in writing. No repair, demolition or removal work shall be commenced by a private contractor until a

written contract therefor shall have been signed by the contractor and the city. All repair, demolition or removal work done by a private contractor, whether done pursuant to a bid accepted by the City Council or otherwise, shall be subject to inspection and approval by the administrator.

E. If it shall appear to the city clerk that the aggregate cost of the repair or demolition and removal work will exceed the sum of $7,500.00, the city clerk shall so determine in writing and shall submit the estimate of cost, together with a recommendation the city advertise for bids for such work, to the city.

SECTION 3-519: VIOLATION; MATERIALS, DEBRIS; SALE, DISPOSITION

A. Where, pursuant to an order of the City Council, an unsafe building or structure has been repaired or demolished and the materials and debris removed or is about to be repaired or demolished and removed, the administrator shall sell, or if there appears to him or her to be a substantial doubt whether the gross proceeds of sale will exceed the expenses of sale, shall otherwise dispose of, the materials and debris. The sale shall be at either private sale or public auction as wil at the administrator's discretio be most likely to realize the largest amount of proceeds after payment of the expenses of sale. The proceeds of sale shall be applied in payment, in the following order:

1. The expenses of sale;

2. The expenses incurred by the city in the proceedings to have the building or structure determined to be an unsafe building and, as the case may be, a nuisance and, if a special assessment is to be made, the estimated expense of levying such assessment;

3. The expense of repair or demolition of the building or structure and removal of the material and debris;

4. Unpaid general taxes on the building, structure, lot or tract; and

5. Unpaid special assessments against the lot or tract.

B. The balance, if any, of the proceeds shall be paid to the owner, encumbrancer, or other person having an interest in the building or structure, as their interest may appear. If any of such expenses shall have been paid by the city prior to the sale, the proceeds shall be paid into the fund out of which the expenses were paid, to the same extent that they would have been applied in payment of the expenses had the expenses not been paid initially out of the fund.

SECTION 3-520: VIOLATION; REPAIR OR DEMOLITION; SALE; REPORT; CERTIFICATES

Where, pursuant to an order of the City Council, an unsafe building or structure has

been repaired or demolished and materials and debris have been removed, the administrator shall file with the city clerk a written report thereof. The report shall identify the building or structure and the lot or tract; state the name and address of the owner and of any other person having, appearing or claiming to have an interest therein; state that the owner of the building or structure did not complete repair or demolition thereof and removal of the materials and debris from the lot or tract within the time specified by the order of the council; state the date or dates when the repair, demolition and removal were completed by the city; and, in the event that the work was performed otherwise than under a contract let by the council, state the cost, in itemized form, of the work. If the work was performed by a private contractor, the report shall contain a certificate of the administrator that the work was performed in accordance with the contract; and if the contract shall be one which was let by the council, there shall also be attached to the report a certificate of the city clerk or his or her designee that the work was performed in accordance with the contract.

SECTION 3-521: VIOLATION; EXPENSE; PAYMENT

When a report and certificate of the administrator and, as the case may be, a certificate of the city clerk or his or her designee shall have been filed with the city clerk as provided for herein, the City Council may authorize payment of the expenses so certified.

SECTION 3-522: VIOLATION; EXPENSE; ASSESSMENT

Where an unsafe building or structure has been repaired or demolished and material and debris removed from the lot or tract pursuant to an order of the City Council made in accordance with the provisions of this article, the council, after notice and hearing, and either prior or subsequent to a sale of the removed materials and debris as provided in Section 3-519 (Materials, Debris), may, by ordinance, specially assess the cost of such repair, demolition and removal against the lot or tract. Any such assessment shall be a lien on the lot or tract on which levied from the date of passage of the assessment ordinance; shall become delinquent in 20 days after such date; and shall draw interest at the rate of 6% per annum from such date until the assessment shall become delinquent and thereafter shall draw interest at the rate of 9% per annum. The city clerk shall certify all such assessments to the county clerk.

SECTION 3-523: EMERGENCY ORDER; PROCEDURE

Whenever any person shall fail to comply with an order of the administrator to repair, rehabilitate, vacate or demolish immediately an unsafe building or structure and remove the material and debris as provided in this article, the administrator shall forthwith so report to the city clerk, and the city shall proceed with such repair or demolition and removal as provided for herein, except that the city clerk may waive estimates of cost and bidding where the apparent cost of the work will not exceed the sum of $7,500.00. The City Council, if it shall find that there exists an emergency, may, by an ordinance adopted by three-fourths of the members of the council, waive estimates of cost and advertising for bids where the apparent cost of the work will exceed $7,500.00. The

expense of such repair, demolition and removal may be paid as provided in Section 3-521 (Expense of Repair, etc.) and assessed against the lot or tract as provided in this article.

SECTION 3-524: DECEASED PERSONS; NOTICE

If any person upon whom a notice is required to be served under the provisions set forth in this article is deceased, the notice shall be issued to and copies shall be served upon the duly appointed personal representative, if any, of the estate; the surviving spouse, if any, of the deceased; and all heirs whose name(s) can be ascertained in the exercise of reasonable diligence.

SECTION 3-525: RIGHTS; REMEDIES

All remedies provided in this article are in addition to the remedies provided in other ordinances of the city and are not in derogation of any rights or remedies which the city has under state laws.

SECTION 3-526: CITY OFFICIALS; LIABILITY; DEFENSE

No officer, employee or agent of the city shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her office, employment or agency under this article. Any suit brought against any officer, employee or agent of the city as a result of any act required or permitted in the discharge of his or her duties under this article shall be defended by the city attorney at the expense of the city until final determination of the proceedings therein.

Article 6 – Penal Provisions

SECTION 3-601: VIOLATION; PENALTY

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

SECTION 3-602: ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in this chapter, the city may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. 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. §§18-1720, 18-1722)