

Article 4. Police Department

§3-401 POLICE DEPARTMENT; DUTIES.

The Police Department shall consist of the Chief of Police and such further number of regular police officers as may be duly ordered by resolution of the Council. The Chief of Police shall, subject to the direction of the Mayor, have control and management of all matters relating to the Police Department, its officers and members, and shall have the custody and control of all property and books belonging to the department. He/she shall devote his/her whole time to city affairs, interests of the City, and to the preservation of peace, order, safety, and cleanliness thereof. The Department shall execute and enforce all laws and also the orders of the Mayor. It shall be the duty of the Department to protect the rights of persons and property. There shall be a proper police force at all fires. The Department shall take notice of all nuisances, impediments, obstructions, and defects in the streets, avenues, alleys, business places, and residences of the City. The Department shall execute or cause to be executed all processes issued and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The Chief of Police and all regular and special police officers shall become thoroughly conversant with the laws of the City and shall see that the same are strictly enforced, making sworn complaints against any person or persons for violation of the same.

§3-402 POLICE DEPARTMENT; RESERVE OFFICER BOND.

No appointment of a law enforcement reserve officer shall be valid until a bond in the amount of \$2,000.00, payable to the City, has been filed with the City Clerk by the individual appointed, or a blanket surety bond arranged and paid for by the City Council and bonding all such officers has been filed. Such bonds shall be subject to the provisions of Neb. Rev. Stat. Chapter 11, Article 1. (Ref. 81-1444 RS Neb.)

§3-403 POLICE DEPARTMENT; POLICE OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY; NOTICE AND HEARING; DETERMINATION.

A. No police officer, including the Chief of Police, shall be disciplined, suspended, demoted, removed, or discharged except upon written notice stating the reasons for such disciplinary action, suspension, demotion, removal, or discharge. Such notice shall also contain a statement informing the police officer of his or her right to a hearing before the City Council.

B. Any police officer so disciplined, suspended, demoted, removed, or discharged may, within ten days after being notified by of such disciplinary action, suspension, demotion, removal, or discharge, file with the City Clerk a written demand for a hearing before the City Council. The Council shall set the matter for hearing not less than ten or more than 20 days after the filing of the written demand for a hearing. The Council shall give the police officer written notice of the hearing not less than seven or more than 14 days prior to the hearing.

C. At the hearing, the police officer shall have the right:

1. To respond in person to the charges and to present witnesses and documentary

evidence;

2. To confront and cross-examine available adverse witnesses; and
3. To be represented by counsel.

D. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse, or modify the disciplinary action, suspension, demotion, removal, or discharge. The failure of the City Council to act within 30 days or the failure of a majority of the elected Council members to vote to reverse or modify the disciplinary action, suspension, demotion, removal, or discharge shall be construed as a vote to uphold the disciplinary action, suspension, demotion, removal, or discharge. The decision of the City Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged disciplinary action, suspension, demotion, removal, or discharge was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the state statutes.

E. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.

(Ref. 17-107 RS Neb.) (Ord. No. 495, 3/11/96)

§3-404 POLICE DEPARTMENT; ARREST AND ENFORCEMENT JURISDICTION.

A. Every city law enforcement officer has the power and authority to enforce the laws of the State and the City or otherwise perform the functions of that office anywhere within his or her primary jurisdiction. "Primary jurisdiction" means the geographic area within territorial limits of the City.

B. Any city law enforcement officer who is within this state, but beyond his or her primary jurisdiction, has the power and authority to enforce the laws of this state or any legal ordinance of any city or incorporated village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within his or her primary jurisdiction in the following cases:

1. Any city law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return him/her to the officer's primary jurisdiction;

2. Any city law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return him/her to the officer's primary jurisdiction;

3. Any city law enforcement officer has such enforcement and arrest and detention

authority when responding to a call in which a local, state, or federal law enforcement officer is in need of assistance. "A law enforcement officer in need of assistance" shall mean:

a. A law enforcement officer whose life is in danger; or

b. A law enforcement officer who needs assistance in making an arrest and the suspect (i) will not be apprehended unless immediately arrested; (ii) may cause injury to himself or herself or others or damage to property unless immediately arrested; or (iii) may destroy or conceal evidence of the commission of a crime; and

4. If the City, under the provisions of the Interlocal Cooperation Act or the Joint Public Agency Act, enters into a contract with any other city or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the City shall provide liability insurance coverage for its own law enforcement personnel as provided in Section 13-1802 RS Neb.

C. When probable cause exists to believe that a person is operating or in the actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any drug or otherwise in violation of Sections 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02 RS Neb., a city law enforcement officer has the power and authority to do any of the following or any combination thereof:

1. Transport such person to a facility outside of the law enforcement officer's primary jurisdiction for appropriate chemical testing of the person;

2. Administer outside of the law enforcement officer's primary jurisdiction any post-arrest test advisement to the person; or

3. With respect to such person, perform other procedures or functions outside of the law enforcement officer's primary jurisdiction which are directly and solely related to enforcing the laws that concern a person operating or being in the actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any other drug or otherwise in violation of Section 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02 RS Neb. (Ref 29-215 RS Neb.)

D. If city law enforcement personnel are rendering aid in their law enforcement capacity outside the limits of the City in the event of disaster, emergency, or civil defense emergency or in connection with any program of practice or training for such disaster, emergency, or civil defense emergency when such program is conducted or participated in by the Nebraska Emergency Management Agency or with any other related training program, the law enforcement personnel have the power and authority to enforce the laws of this state or any legal ordinances or resolutions of the local government where they are rendering aid or oth-

erwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within their primary jurisdiction. The City shall self-insure or contract for insurance against any liability for personal injuries or property damage that may be incurred by it or by its personnel as the result of any movement made pursuant to this division.

(Ref. 81-829.65 RS Neb.) (Ord. No. 595, 3/8/04)

Article 5. Swimming Pool

§3-501 CITY SWIMMING POOL; OPERATION AND FUNDING.

A. The City owns and manages the City Swimming Pool. The City Council, for the purpose of defraying the cost of the management, maintenance, and improvements of the pool may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the Swimming Pool Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the pool. The Swimming Pool Fund shall at all times be in the custody of the City Treasurer.

B. The Park Superintendent shall manage the Swimming Pool and shall have the power and authority to hire and supervise the Swimming Pool Manager and such employees as may be deemed necessary. He/she shall pass such rules and regulations for the operation of the pool as may be proper for its efficient operation. All actions by the Park Superintendent shall be under the supervision and control of the City Council. (Ref. 17-948, 17-951, 17-952 RS Neb.)

§3-502 CITY SWIMMING POOL; RULES AND REGULATIONS.

The City Council shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the pool and for the efficient management thereof. The Council may provide suitable penalties for the violation of such bylaws, rules, and regulations. (Ref. 17-949 RS Neb.)

§3-503 CITY SWIMMING POOL; ADMISSION CHARGE.

The City Council may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the Swimming Pool, make a reasonable admission charge for the use of the pool by any person. The said charges shall be on file at the office of the City Clerk and shall also be posted in a conspicuous place at the pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided, nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges. (Ref. 17-949 RS Neb.)

§3-504 CITY SWIMMING POOL; RENTALS.

The City Council shall have the authority to rent the City Swimming Pool to such organizations and other persons as they may in their discretion see fit. The City Council shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the City Clerk and posted in a conspicuous place at the pool. (Ref. 17-949 RS Neb.)

Article 6. Library

§3-601 CITY LIBRARY; OPERATION AND FUNDING.

The City owns and manages the City Library through the Library Board. The City Council, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the Library may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the City Library. The Library Fund shall at all times be in the custody of the City Treasurer. The Board shall have the power and authority to appoint the librarian and to hire such other employees as it may deem necessary and may pass such other rules and regulations for the operation of the Library as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the City Council. (Ref. 51-201, 51-202, 51-211 RS Neb.)

§3-602 CITY LIBRARY; BOOKS.

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the Library. Records shall be kept of any such surplus, damaged, defective, obsolete, or duplicate books so disposed of. (Ref. 51-207 RS Neb.)

§3-603 CITY LIBRARY; RULES AND REGULATIONS.

The Library Board shall establish rules and regulations for the governing of the City Library for the preservation and efficient management thereof. They shall fix and impose by general rules, penalties and forfeitures for injury to the library grounds, rooms, books, or other property, or for failure to return a book. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments. (Ref. 51-205, 51-214 RS Neb.)

§3-604 CITY LIBRARY; BOOKS ISSUED.

The Librarian shall keep or cause to be kept a register of all books issued and returned at the time they shall so be issued and returned. None of the books shall be retained more than 14 days without being renewed. No book may be renewed more than two consecutive times by any person without the special permission of the Librarian or an authorized employee of the City Library. (Ref. 51-211 RS Neb.)

§3-605 CITY LIBRARY; DAMAGED AND LOST BOOKS.

Any person who injures or fails to return any book taken from the Library shall forfeit and pay to the Library not less than the value of the book in addition to any replacement costs and penalty which the Library Board may assess. (Ref. 51-211 RS Neb.)

§3-606 CITY LIBRARY; BOOK LABELING.

It shall be the duty of the Librarian to label or cause to be labeled with a printed or stamped label proof of city ownership on each book, and also to write the said proof on the 30th page of each volume. (Ref. 51-211 RS Neb.)

§3-607 CITY LIBRARY; BOOK REMOVAL.

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the Library without the consent of the Librarian or an authorized employee of the Library. Any person removing a book from the Library without properly checking it out shall be deemed to be guilty of an offense. (Ref. 51-211 RS Neb.)

§3-608 CITY LIBRARY; COST OF USE.

The City Library shall be free for the use of the inhabitants of the City. The Librarian may exclude from the use of the Library and reading rooms any person who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof. (Ref. 51-201, 51-212 RS Neb.)

§3-609 CITY LIBRARY; MONEY COLLECTED.

Any money collected by the Library shall be turned over monthly by the Librarian to the City Treasurer, along with a report of the sources of the revenue. (Ref. 51-209 RS Neb.)

Article 7. Auditorium

§3-701 CITY AUDITORIUM; OWNERSHIP.

The City owns and manages the City Auditorium through the City Clerk. The City Council, for the purpose of defraying the cost of the management, maintenance, and improvements on the City Auditorium may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the Auditorium Fund and shall include all gifts, grants, deed of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the City Auditorium. The Auditorium Fund shall at all times be in the custody of the City Treasurer. (Ref. 17-953 through 17-955 RS Neb.)

§3-702 CITY AUDITORIUM; RENTALS.

A. The facilities of the City Auditorium shall be available for use by the general public including private individuals, partnerships, corporations, clubs, and other organizations upon a rental basis. Terms of rental and rental charges shall be fixed by the City Council. The City Clerk shall keep a record book of rental dates on a first come, first served basis.

B. The City Clerk shall deliver to each person, partnership, corporation or other organization renting the City Auditorium a list of rules and regulations governing the rental and use thereof as prescribed by the City Council. The City Clerk shall request that a copy of said regulations be signed by the renter, who shall acknowledge receipt of the same and agree to abide thereby. Said rules and regulations shall include the hours of use.

C. The consumption of alcoholic liquors and beverages in the City Auditorium is hereby authorized at functions, parties, receptions, and all other activities which take place in the Auditorium which are not open to the general public except as permitted by a license issued by the Nebraska Liquor Control Commission under the provisions of Neb. Rev. Stat. Chapter 53, provided, however, that any person, partnership or corporation, association, club or other organization which desires to rent and use the Auditorium for a function or activity not open to the general public at which alcoholic liquors or beverages will be consumed shall apply to the City Clerk for such rental and use, informing him/her that alcoholic liquor or beverages will be consumed.

D. Such application shall be referred by the City Clerk to either the Mayor or city employee designated by the Mayor for that purpose. The Mayor or said designated city employee shall investigate the circumstances of said intended rental and use of the City Auditorium and, based upon such investigation and inquiry, may either permit or deny such rental and use. The Mayor or said designated city employee shall require that the renter pay a damage deposit to the City Clerk for the protection of the City Auditorium and its contents or for the peace and orderly use of the facility. Such deposit shall be returned to the renter if no damage is caused to the Auditorium or its contents during use by said renter or may be applied by the City Clerk to cover any damage. Liability for damage shall not be limited to the damage deposit.

E. The Mayor or the said designated city employee granting authority for use of the City Auditorium, deeming it advisable for the peace and safety of all persons involved, may also require that the renter of the Auditorium, under these circumstances, pay the cost for a law enforcement officer to be present during the function to keep the peace and control boisterous, destructive or harmful activities of those in attendance.

§3-703 CITY AUDITORIUM; RULES AND REGULATIONS.

The City Council shall have the power and authority to enact bylaws, rules, and regulations for the protection of the City Auditorium and the safety of those using the auditorium facilities. They may provide suitable penalties for the violation of such bylaws, rules, and regulations. All damage suffered by the Auditorium during any rental shall be assessed against the person or organization responsible for the rental thereof or shall be deducted from the damage deposit which the City Council may in its discretion have required prior to the said rental. During any rental, the City Council may require the presence of persons deputed as City Police to insure that the said rules and regulations and the City Code are not violated. All rental fees, rules, and regulations shall be on file for public inspection at the office of the City Clerk at any reasonable time. (Ref. 17-953 RS Neb.)

Article 8. Penal Provision

§3-801 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 \$100.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

