

CHAPTER 6 – POLICE REGULATIONS

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CHAPTER 6 – POLICE REGULATIONS

Article 1. Dogs

§6-101 DOGS; LICENSE.

A. Any person who currently owns, keeps or harbors a dog or dogs over the age of six months within the City shall for 1997 acquire a license for each such dog beginning the first day of February, 1997 and said tax shall be delinquent from and after February 28, 1997. Thereafter, any such person shall acquire a license for each such dog annually beginning the first day of January of each year and said tax shall be delinquent from and after January 31 of each year.

B. Any person who owns, keeps or harbors a dog or dogs over the age of six months within the City after the effective date of this section shall acquire a license for each such dog immediately after beginning to own, keep or harbor said dog or dogs and said tax shall be delinquent from and after the 30th day that such person began to own, keep or harbor said dog or dogs. Thereafter, and such person shall acquire a license for each such dog annually beginning the first day of January of each year and said tax shall be delinquent from and after the last business day of January of each year.

C. Any person who has not previously licensed a dog or dogs with the City shall, upon licensing said dog or dogs pursuant to this section, present documentation showing the date said person began to own, keep or harbor the dog or dogs never licensed with the City, and if such documentation is not provided, then said tax shall automatically be deemed delinquent.

D. Licenses shall be issued by the City Clerk upon the payment of a license fee; provided, if said tax is delinquent, then the license shall only be issued by the City Clerk upon the payment which shall include the amount covering the license fee and a penalty charge. Such fees shall be established from time to time by the City Council and placed on file in the office of the Clerk for public inspection.

E. Such license shall not be transferable and no refund will be allowed in case of death, sale or other disposition of the licensed dog. At the time the application is made upon printed forms provided for such purpose, the owner shall state his/her name and address and the name, breed, color, and sex of each dog owned and kept by him/her. A certificate that the dog has had 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. (Am. by Ord. Nos. 506, 1/13/97; 656, 12/13/10)

§6-102 DOGS; LICENSE TAGS.

Upon the payment of the license fee, the City Clerk shall issue to the dog owner a license certificate and a metallic tag for each dog so licensed. Each metallic tag shall be properly attached to the collar or harness of any dog so licensed and shall entitle the owner to keep or harbor the said dog until the 31st day of December following such licensing. In the event that a

license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the Clerk 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 set by resolution of the City Council for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Clerk to issue tags of a suitable design that are different in appearance each year. (Ref. 17-526, 54-603 RS Neb.)

§6-103 DOGS; WRONGFUL LICENSING.

It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to wear any license, metallic tag or other city identification than that issued by the City Clerk for dogs, nor shall the owner, keeper, or harbinger wrongfully and knowingly license an unspayed female dog with a license prescribed for a male or spayed female dog. (Ref. 17-526, 54-603 RS Neb.)

§6-104 DOGS; OWNER DEFINED.

Any person who shall harbor or permit any dog to remain for ten days or more in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed. (Ref. 54-606, 71-4401 RS Neb.)

§6-105 DOGS; RUNNING AT LARGE.

A. "Uncollared" shall mean all dogs found running at large upon the streets and public grounds of the City without a collar, license, or harness are hereby declared a public nuisance. Uncollared dogs found running at large shall be killed or impounded by the City Police at the expense of the dog's owner.

B. "Running at large" shall mean any dog found off the premises of the owner and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the incorporated limits of the City.

C. Whenever any dog is seen and identified as running at large and when said dog cannot be caught, the owner of any such dog shall be fined according to whether it is the first, second, third or subsequent offense. Such fines shall be set by the City Council and shall be on file in the office of the city clerk for public inspection.

(Amended by Ord. No. 580, 11/12/02; 665, 6/11/12)

§6-106 DOGS; BARKING AND OFFENSIVE.

It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood or person or which habitually barks at or chases pedestrians, drivers, or owners of horses or vehicles while

they are on any public sidewalks, streets, or alleys in the City. Upon the written complaint of two or more affected persons from different households that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, filed within any 30-day period with the City Clerk, the City Police shall investigate the complaint and if in their opinion the situation warrants, shall notify the owner to silence and restrain such dog. The provisions of this section shall not be construed to apply to the city dog shelter. (Ref. 17-526 RS Neb.)

§6-107 DOGS; LIABILITY OF OWNER.

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

§6-108 DOGS; IMPOUNDING.

It shall be the duty of the City Police to capture, secure, and remove in a humane manner to the city animal shelter any dog violating any of the provisions of this article. Dogs so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the pound for a period of not less than seven days after public notice has been given, unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the City Clerk within 24 hours after impoundment as public notification of such impoundment. Any dog may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee and daily board fee as set by resolution of the City Council and 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. If the dog is not claimed at the end of required waiting period after public notice has been given, the City Police may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same; provided, if a suitable home can be found for any such dog within the City, in the judgment of the City Police, the said dog shall be turned over to the new owner, who shall then be required to pay all fees and meet all licensing and vaccinating requirements provided in this article. The City shall acquire legal title to any unlicensed dog impounded in the animal shelter for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in a summary and humane manner as prescribed by the Board of Health unless a suitable home can be found for such dog. (Ref. 17-548, 71-4408 RS Neb.)

§6-109 DOGS; RABIES SUSPECTED.

Any dog suspected of being afflicted with rabies, or any dog 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 Board of Health for a period of not less than ten days. If, upon examination by a veterinarian, the dog 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, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog 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 dog shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog may be released from confinement. (Ref. 71-4406 RS Neb.)

§6-110 DANGEROUS ANIMALS; DEFINITIONS.

"Animal Control Authority" shall mean an entity authorized to enforce the animal control laws of the City.

"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 article or any other law or ordinance relating to the licensing, control, seizure, and impoundment of animals and shall include any state or local law enforcement officer or other employee whose duties in whole or in part involve the seizure and impounding of any animal.

"Dangerous animal" shall mean any animal that, according to the records of the Animal Control Authority: (1) has killed a human being; (2) has inflicted injury on a human being that requires medical treatment; (3) has killed a domestic animal without provocation; (4) has been previously determined to be a potentially dangerous animal by an animal control authority, the owner has received notice from an animal control authority or an animal control officer of such determination, and the animal inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals; (5) attacks, snaps at, bites, or has a history of attacking a human being or other domestic animal one or more times, without provocation; or (6) engages in or is found to have been trained to engage in exhibitions of fighting.

An animal shall not be defined as a dangerous animal if the injury, damage or threat was sustained by an individual who, at the time, was committing a willful trespass as defined in Neb. Rev. Stat. §20-203, 28520, or 28-521, was committing any other tort upon the property of the owner of the animal, was tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

An animal shall not be defined as a dangerous animal if the animal is used in connection with lawful activities of law enforcement officials.

"Domestic animal" means a cat, a dog or livestock. "Livestock" includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area or nature center intended to be on exhibit.

"Medical treatment" means treatment administered by a physician or other licensed health care professional that results in sutures or surgery or treatment for one or more broken bones.

"Owner" means any person, firm, corporation, organization, political subdivision or depart-

ment possessing, harboring, keeping or having control or custody of an animal.

"Potentially dangerous animal" shall mean (A) any animal that when unprovoked (1) inflicts an injury on a human being that does not require medical treatment, (2) injures a domestic animal, or (3) 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 animal with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

(Ref. 54-617 RS Neb.) (Am. by Ord. No. 658(2), 8/8/11)

**§6-111 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS;
REQUIREMENTS.**

No person shall own, keep, harbor, or allow to be in or upon any premises occupied by him or under his charge or control any dangerous animal or potentially dangerous animal without complying with the requirements of this article. (Am. by Ord. No. 658(2), 8/8/11)

**§6-112 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS; SPAYING OR
NEUTERING AND LICENSE REQUIRED.**

Any animal judicially or administratively determined to be dangerous or potentially dangerous shall be spayed or neutered by a licensed veterinarian at the owner's expense no less than 30 days after such determination is entered, with written proof of spaying or neutering. In addition, such dangerous or potentially dangerous animal shall be required to be licensed as a dangerous or potentially dangerous dog within 30 days of the determination. (Am. by Ord. No. 658(2), 8/8/11)

**§6-113 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS; CLASSES
REQUIRED.**

The owner of any animal judicially or administratively determined to be dangerous or potentially dangerous shall be required to attend, within 90 days after such determination is entered, at the owner's expense, a responsible pet ownership class approved by the Animal Control Authority and, at the discretion and direction of the Animal Control Authority, a dog behavior class provided or approved by the Animal Control Authority. (Am. by Ord. No. 658(2), 8/8/11)

§6-114 DANGEROUS ANIMALS; WARNING SIGNS REQUIRED.

Any property wherein a dangerous animal is kept, harbored or confined shall be posted with warning signs visible from all areas of public access. The warning signs must:

A. Be no less than 10 inches by 12 inches in size;

B. Contain the words "Warning: Dangerous Animal" in high contrast lettering on a black background, in English; and

C. Lettering must be no less than 3 inches in height.
(Ord. No. 658(2), 8/8/11)

§6-115 DANGEROUS ANIMALS; CONFINEMENT.

A. No person owning, harboring, or having the care of a dangerous animal shall permit such animal to go unconfined on the premises of such person. A dangerous animal is unconfined, as the term is used in this section, if such animal is not:

1. Confined indoors; or
2. Confined outdoors in an enclosed and locked pen or structure upon the premises of the person described above, provided the existence of such a pen or structure is permitted by zoning regulations. Maintenance of a dangerous animal is not permitted in areas where such structures or pens are not authorized by zoning regulations. If permitted, the size of such pen or structure shall be:

Size of Animal	Sq. ft. of Pen or Structure
Extra large (over 26 inches at withers or over 75 pounds)	48
Large (over 20 inches and up to 26 inches at withers or not over 75 pounds)	40
Medium (over 12 inches and up to 20 inches at withers or not over 50 pounds)	32
Small (12 inches or less at withers or not over 20 pounds)	24

B. The pen or structure must be constructed with chain link fencing for all four sides and the top and must be suitably designed to prevent the entry of young children and to prevent the animal from escaping. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than one foot or have a concrete pad for the bottom.

C. The pen or structure shall be set back at least 10 feet from the nearest property line. After completion, the owner must contact the Animal Control Authority and allow inspection.
(Ord. No. 658(2), 8/8/11)

§6-116 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS; LEASH AND HARNESS REQUIRED.

It shall be unlawful for any person owning, harboring or having the care of a dangerous or potentially dangerous animal to permit such animal to be beyond the property of such person unless the animal is under the control of a person 19 years of age or older and restrained securely by a harness and leash no longer than 6 feet and properly muzzled to reasonably prevent the animal from biting. (Ord. No. 658(2), 8/8/11)

§6-117 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS AND PIT BULLS; PROOF OF INSURANCE.

Any animal that has been judicially or administratively determined to be a dangerous animal or potentially dangerous animal and any pit bull, as defined in Section 6-121, that is required to be licensed under this article cannot be licensed unless the person having custody, ownership or control of such dog or other animal first presents written proof of public liability insurance of not less than \$100,000.00 to the Animal Control Authority. Such insurance shall be maintained in effect for the period such dangerous or potentially dangerous animal is so designated, provided that insurance for a pit bull, as defined in Section 6-121, shall be maintained in effect for the life of the pit bull. (Ord. No. 658(2), 8/8/11)

§6-118 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS; IMPOUNDMENT.

Any animal that has been judicially or administratively determined to be a dangerous animal or a potentially dangerous animal may be immediately impounded by an animal control officer if in violation of this article. The owner shall be responsible for the reasonable costs incurred for the care of such impounded dangerous animal. (Ord. No. 658(2), 8/8/11)

§6-119 DANGEROUS ANIMALS AT LARGE; DESTRUCTION.

In the event that an animal that has been judicially or administratively determined to be dangerous, as defined in Section 6-110, is found at large and unattended upon public property, park property or a public right-of-way or upon the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the Chief of Police or authorized designee, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large nor shall it have a duty to notify the owner of such animal prior to its destruction. (Ord. No. 658(2), 8/8/11)

§6-120 DANGEROUS ANIMALS; REGISTRY.

A. The owner of any animal that has been judicially or administratively determined to be dangerous, as defined in Section 6-110, or previously determined to be dangerous under this article, shall register such animal with the Animal Control Authority within 30 days of such determination or within 30 days of enactment of this section if previously determined to be dangerous. Such registration shall include the following information:

1. The name of the current owner of the animal;
2. The address where the animal is harbored;
3. A description of the animal, including name, breed, sex, and coloring;
4. The current license number for the animal; and
5. The carrier and policy number for public liability insurance as required in Section 6-117.

B. At least once per calendar year, the Animal Control Authority shall publish in the local newspaper a list of animals on the above registry, providing the name of the owner, the address where the animal is harbored and a description of the animal, including name and breed.

C. Any person who has registered an animal pursuant to this section shall have a continuing obligation to provide updated registration information to the Animal Control Authority and shall, within 30 days of the sale or transfer of such animal, provide to the Animal Control Authority the date of such sale or transfer, the name of the new owner and the address where the animal will be harbored. The owner shall also provide information to the Animal Control Authority if he or she changes residences within the jurisdiction.
(Ord. No. 658(2), 8/8/11)

§6-121 PIT BULLS; LEASH AND MUZZLE REQUIRED.

A. It shall be unlawful for any person owning, harboring, or having the care of a pit bull to permit such animal to be outdoors unless confined in a securely fenced yard or unless the animal is under the control of a person 19 years of age or older, restrained securely by a harness and leash no longer than 6 feet and property muzzled to reasonably prevent the animal from biting.

B. For purposes of this section, "pit bull" shall be defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, Dogo Argentina, Presa Canario, Cane Corso, American Bulldog, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed) or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. The A.K.C. and U.K.C. standards for the above breeds are on file in the office of the Animal Control Authority.

C. A pit bull which is a participant in an organized dog event approved by the Animal Control Authority shall not be required to be leashed and muzzled while outdoors and while being shown or otherwise actively competing in such event.
(Ord. No. 658(2), 8/8/11)

§6-122 DANGEROUS ANIMALS; RECLAIMING.

A person may reclaim an animal in the custody of the Animal Control Authority upon providing the following:

A. Proof of ownership;

B. Payment of or proof of payment to a third party for impoundment and board fees and any other service/medical fees, as approved by the Animal Control Authority.
(Ord. No. 658(2), 8/8/11)

§6-123 UNCLAIMED ANIMALS; PROPERTY OF THE ANIMAL CONTROL AUTHORITY.

The Animal Control Authority shall hold any stray or at-large animal for 72 hours from the time of its impoundment. If such animal remains unclaimed at the end of the 72-hour period, then the animal becomes the property of the Animal Control Authority. (Ord. No. 658(2), 8/8/11)

§6-124 IMPOUNDMENT FEES.

A. An impoundment fee shall be charged for the impoundment of any animal under the provisions of this article. The fees shall be adjusted accordingly for altered or unaltered animals and whether the redemption is the first or subsequent time. Said fees shall be set by the City Council and shall be on file in the office of the city clerk for public inspection.

B. If proof of sterilization and microchipping is presented to the Animal Control Authority within 90 days of the date of redemption of an unaltered animal, the fee will be reimbursed accordingly if it is the first, second or third redemption. Said redemption fees shall be set by the City Council and shall be on file in the office of the city clerk for public inspection.

C. Whenever any animal is impounded, an additional fee shall be charged for each day or fraction thereof of impoundment for feeding and caring for such animal. Such additional fee shall be pursuant to a schedule of fees provided by the Animal Control Authority and approved by the chief of police.

D. If the owner holds a valid breeder's permit at the time of redemption, the charge shall be the same as for an altered animal.
(Ord. No. 658(2), 8/8/11)

§6-125 PENALTIES; FAILURE TO COMPLY.

In addition to the penalty, fine or judgment generally provided in §6-401 or elsewhere for the violation of any provisions of this article, a court may order the Animal Control Authority to forthwith put the animal to death by removing the same to the animal shelter for such purpose. In addition, any person violating the provisions of this article shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the animal, boarding and veterinary expenses necessitated by the seizure of any animal for the protection of the public and such other expenses as may be required for the destruction of any such animal.
(Ord. No. 658(2), 8/8/11)

Article 2. Animals Generally

§6-201 ANIMALS; BANNED FROM CITY.

It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat, swine or other livestock. (Ref. 17-547 RS Neb)

§6-202 ANIMALS; ABANDONMENT, NEGLECT, AND CRUELTY; DEFINITIONS.

“Abandon” shall mean to leave any animal for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health.

“Animal” shall mean any vertebrate member of the animal kingdom except man. The term shall not include an uncaptured wild creature.

“Cruelly mistreat” shall mean to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise set upon any animal.

“Cruelly neglect” shall mean to fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health.

“Humane killing” shall mean the destruction of an animal by a method which causes the animal a minimum of pain and suffering.

“Law enforcement officer” shall mean any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of any city or village, or any other public official authorized by a city or village to enforce state or local animal control laws, rules, regulations, or ordinances. (Ref. 28-1008 RS Neb.)

§6-203 ANIMALS; ABANDONMENT, NEGLECT, AND CRUELTY; LAW ENFORCEMENT OFFICER; POWERS; IMMUNITY

A. Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal.

B. Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed by law.

C. Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence. (Ref. 28-1012 RS Neb.)

§6-204 ANIMALS; ABANDONMENT, NEGLECT, AND CRUELTY; PENALTY.

A person commits cruelty to animals if he or she abandons, cruelly mistreats, or cruelly neglects an animal. (Ref. 28-1009 RS Neb.)

ORDINANCE NO. 702

AN ORDINANCE OF THE CITY OF OAKLAND, NEBRASKA, TO REGULATE ANIMAL WASTE; TO ESTABLISH PENALTIES FOR VIOLATIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OAKLAND, BURT COUNTY, NEBRASKA:

Section 1. Section 6-205 of the Oakland Municipal Code is hereby created as follows:

SECTION 6-205: ANIMAL WASTE

A. It shall be unlawful for any person having custody or control of any animal to place, deposit, discard, or dispose of feces or manure on public property or private property. Animal owners and custodians shall be responsible for the removal of all waste deposited by his/her animal on public walks, recreation areas, or private property. This applies to the owner's or custodian's property both inside and outside the residence in terms of not permitting unsanitary conditions, such as creating an odor nuisance.

B. Any person violating this section shall be deemed guilty of an offense and upon conviction shall be fined \$50.00 for a first offense, \$100.00 for a second offense, and \$150.00 for any third and subsequent offense. Nothing in this section shall prevent the City from pursuing nuisance abatement and other proceedings against the person violating this section, in addition to the penalties provided herein.

Section 2. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions are repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this _____ day of August, 2016.

Mayor

(SEAL)

Clerk

REVISED

2015-2016
STATE OF NEBRASKA
CITY/VILLAGE BUDGET FORM

City of Oakland
TO THE COUNTY BOARD AND COUNTY CLERK OF
Burt County

This budget is for the Period October 1, 2015 through September 30, 2016

Upon Filing, The Entity Certifies the Information Submitted on this Form to be Correct:

The following PERSONAL AND REAL PROPERTY TAX is requested for the ensuing year:

\$ ① 248,110.50	Property Taxes for Non-Bond Purposes
\$ ① 108,063.00	Principal and Interest on Bonds
\$ Did Not 356,173.50	Total Personal and Real Property Tax Required

Outstanding Bonded Indebtedness as of October 1, 2015
(As of the Beginning of the Budget Year)

Principal	\$ 845,000.00
Interest	\$ 90,945.00
Total Bonded Indebtedness	\$ 935,945.00

CHANGE
\$ ① 49,622,132 Total Certified Valuation (All Counties)

Location of Valuation(s) from County Assessor MUST be attached)

County Clerk's Use ONLY

① changed

Report of Joint Public Agency & Interlocal Agreements

Was this Subdivision involved in any Interlocal Agreements or Joint Public Agencies for the reporting period of July 1, 2014 through June 30, 2015?

YES NO

If YES, Please submit Interlocal Agreement Report by December 31, 2015.

Report of Trade Names, Corporate Names & Business Names

Did the Subdivision operate under a separate Trade Name, Corporate Name, or other Business Name during the period of July 1, 2014 through June 30, 2015?

YES NO

If YES, Please submit Trade Name Report by December 31, 2015.

Contact Information

Auditor of Public Accounts
Telephone: (402) 471-2111 FAX: (402) 471-3301
Website: www.auditors.nebraska.gov
Questions - E-Mail: Deann.Haefner@nebraska.gov

Submission Information - Adopted Budget Due by 9-20-2015

- Auditor of Public Accounts - PO Box 98917 - Lincoln, NE 68509
Submit Electronically using Website:
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- County Board (SEC. 13-508), C/O County Clerk

Article 3. General Offenses

§6-301 OFFENSES; CRIMINAL MISCHIEF.

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

§6-302 OFFENSES; MAINTAINING A NUISANCE.

It shall be unlawful for any person to erect, keep up or continue and maintain any nuisance to the injury of any part of the citizens of the City. (Ref. 18-1720, 28-1321 RS Neb.)

§6-303 OFFENSES; APPLIANCES IN YARD.

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

§6-304 OFFENSES; WEEDS, LITTER, STAGNANT WATER.

A. Lots or pieces of ground within the City shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

B. The owner or occupant of any lot or piece of ground within the City shall keep the lot or piece of ground and the adjoining street and alleys free of any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation.

C. The throwing, depositing, or accumulation of litter on any lot or piece of ground within the City is prohibited, except that grass, leaves, and worthless vegetation may be used as ground mulch or in a compost pile.

D. It is hereby declared to be a nuisance to permit or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

E. Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.

F. Abatement of nuisances:

1. Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publica-

tion in a newspaper of general circulation in the City or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. Within five days after receipt of such notice or publication or posting, whichever is applicable, if the owner or occupant of the lot or piece of ground does not request a hearing with the City or fails to comply with the order to abate and remove the nuisance, the City may have such work done. The costs and expenses of any such work shall be paid by the owner.

2. If unpaid for two months after such work is done, the City may either:

a. 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

b. 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.

G. For purposes of this section:

1. "Litter" includes, but is not limited to:

- a. Trash, rubbish, refuse, garbage, paper, rags and ashes;
- b. Wood, plaster, cement, brick, or stone building rubble;
- c. Grass, leaves, and worthless vegetation;
- d. Offal and dead animals; and

e. Any machine or machines, vehicle or vehicles, 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; are cast off, discarded, or thrown away; or left as waste, wreckage, or junk; and

2. "Weeds" includes, but is not limited to: bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus* sp.) (tourn), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

(Ref. 17-563, RS Neb.) (Amended by Ord. 608, 12/13/04)

§6-305 OFFENSES; DISCHARGE OF FIREARMS.

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

556 RS Neb.)

§6-306 OFFENSES; SLINGSHOTS, AIR GUNS, BB GUNS.

It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the City. (Ref. 17-207 RS Neb.)

§6-307 OFFENSES; ABANDONED AUTOMOBILES.

A. It shall be unlawful to abandon any automobile on the city streets, highways, alleys, parks or other property. An automobile shall be deemed to be abandoned if left unattended:

1. With no number plates affixed thereto for more than six hours on any public property; or,

2. For more than 24 hours on any public property, except a portion thereof on which parking is legally permitted; or,

3. For more than 48 hours after the parking of such vehicle shall have become illegal if left on a portion of a public property on which parking is legally permitted; or,

4. For more than seven days on private property if left initially without permission of the owner or after permission of the owner shall be terminated.

B. The title to any automobile so abandoned, which at the time of such abandonment has no number plates of the current year affixed and is of a wholesale value of \$100.00 or less, taking into consideration the condition of such vehicle, shall immediately vest in the City. In the event the automobile is licensed for the current year or is of a wholesale value of over \$100.00, the City Police shall make a reasonable effort to contact the owner of the said automobile by sending a notice to the registered owner, if known; by sending an inquiry to the county it is registered in, if the owner is unknown; or by contacting the Director of Motor Vehicles if the car is without license plates and the owner is unknown. If notified by the Director of Motor Vehicles that a lien or mortgage exists on said vehicle, notice shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. If the owner, lienholder or mortgagee is known and does not claim the automobile within five days after the date when the notice was mailed, or upon receiving word from the Director of Motor Vehicles that the owner is unknown, title will immediately vest in the City and the automobile may be sold. Any proceeds from the sale of the automobile less any expenses incurred by the City in such sale shall be held without interest for the benefit of the owner of such vehicle for a period of two years. If not claimed within such period of time, the proceeds shall then be paid into the General Fund.

C. For purposes of this section, "public property" shall mean any public right-of-way, street, highway, alley, park or other state, county or city-owned property; and "private property" shall mean any privately-owned property which is not included within the definition of

public property.

D. Any person who abandons an automobile as hereinbefore defined shall be deemed to be guilty of an offense.

(Ref. 60-1901 through 60-1911 RS Neb.)

§6-308 OFFENSES; UNLICENSED OR INOPERABLE VEHICLES.

No person in charge or control of any property within the City, other than city property, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, inoperable, wrecked, junked, or discarded vehicle to remain on such property longer than 30 days. No unlicensed vehicle shall be permitted to remain on any private or public property for any length of time; provided, this section shall not apply to a vehicle (A) in an enclosed building; (B) on the premises of a business enterprise, operated in a lawful place and manner, when such vehicle is necessary to the lawful operation of the business; or (C) in an appropriate storage place or depository maintained in a lawful place and manner by the City. Any vehicle allowed to remain on property in violation of this section shall be subject to immediate removal at the owner's expense and disposal pursuant to state laws governing disposal of abandoned vehicles. Any person violating this section shall be guilty of an offense. (Am. by Ord. No. 654, 10/11/10)

§6-309 OFFENSES; CURFEW.

It shall be unlawful for any minor under the age of 18 years to ride in or operate any vehicle in or upon any street, alley, or other public place, or to loiter, wander, stroll, loaf, or play in or upon any of the streets, alleys, or other public places between the hours of 10:00 P.M. and 5:00 A.M. Monday through Thursday, and between the hours of 11:00 P.M. and 5:00 A.M. Friday through Sunday unless accompanied by a parent, guardian or other adult person having the care, custody or control of said minor, or the minor is engaged in lawful employment or is on an emergency errand; provided, curfew hours described in this section for minors 16 years of age or over but under the age of 18 shall be from 11:00 P.M. each night to 5:00 A.M. the next day from Sunday through and including Thursday, and from 12:00 P.M. midnight each Friday and Saturday night to 5:00 A.M. the next day, but otherwise subject to the requirements of this section.

§6-310 OFFENSES; CURFEW VIOLATION; PARENTAL LIABILITY.

It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of 18 years to allow or permit said minor persons to do any of the acts or things prohibited under Section 6-309.

§6-311 OFFENSES; CURFEW ENFORCEMENT; POLICE AUTHORIZATION.

Every member of the police force while on duty shall be authorized to detain any such minor willfully violating the provision of Section 6-309 and upon apprehension of said minor shall forthwith notify the parents or legal guardians or persons in custody of said minor child by

telephone or other appropriate means.

§6-312 OFFENSES; DISORDERLY CONDUCT.

A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he/she:

A. Engages in fighting or threatening, or in violent or tumultuous behavior;

B. Makes unreasonable noise or offensively coarse utterance, gesture or display, or addresses abusive language to any person present; or

C. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

(Ord. No. 487, 12/12/94)

§6-313 OFFENSES; NOISE CONTROL.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but said enumeration shall not be deemed to be exclusive, namely:

1. *Horns, Signaling Devices, etc.* (A) The sounding of any horn or signaling device on any automobile, motorcycle, car or other vehicle on any street or public place of the City, except as a danger warning; (B) the creation by means of any such signaling device of any unreasonable loud or harsh sound; and (C) the sounding of any such device for an unnecessary and unreasonable period of time. (D) The use of any signaling device except one operated by hand or electricity; (E) the use of any horn, whistle or other device operated by engine exhaust; and (F) the use of any such signaling device when traffic is held up for any reason.

2. *Radios, Phonographs, etc.* (A) The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in that room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. (B) The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

3. *Loud Noise.* (A) It shall be unlawful for any person to operate any radio, tape player, compact disc player, stereophonic sound system or similar device which reproduces or amplifies radio broadcast or musical recordings in or upon any street, alley or other public

place in such a manner as to be audible to other person more than 50 feet from the source. (B) Persons operating such devices while participating in licensed or permitted activities such as parades shall not be deemed in violation of this section.

4. *Yelling, Shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

5. *Animals, Birds, Miscellaneous Pets.* The keeping of any animal or bird which, by causing frequent or long continued noise, including barking, shall disturb the comfort and repose of any person in the vicinity.

6. *Exhausts.* The discharge into the open air of the exhaust of any stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
(Ord. No. 582, 1/13/03)

§6-314 OFFENSES; SEXUAL PREDATOR RESIDENCY RESTRICTIONS.

A. Findings and Intent.

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

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

3. It is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

B. Definitions. For purposes of this ordinance:

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

2. "School" means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;

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

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

5. "Sex offender" means an individual who has been convicted of a crime listed in Nebr. Rev. Stat. section 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 who is required to register under the Sex Offender Registration Act, who has been classified as Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under Nebr. Rev. Stat. section 29-4013, and who has victimized a person eighteen years of age or younger.

C. Penalties; Exceptions.

1. *Prohibited Location of Residence.* It is unlawful for any sexual predator to reside within five hundred feet from a school or child care facility.

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

3. *Penalties.* A person who violates this section shall be punished as provided generally in the code.

4. *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.

(Statutory Reference: The Sexual Predator Residency Restriction Act, Laws 2006, LB 1199, §§27 to 29; Neb. Rev. Stat. Sec. 29-4003 and Sec. 29-4013) (Ord. 620, 7/10/06)

Article 4. Penal Provision

§6-401 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 an offense 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. (Amended by Ord. 638, 10/13/08)