

**MUNICIPAL CODE
OF
THE CITY
OF
OAKLAND, NEBRASKA**

ORDINANCE NO. 485

PUBLISHED BY AUTHORITY
OF THE
MAYOR AND CITY COUNCIL

May 9, 1994

Codified by

The League of Nebraska Municipalities
Lincoln, Nebraska

Updated and Reprinted by

MUNICIPAL CODE SERVICES
P.O. Box 164
Neligh, NE 68756

July 2008



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**ORDINANCES OF A
GENERAL AND PERMANENT NATURE
of the CITY of
OAKLAND, NEBRASKA**

ORDINANCE NO. 485

AN ORDINANCE OF THE CITY OF OAKLAND, NEBRASKA, REVISING THE GENERAL ORDINANCES OF THE CITY AND REPEALING PRIOR ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF OAKLAND, NEBRASKA.

SECTION 1. *Codification.* The general ordinances of the City of Oakland, Nebraska, are hereby codified into 11 chapters and the articles and sections hereunder, which are adopted and declared to be ordinances of this city.

SECTION 2. *Repeal of Prior Ordinances in Conflict.* All ordinances and parts of ordinances of a general or permanent nature passed and approved prior to the passage and approval of this codification ordinance and in conflict with this ordinance or with any of its provisions are hereby repealed; provided, in construing the provisions of this ordinance the following ordinances shall not be considered or held to be ordinances of a general or permanent nature, to-wit:

1. Ordinances vacating streets and alleys.
2. Ordinances authorizing or directing public improvements to be made.
3. Ordinances levying taxes or special assessments.
4. Ordinances granting a franchise, or special license to persons, firms, or corporations.
5. Ordinances providing for the issuance of bonds or other instruments of indebtedness.
6. Ordinances establishing grades.
7. Real estate transactions.
8. Any other ordinance which by nature would be considered special.

SECTION 3. *Exceptions.* The repeal of ordinances as provided in Section 2, Ordinance No. 485 shall not affect any rights acquired, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of such ordinances and parts

thereof prior to repeal. Such ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this general codification ordinance for the purpose of all rights, fines, penalties, forfeitures, liabilities, and actions therefore.

SECTION 4. *Defining Chapters, Articles, and Sections.* The chapters, articles, and sections as set forth herein shall be and hereby are declared to be the chapters, articles, and sections of this general codification ordinance. All ordinances hereafter passed by the local Governing Body of the Municipality shall be numbered consecutively, beginning with No. 486.

SECTION 5. *Severability.* If any section, subsection, paragraph, sentence, clause, phrase, term, or provision of this ordinance should be declared invalid by any court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portions of this code, which will remain in full force and effect, and the provisions of this ordinance are hereby declared to be severable.

SECTION 6. *Blanket Penalty.* Any person, his agents, or servants who shall violate any of the provisions of this municipal code unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof, shall be fined in any sum not exceeding \$100.00. Whoever aids, abets, procures, encourages, requests, advises, or incites another to commit any act which is an offense under this Code or under any other ordinance of the Municipality may be prosecuted and punished as though he were the principal offender.

SECTION 7. *General Definitions:*

1. *Person.* Whenever used in this code, the word "person" shall include natural persons, artificial persons, such as corporations, co-partnerships, associations, and all aggregate organizations of whatever character.

2. *Gender and number.* All words used herein implying the masculine gender may apply to, and include the feminine or neuter gender and all words importing the plural may be applied to and mean a single person, firm, or thing. All words importing the singular number may be applied to and mean the plural number.

3. *Code, ordinance, and chapter.* "Municipal code" shall mean the General Codification Ordinance No. 485. "Ordinance" and "chapter" are used synonymously unless from the context the contrary clearly appears.

4. *Wholesale dealer.* The words "wholesale dealer" or sellers of said product at wholesale shall embrace and include manufacturers of any product who sell the said product to other persons for the purpose of future resale to consumers.

5. *Municipal and municipality.* The words "municipal" and "municipality" whenever used in this code shall mean the City of Oakland, Nebraska, a municipal corporation.

6. *City Council.* The words "City Council" whenever they appear in this code mean the Mayor and City Council of the City of Oakland.

7. *Mayor.* The word "Mayor" means the chief administrative official of the City whenever it appears in this code.

8. *Police.* "Police" shall mean any police officer of the City or shall mean any officer of the Burt County Sheriff's Department whenever it appears in this code.

9. *Time.* Whenever words fixing or importing time or the hour of the day are used in this code, they shall be construed to mean Central Standard Time or Central Daylight Saving Time, whichever is applicable.

SECTION 8. *Construction of Chapters, Articles, and Sections.* For purposes of construction, each chapter contained and arranged in this code shall be considered as a separate and distinct ordinance grouped for convenience under the General Codification Ordinance No. 485; each section appearing in the several chapters of this code shall be considered a separate and distinct unit of legislation germane to the chapter or article under which it is grouped; and each article appearing in the said chapters shall be considered as a group of legislative units germane to the chapter wherein it is placed. Any chapter, article, or section duly enacted by the City Council and included in this code, and any other independent ordinance, chapter, article, section, or subsection of an ordinance duly enacted shall be altered, amended, or revised only by the complete nullification and repeal of such ordinance, chapter, article, section, or subsection and by the substitution of a new ordinance, chapter, article, section, or subsection containing the entire ordinance, chapter, article, section, or subsection as amended, altered, or revised.

Section 9. *Publication and Distribution.* This code was printed in book form under the direction of the City Council and shall be distributed as it may see fit. (*Ref 17-613, 17-614 RS Neb.*)

Section 10. *When Operative.* This ordinance shall be in full force and shall take effect from and after its passage, approval and publication according to law.

Passed and approved May 9, 1994.

/s/ Chester L. Andreasen

Mayor

(SEAL)

/s/ Stanley R. Anderson

City Clerk

ORDINANCE NO. 519

AN ORDINANCE RELATING TO SUPPLEMENTS TO THE MUNICIPAL CODE; TO AUTHORIZE THE CODIFIER TO MAKE FORMAL NONSUBSTANTIVE CHANGES IN ORDINANCES AND PARTS OF ORDINANCES INCLUDED IN THE SUPPLEMENT AS NECESSARY TO EMBODY THEM INTO A UNIFIED CODE; 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, NEBRASKA:

SECTION 1. *Supplementation of Municipal Code.* When preparing a supplement to the Municipal Code, the codifier (meaning the person, agency, or organization authorized to prepare the supplement) may make formal nonsubstantive changes in ordinances and parts of ordinances included in the supplement as necessary to embody them into a unified code. For example, the codifier may:

1. Organize the ordinance material into appropriate sections and subdivisions;
2. Provide appropriate catch lines, headings, and titles for sections and other subdivisions of the ordinance printed in the supplement and make changes in such catch lines, headings, and titles;
3. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
4. Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," etc., as may be appropriate, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code);
5. Insert appropriate section numbers in references to code sections such as "section _____" or "sections _____ to _____" which are not filled in prior to adoption of an ordinance;
6. Correct the spelling of words, correct obvious typographical errors, correct erroneous division and hyphenation of words, capitalize or uncapitalize words, and make other similar changes in accordance with accepted usage or for consistency with other provisions of the code;
7. Change terminology for consistency with terminology used in other provisions of the code; and
8. Make other nonsubstantive changes necessary to incorporate ordinance material into the code while preserving the original meaning of the ordinance sections.

9. In no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code and not repealed by any ordinance.

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

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

Passed and approved this 16th day of February, 1998.

/s/ Beverly J. Peterson
Mayor

(SEAL)

/s/ Cynthia D. Petersen
City Clerk