

LAW ENFORCEMENT REGULATIONS

CHAPTER 6

LAW ENFORCEMENT REGULATIONS

ARTICLE 1. DOGS

§6-101 DOGS/CATS; LICENSE.

Any person who shall own, keep, or harbor a dog or cat over the age of six (6) months within the Municipality shall within thirty (30) days after acquisition of the said dog or cat acquire a license for each such dog or cat annually by or before the first (1st) day of May of each year. The said tax shall be delinquent from and after June first (1st); Provided, the possessor of any dog or cat brought into or harbored within the corporate limits subsequent to May first (1st) of any year, shall be liable for the payment of the tax levied herein. Licenses shall be issued by the Municipal Clerk, with the assistance of the Municipal maintenance employees, upon the payment of a license fee set by resolution of the Governing Body and kept on file at the office of the Clerk. The Clerk shall also collect a fee, as it may be amended from time to time, as required by Nebraska Statute, which shall be remitted to the State Treasurer pursuant to said statute, for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund, less any permitted administrative fee to be retained in the Municipal General Fund. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog or cat. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his or her name and address and the name, breed, color, and sex of each dog or cat owned and kept by him or her. A certificate that the dog or cat has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. In the event a dog is a graduate of a recognized training school for dog guides, hearing aid dogs or service dogs, is actively engaged in the same and adequate evidence is provided to the Clerk, the dog shall be licensed, but the tax levied herein shall be waived. Upon retirement or discontinuance of the dog as a dog guide, hearing aid dog or service dog, the owner shall be liable for payment of a license tax. (*Ref. 17-526, 54-603, 71-4412 RS Neb*) Amended by Ordinance No. 2010-03 effective June 1, 2010 and amended by Ordinance 2012-7 effective May 16, 2012.

§6-102 DOGS/CATS; LICENSE TAGS.

Upon the payment of the license fee, the Municipal Clerk shall issue to the owner of a dog or cat a license certificate and a metallic tag for each dog or cat so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs or cats so licensed and shall entitle the owner to keep or harbor the said dog or cat until the thirtieth (30th) day of April following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original place or tag was issued in accordance with the provisions herein, the Municipal Clerk shall issue a duplicate or new tag for the balance of the year which the license tax has been paid and shall charge and collect a fee of one (\$1.00) dollar 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

LAW ENFORCEMENT REGULATIONS

the Municipal 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/CATS; WRONGFUL LICENSING.

It shall be unlawful for the owner, keeper, or harbinger of any dog or cat to permit or allow such dog or cat to wear any license, metallic tag or other Municipal identification than that issued by the Municipal Clerk for dogs or cats, 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 or cat. *(Ref. 17- 526, 54-603 RS Neb.)*

§6-104 DOGS/CATS; OWNER DEFINED.

Any person who shall harbor or permit any dog/cat to be for ten (10) 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/cat and shall be deemed to be liable for all penalties herein prescribed. *(Ref. 54-606, 71-4401 RS Neb.)*

§6-105 DOGS/CATS; UNLICENSED AND RUNNING AT LARGE.

All dogs or cats found running at large upon the streets and public grounds of the Municipality without a license are hereby declared a public nuisance. Unlicensed dogs or cats found running at large shall be impounded in a suitable animal shelter until delivered to the Humane Society by a Municipal employee or other authorized person. *(Ref. 17-526, 71-4408 RS Neb.)*

§6-106 DOGS/CATS; UNCOLLARED.

It is the duty of every owner to securely place upon the neck of such dog or cat a good and sufficient collar with a metallic plate which shall be plainly inscribed with the name of the owner. All dogs or cats found running at large upon the streets and public grounds of the Municipality without a collar or harness are hereby declared a public nuisance. Uncollared dogs/cats found running at large shall be impounded in the place designated by the Governing Body as the animal control shelter, which dog or cat may be delivered to such shelter by the person designated by the Governing Body. In the event an owner of any dog or cat shall permit the same to run at large for ten days, without a collar, the owner shall be fined in any sum not exceeding twenty-five dollars. *(Ref. 54-605 RS Neb)*

§6-107 DOGS/CATS; RUNNING AT LARGE.

It shall be the duty of the person designated by the Governing Body to cause any dog or cat found to be running at large within the Municipality to be taken up and impounded. It shall be unlawful for the owner, keeper, or harbinger of any dog or cat to permit or allow such dog or cat to run at large within the Municipality. "Running at Large" shall mean any dog or cat found off the premise of the owner, and not under control of a person of

LAW ENFORCEMENT REGULATIONS

not less than ten (10) years of age, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint that is no more than or extends to no more than fifteen (15) feet in length. (Ref. 17-526, 54-607 RS Neb.) Amended by Ordinance 2012-7 effective May 16, 2012.

§6-108 DOGS/CATS; CAPTURE IMPOSSIBLE.

The person designated by the Governing Body shall have the authority to destroy any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved. (Ref. 17-526 RS Neb.)

§6-109 DOGS; VICIOUS.

It shall be unlawful for any person to own, keep, or harbor any dog of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to bite. Such dog shall constitute a nuisance and shall be abated by appropriate procedures.

§6-110 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 where they are on any public sidewalks, streets, or alleys in the Municipality. The provisions of this section shall not be construed to apply to the person or agency designated by the Governing Body to pick up, transport or impound dogs. (Ref. 17-526 RS Neb.)

§6-111 DOGS/CATS; LIABILITY OF OWNER.

It shall be unlawful for any person to allow a dog or cat 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 dog or cat, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (Ref. 54-601, 54-602 RS Neb.)

§6-112 DOGS/CATS; REMOVAL OF TAGS.

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

§6-113 DOGS/CATS; IMPOUNDING.

It shall be the duty of the person as designated by the Governing Body to capture, secure, and remove in a humane manner to a suitable animal shelter or the Humane Society Pound in Lincoln, Nebraska, any dog or cat violating any of the provisions of

LAW ENFORCEMENT REGULATIONS

this Article. The dogs or cats so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day.

Each licensed dog or cat that has been impounded shall be kept and maintained at the Municipal shelter for a period of up to twenty-four (24) hours unless reclaimed earlier by the owner. Attempts will be made to contact the owner of such licensed dogs or cats during the initial twenty-four (24) hours. After the elapse of twenty-four (24) hours, such licensed dog or cat that has been impounded may be removed by a person designated by the Governing Body and transported to the Humane Society in Lincoln, Nebraska where said dog or cat shall be maintained throughout the remainder of the impoundment period required herein. Each impounded dog or cat shall be kept and maintained at such pounds for a period of not less than five (5) days after public notice has been given unless reclaimed earlier by the owner.

Any dog or cat may be reclaimed by its owner during the first twenty-four (24) hours of the impoundment by payment to the Municipal Clerk of a general impoundment fee of fifty (\$50.00) dollars and a daily board fee of five (\$5.00) dollars for any days in which said dog or cat was kept and maintained at the suitable Municipal shelter; Provided, the owner shall then be required to comply with the licensing and rabies vaccination requirements within seventy-two (72) hours after release.

Any animal may be reclaimed by its owner after the first twenty-four (24) hours of the period of impoundment but prior to the conclusion of the five (5) day impoundment period at the Humane Society by payment to the Municipal Clerk of the general impoundment fee of fifty (\$50.00) dollars and the daily fee of five (\$5.00) dollars, together with a transportation fee for transporting said dog or cat to the Humane Society Pound in Lincoln, Nebraska of fifty (\$50.00) dollars. Upon the payment of such fees, the Municipal Clerk shall provide the owner with a receipt. In addition to the above-designated charges, if the animal has been transported to the Humane Society in Lincoln, Nebraska, the owner shall be required to pay all fees and charges assessed by such Humane Society.

Any unlicensed dog or cat will be removed by a person designated by the Governing Body and transported to the Humane Society in Lincoln, Nebraska where said dog or cat shall be maintained throughout the remainder of the impoundment period required herein.

In any case, if the dog or cat is not licensed prior to the release of the dog or cat as herein provided, the owner shall pay the license fee to the Municipal Clerk. However, the Municipal Clerk shall not issue the license to the owner until the owner has made proof of rabies vaccination. If the dog or cat is not claimed at the end of required (5) day waiting period after public notice has been given, the Humane Society may dispose of the dog or cat in accordance with the applicable rules and regulations pertaining to the same; Provided, however, that if, in the judgment of either the Municipality or the Humane Society, a suitable home can be found for any such dog or cat within the Municipality, the said dog or cat shall be turned over to that person and the new owner

LAW ENFORCEMENT REGULATIONS

shall then be required to pay all fees and meet all licensing and vaccinating requirements provided where the new owner resides. The Municipality shall acquire legal title to any unlicensed dog or cat impounded pursuant to this section for a period longer than five (5) days after giving notice and may destroy/bury the same in a summary and humane manner unless a suitable home can be found for such animal. *(Ref. 17-548, 71-4408 RS Neb.)*

§6-114 DOGS/CATS; ANIMAL SHELTER.

The Animal Shelter shall be safe, suitable, and conveniently located for the impounding, keeping and destruction of dogs or cats. The said shelter shall be sanitary, ventilated, and lighted. As provided in this Article, the Municipality may contract with the Humane Society in Lincoln, or any other similar facility, for the providing of a shelter for all or any part of the impoundment period.

§6-115 DOGS/CATS; RABIES SUSPECTED.

Any dog or cat suspected of being afflicted with rabies, or any dog or cat 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 at the Humane Society for a period of not less than ten (10) 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 dog or cat has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten (10) days, at which time the dog or cat shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog or cat may be released from confinement. *(Ref. 71-4406 RS Neb.)*

§6-116 DOGS/CATS; KENNELS PROHIBITED.

It shall be unlawful to maintain a kennel within the corporate limits of the Municipality. "Kennel" shall mean more than three (3) dogs or more than three (3) cats in excess of six (6) months of age per family or residence. Maintaining a kennel shall constitute a nuisance to be abated by appropriate procedures and subject to fine, and impoundment as provided above. *Amended by Ordinance 2012-07 effective May 16, 2012.*

LAW ENFORCEMENT REGULATIONS

§6-117 DOGS/CATS; CONTRACT WITH HUMANE SOCIETY.

The Municipal Clerk shall have the power and authority to enter into a contract with a Humane Society, or any similar agency, for the purpose of securing the services of the Humane Society to provide for a Municipal Animal Shelter and to perform all or any portion of the functions of the Municipal Animal Catcher under this Article regarding the catching, securing, keeping, and controlling dogs or cats within the Municipal limits; such agreement shall provide for the charging of such fees and charges to the owners as the Humane Society in its judgment determines to assess. Such agreement shall require that prior to the release of any animal by the Humane Society, all of the charges and assessments levied by the Municipality shall be paid in full and all licensing requirements shall be met. For the convenience of the public, the Municipal Clerk shall have available the charges which will be assessed by the Humane Society, but shall not be responsible for collecting or assessing any such charges.

§6-118 DANGEROUS DOGS; DEFINITIONS.

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

Animal Control Officer shall mean any individual employed, appointed, or authorized by an 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.

Dangerous Dog shall mean any dog that, according to the records of an animal control authority:

- A. has killed a human being, or,
- B. has inflicted injury on a human being that requires medical treatment; or
- C. has killed a domestic animal without provocation ; or
- D. has been previously determined to be a potentially dangerous dog by an animal control authority and the owner has received notice of such determination and such dog inflicts an injury on a human being that

LAW ENFORCEMENT REGULATIONS

does not require medical treatment, injures a domestic animal or threatens the safety of humans or domestic animals.

The dog shall not be defined as dangerous under B, if the individual was tormenting, abusing, assaulting the dog at the time of the injury or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog. A dog shall not be defined as a dangerous dog under D, if the injury, damage or threat was sustained by an individual who, at the time, was committing a willful trespass as defined in Chapter 28 of the Revised Laws of Nebraska, as they may be amended from time to time; was committing another tort upon the property of the owner of the dog, was tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

Domestic Animal shall mean a cat or dog or livestock as defined in Chapter 54 of the Revised Laws of Nebraska, as they may be amended from time to time.

Medical Treatment means treatment administered by a physician or other licensed health care professional.

Owner shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog.

Potentially Dangerous Dog shall mean:

A. Any dog that when unprovoked:

1. inflicts an injury on a human being that does not require medical treatment, or
2. injures a domestic animal, or;
3. chases or approaches a person upon streets, sidewalks, or any public grounds in 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.
(*Ref. 54-617 RS Neb.*)

§6-119 DANGEROUS DOGS; REMOVAL

All dogs that have been defined as DANGEROUS must be removed from the Municipality.

§6-120 DANGEROUS DOGS; FAILURE TO COMPLY.

LAW ENFORCEMENT REGULATIONS

Any dangerous dog may be immediately confiscated by a Municipal Maintenance Employee or other authorized person if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred during the capture and shelter of the dangerous dog or for the destruction of any dangerous dog if the action by the person designated by the Governing Body is pursuant to law and if the owner violated this article.

In addition to any other penalty, a court may order the person designated by the Governing Body to dispose of a dangerous dog in an expeditious and humane manner. *(Ref. 54-620 RS Neb.)*

§6-121 DECLARATION OF DANGEROUS DOG; REQUIREMENTS OF OWNER.

Upon declaration that a dog is a dangerous dog, it shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within thirty days after such declaration. The cost of both procedures is the responsibility of the owner. Written proof of both procedures and the microchip identification number shall be provided to the animal control authority or Municipal Clerk after the procedures are completed.

§6-122 DANGEROUS DOGS; CONFINEMENT.

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. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible from all areas of public access and inform persons that a dangerous dog is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background. *(Ref. 54-609 RS Neb)*

LAW ENFORCEMENT REGULATIONS

ARTICLE 2. ANIMALS GENERALLY

§6-201 ANIMALS; RUNNING AT LARGE.

It shall be unlawful for the owner, keeper, or harbinger of any animal, or any person having the charge, custody, or control thereof, to permit a horse, mule, cow, sheep, goat, swine, or other animal to be driven or run at large on any of the public ways and property, or upon the property of another, or to be tethered or staked out in such manner so as to allow such animal to reach or pass into any public way. (*Ref. 17-547 RS Neb.*)

§6-202 ANIMALS; ENCLOSURES.

All pens, cages, sheds, yards, or any other area or enclosure for the confinement of animals and fowls not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the said enclosure is located.

§6-203 FOWLS; BAN FROM MUNICIPALITY.

It shall be unlawful for any person to keep or harbor any chickens, geese, ducks, pheasants, turkeys, peafowl, or guineas of whatever sex within the corporate limits of the Municipality.

§6-204 COYOTES AND WOLVES; BAN FROM MUNICIPALITY.

There shall be no coyotes or wolves, regardless of the percentage of coyote or wolf blood that is composed within their bloodline, kept within the corporate limits of the Municipality. Such animals shall be banned. There will be zero tolerance for failing to adhere to this ordinance.

§6-205 AGRICULTURAL ANIMALS.

It shall be unlawful for any person, business, or corporation, to keep or harbor a horse, mule, cow, sheep, goat, or swine within the corporate limits of the Municipality. It shall further be unlawful for any person, business, or corporation to keep or harbor more than three (3) rabbits on a lot of record within the corporate limits of the Municipality. Any person violating this Section shall be deemed guilty of a misdemeanor.

§6-206 BEEKEEPING; BANNED FROM MUNICIPALITY.

LAW ENFORCEMENT REGULATIONS

No person, business, or corporation shall keep or harbor or maintain the facilities for the keeping and harboring of bees within the corporate limits. Any person, business, or corporation violating this Section shall be deemed guilty of a misdemeanor punishable as provided in this Chapter. The maintaining, keeping or harboring of bees within the corporate limits of the Municipality is hereby declared a nuisance and may be abated as provided by this Chapter in Section 6-401.

LAW ENFORCEMENT REGULATIONS

ARTICLE 3. MISCELLANEOUS MISDEMEANORS

§6-301 MISDEMEANORS; INJURY TO TREES.

It shall be unlawful for any person to purposely or carelessly, and without lawful authority, cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by them, shall make an application to the Governing Body to do so, and the written permit of the Governing Body in accordance with their decision to allow such an action shall constitute the only lawful authority on the part of the company to do so.

§6-302 MISDEMEANORS; TRASH.

It shall be unlawful for any person to willfully, maliciously, or negligently place or throw upon the premise of another any filth, garbage, leaves, papers, or other matter to the annoyance of the owner or occupant thereon.

§6-303 MISDEMEANORS; 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.

§6-304 MISDEMEANORS; POSTING.

It shall be unlawful for any person to post, paste, or paint any sign, advertisement, or other writing of any nature upon a fence, pole, building, or other property without the written permission of the owner of the said property.

§6-305 MISDEMEANORS; DISCHARGE OF FIREARMS.

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

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

LAW ENFORCEMENT REGULATIONS

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 Municipality. *(Ref. 17-207 RS Neb.)*

§6-307 MISDEMEANORS; 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 or she shall first remove all doors and make the same reasonably safe. *(Ref. 18-1720 RS Neb.)*

§6-308 MISDEMEANORS; STREET GAMES.

It shall be unlawful for any person to play catch, bat a ball, kick or throw a football, or to engage in any exercise or sport upon the Municipal streets and sidewalks. Nothing herein shall be construed to prohibit or prevent the Governing Body from ordering from time to time certain streets and public places blocked off for the purpose of providing a safe area to engage in such exercise and sport.

§6-309 MISDEMEANORS; OBSTRUCTION OF PUBLIC WAYS.

It shall be unlawful for any person to erect, maintain, or suffer to remain on any street or public sidewalk a stand, wagon, display, or other obstruction inconvenient to, or inconsistent with, the public use of the same.

§6-310 MISDEMEANORS; WEED REMOVAL; LITTER, STAGNANT WATER.

- A. Any and all lots or pieces of ground within the Municipality 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 Municipality shall keep the lot or piece of ground and the adjoining streets and alleys free of any growth of twelve inches (12") 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 Municipality is prohibited; provided however, that grass, leaves, and worthless vegetation may be used as a ground mulch or in a compost pile on property personally owned by the individual.
- D. It is hereby declared a nuisance to permit, or maintain any growth of twelve inches (12") 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.

LAW ENFORCEMENT REGULATIONS

- E. Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this ordinance, be guilty of a misdemeanor.
- F. ABATEMENT: 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 publication in a newspaper of general circulation in the Municipality or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed.

Within five (5) 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 request a hearing with the Municipality in writing or fails to comply with the order to abate and remove the nuisance, the Municipality may have such work done. 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 Municipality 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.

- 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, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and

2. Weeds includes, but is not be 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 (*Rahmnus sp.*) (toun), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*). (Ref. 17-563, 18-1719 RS Neb.)

LAW ENFORCEMENT REGULATIONS

§6-311 GENERAL OFFENSES; ABANDONED AUTOMOBILES.

- (A) (1) No person shall cause any vehicle to be an abandoned vehicle as described in subsection (B)(1), (2), (3), or (4) of this section.
- (2) No person other than one authorized by the Municipality or appropriate state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned.
- (B) A motor vehicle is an abandoned vehicle:
- (1) If left unattended, with no license plates or valid In Transit decals issued pursuant to Nebraska Law affixed thereto, for more than six (6) hours on any public property;
- (2) If left unattended for more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted;
- (3) If left unattended for more than forty-eight (48) hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
- (4) If left unattended for more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner is terminated; or No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this division.
- (C) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit decals issued pursuant to Nebraska Law affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250 or less, title shall immediately vest in the Municipality.
- (D) (1) Except for vehicles governed by subsection (C) of this section, the Municipality shall make an inquiry concerning the last-registered owner of an abandoned vehicle as follows:
- (a) Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
- (b) Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.
- (2) The Municipality shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:
- (a) It will be sold or will be offered at public auction after five (5) days from the date such notice was mailed; or
- (b) Title will vest in the Municipality thirty (30) days after the date such notice was mailed,
- (3) If the Municipality is notified that a lien or mortgage exists, the notice described in subsection (D)(2) of this section shall also be sent to the

LAW ENFORCEMENT REGULATIONS

lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

- (4) Title to an abandoned vehicle, if unclaimed, shall vest in the Municipality:
 - (a) Five (5) days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subsection (D)(2)(a) of this section;
 - (b) Thirty (30) days after the date the notice is mailed if the Municipality will retain the vehicle; or
 - (c) If the last-registered owner cannot be ascertained, when notice of such fact is received.
- (5) After title to the abandoned vehicle vests pursuant to subsection (D)(4) of this section, the Municipality may retain for use, sell, or auction the abandoned vehicle. If the Municipality has determined that the vehicle should be retained for use, the Municipality shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the Municipality intends to retain the abandoned vehicle for its use and that title will vest in the Municipality thirty (30) days after publication.

(E) Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the Municipality, shall be held by the Municipality without interest, for the benefit of the owner or lienholders of such vehicle for a period of two (2) years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the Municipality.

(F) Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed, nor the Municipality, shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the Municipality or its contractual agent or as a result of any subsequent disposition.

(G) The last-registered owner of an abandoned vehicle shall be liable to the Municipality for the costs of removal and storage of such vehicle.

(H) For purposes of this section, **PUBLIC PROPERTY** means any public right-of-way, street, highway, alley or park or other state, county, or Municipality owned property; **PRIVATE PROPERTY** means any privately owned property which is not included within the definition of public property.

(I) Any person who violates the provisions of this section is guilty of a misdemeanor.

§6-312 MISDEMEANORS; UNLICENSED OR INOPERABLE VEHICLES.

No person in charge or control of any property within the Municipality, other than Municipal property, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, inoperably, wrecked, junked, or discarded vehicle to remain on such property longer than thirty (30) days. No unlicensed vehicle shall be

LAW ENFORCEMENT REGULATIONS

permitted to remain on any private or public property for any length of time; provided, this section shall not apply to a vehicle in an enclosed building; to a vehicle 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 to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Municipality. Any vehicle allowed to remain on property in violation of this section shall constitute a nuisance and shall be abated, and any person violating this section shall be guilty of a misdemeanor.

§6-313 MISDEMEANORS; MAINTENANCE OF A NUISANCE.

It shall be unlawful for any person to erect, continue, use, maintain, or cause any nuisance to the injury of any part of the citizens of this Municipality. The erecting, continuing, using, or maintaining of any building, structure, or other place for the exercise of any trade, employment, manufacture, or other business which, by occasioning noxious exhalations, noisome or offensive smells, becomes injurious and dangerous to the health, comfort, or property of individuals or the public; the obstructing or impeding, without legal authority, above the passage of navigable river, harbor, or collection of water; or the corruption or rendering unwholesome or impure of any watercourse, stream or water; or unlawfully diverting any such watercourse from its natural course or state to the injury or prejudice of others; and the obstructing or the encumbering by fences, buildings, structures or otherwise on any of the public highways or streets or alleys of the Municipality; and such other situations as may be defined in Municipal Code §4-302, shall be deemed to be nuisances. The Court, in case of conviction of such offense, shall order every such nuisance to be abated or removed.

§6-314 MISDEMEANORS; BARBED WIRE AND ELECTRIC FENCES.

It shall be unlawful for any person to erect or cause to be erected and maintain any barbed wire or electric fence within the Municipality where such fence abuts a public sidewalk, street, or alley, or other adjacent property within the Municipality.

§6-315 MISDEMEANORS; TRESPASS OF MUNICIPAL PROPERTY.

It shall be unlawful for any person to enter upon any property owned by the Municipality which is fenced and posted with signs stating "No Trespassing," without specific authority from the Governing Body or an appointed official of the Municipality. Specifically subject to this ordinance are all fenced portions and building at: the Waste Water Treatment Plant, the Water Tower, all Municipal wells, the Municipal Swimming Pool, the Municipal Maintenance Building, the Municipal Community Building and the Municipal Hall. Each such location shall be posted with signs indicating no trespassing. The Governing Body may from time to time, by resolution, designate additional Municipal property which is subject to the provisions of this section.

LAW ENFORCEMENT REGULATIONS

§6-316 MISDEMEANORS; CURFEW.

It shall be unlawful for any minor under seventeen (17) years of age to loiter, idle, wander, stroll, or play in or upon the public streets, avenues, highways, roads, or alleys, parks, playgrounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places or to ride in or upon, drive or otherwise operate any automobile, bicycle or other vehicle in, upon, over or through the streets, alleys, or other public places at the herein designated times: Sunday through Thursday eleven (11:00) o'clock P.M. to (5:00) o'clock A.M. of the following day, Friday and Saturday twelve (12:00) o'clock Midnight to five (5:00) o'clock A.M. of the following day; provided, however that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent or other adult person having the care and custody of the minor; provided that the minor is returning home on a direct route from a place of employment.

§6-317 MISDEMEANORS; LIABILITY OF PARENT, GUARDIAN OR OTHER ADULT.

It is unlawful for the parent, guardian or other adult person having the legal care and custody of a minor under seventeen (17) years of age to knowingly permit or allow such minor person to loiter, idle, wander, stroll, or play in or upon the public streets, avenues, highways, places of amusement and entertainment, vacant lots, or other unsupervised places or to ride in or upon, drive or otherwise operate any automobile, bicycle or other vehicle in, upon, over or through the streets, alleys, or other public places at the herein designated times: Sunday through Thursday eleven (11:00) o'clock P.M. to (5:00) o'clock A.M. of the following day, Friday and Saturday twelve (12:00) o'clock Midnight to five (5:00) o'clock A.M. of the following day; provided, however that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent or other adult person having the care and custody of the minor.

§6-318 CONCEALED HANDGUN PERMIT: PROHIBITED PLACES AND PREMISES.

A. The Nebraska Concealed Handgun Permit Act (Neb. Rev. Stat. §§ 69-2427 – 69-2447) provides that persons may carry concealed handguns pursuant to the provisions contained therein. The Municipality recognizes such rules, as they may be amended from time to time. However, the Municipality sets forth the following places and premises as locations prohibited from carrying a concealed handgun, even with a valid permit:

1. Municipal Hall and Offices;

LAW ENFORCEMENT REGULATIONS

2. Municipal Maintenance Facilities;
3. Eagle Community Building;
4. Municipal Park and Swimming Pool.

B. Any person in violation of this section shall be guilty of a Misdemeanor and subject to the penalties set forth in this chapter

§6-319 SEX OFFENDER; SEXUAL PREDATOR RESIDENCY RESTRICTIONS PENALTIES; AND EXCEPTIONS.

(A) It is unlawful for any sexual predator who is subject to the Nebraska Sex Offender Registration Act or similar requirement of another State, to reside within 500 feet of the real property comprising a school, or a child care facility.

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

(C) A sexual predator residing within 500 feet of a school, or a child care facility, does not commit a violation of this Ordinance if any of the following apply:

1. The sexual predator resides within a prison or correctional or treatment facility operated by the state or a political subdivision;
2. The sexual predator established a residence before July 1, 2006, and has not moved from that residence; or
3. The sexual predator 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.

LAW ENFORCEMENT REGULATIONS

ARTICLE 4. PENAL PROVISIONS

§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 a misdemeanor and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense, recoverable with costs. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (Ref. 17-207)

§6-402 ABATEMENT OF NUISANCE.

Whenever a nuisance exists as defined in this Chapter, the Municipality 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 part of the judgment in the case. (Ref. 18-1720, 18-1722 RS Neb.)

§6-403 WAIVER FINE SCHEDULE.

In the event a person is charged with a violation of the Municipal Code, the following is the suggested waiver schedule for violations in the event the duly appointed Law Enforcement Official of the Municipality, in his or her discretion, permits said person to enter a written guilty plea and pay the fine and costs directly to the Bureau of Violations or the County Court:

**VILLAGE OF EAGLE
ORDINANCE FEE/FINE WAIVER SCHEDULE**

<u>ORDINANCE</u>	<u>DESCRIPTION</u>	<u>FINE</u>
HEALTH/SANITATION		
4-204	Solid Waste Disposal; Definitions; Refuse	\$25.00
4-402	Excessive Noise; Prohibited	\$25.00

VEHICLE VIOLATIONS

LAW ENFORCEMENT REGULATIONS

5-205	Turning; "U" Turns	\$25.00
5-206	Turning; Generally	\$25.00
5-207	Right-of-Way; Generally	\$25.00
5-208	Position of Vehicle on Highway; Generally	\$25.00
5-210	Signs, Signals	\$25.00
5-211	Stop Signs	\$25.00
5-212	Pedestrian Mall/Fire Lane	\$25.00
5-213	Engine Braking	\$50.00
5-301	Littering	\$50.00
5-302	Signs; Defacing or Interfering With	\$100.00
5-303	Quiet Zones; Unnecessary Noise	\$25.00
5-304	Speeding 1-5 miles over	\$25.00
	6-15 miles over	\$50.00
	15 + miles over	\$100.00
5-309	Driving Abreast	\$75.00
5-310	Driving in Sidewalk Space	\$25.00
5-401	Vehicle; Muffler	\$25.00
5-402	Loads; Projecting	\$25.00
5-501	Bicycle Operation	\$25.00
5-502	Minibikes Snowmobiles, Golf Cart, Go Cart Off-Road Vehicle; Parks	\$50.00
5-503	Offroad Vehicles; Unlawful Operation(first offense)	\$ 50.00
	(second offense)	\$100.00
	Subsequent to second	no waiver
5-601	Parking; Generally	\$25.00
5-602	Parking; Designation	\$25.00

LAW ENFORCEMENT REGULATIONS

5-605	Parking; Trucks and Trailers Prohibited	\$25.00
5-606	Parking; Obstructing or Impeding Traffic	\$25.00
5-607	Parking; Display or Repair	\$25.00
5-608	Parking: Time Limit	\$25.00
5-609	Parking; Snow Removal and Maintenance	\$25.00
5-610	Parking Emergency; Snow Route	\$100.00
5-612	Parking; Private Lots	\$25.00
5-703	Snow Emergency; Declaration of Emergency; Prohibition of Parking on Snow Emergency Routes	\$100.00
5-704	Snow Emergency; Prohibition of Parking Residential Streets	\$100.00
5-706	Snow Emergency; Operation of Motor Vehicles On Snow Emergency Routes	\$100.00
5-707	Snow Emergency; Stalled Vehicle on Snow Emergency Route	\$100.00

ANIMAL VIOLATIONS

6-101	Dogs/Cats; License	\$5.00
6-103	Dogs/Cats; Wrongful Licensing	\$25.00
6-105	Dogs/Cats; Unlicensed	\$25.00
6-106	Dogs/Cats; Uncollared	\$25.00
6-107	Dogs; Running At Large	\$25.00
6-109	Dogs; Vicious	\$50.00
6-110	Dogs; Barking and Offensive	\$25.00
6-112	Dogs/Cats; Removal of Tags	\$25.00

LAW ENFORCEMENT REGULATIONS

6-116	Dogs; Kennel Prohibited	\$50.00
6-119	Dangerous Dogs; Removal	\$50.00
6-120	Dangerous Dogs; Failure to Comply	\$50.00
6-122	Dangerous Dogs; Confinement	\$100.00
6-201	Animals; Running at Large (other than dogs)	\$25.00
6-202	Animals; Enclosures	\$25.00
6-203	Fowls; Ban From Municipality	\$50.00
6-204	Coyotes and Wolves; Ban From Municipality	\$75.00
6-205	Agricultural Animals; Ban From Municipality	\$50.00
6-206	Beekeeping; Banned from Municipality	\$50.00

MISCELLANEOUS MISDEMEANORS

6-301	Misdemeanors; Injury to Trees	\$50.00
6-302	Misdemeanors; Trash	\$50.00
6-303	Misdemeanors; Posted Advertisements	\$25.00
6-304	Misdemeanors; Posting	\$25.00
6-306	Misdemeanors; Slingshots, Air Guns, BB Guns	\$50.00
6-307	Misdemeanors; Appliances in Yard	\$25.00
6-308	Misdemeanors; Street Games	\$25.00
6-309	Misdemeanors; Obstruction of Public Ways	\$25.00
6-310	Misdemeanors; Weed Removal; Litter Stagnant Water	\$25.00
6-311	General Offenses; Abandoned Automobiles	\$25.00
6-312	Misdemeanors; Unlicensed or Inoperable Vehicles	\$75.00

LAW ENFORCEMENT REGULATIONS

6-314	Misdemeanors; Barbed Wire and Electric Fences	\$25.00
6-315	Misdemeanors; Trespass of Municipal Property	\$50.00
6-316	Misdemeanors; Curfew	\$50.00
6-317	Misdemeanors; Liability of Parent, Guardian or Other Adult	\$25.00

FIRE REGULATIONS

7-102	Fires; Assistance	\$75.00
7-105	Fires; Obstruction	\$100.00
7-106	Fires; Driving Over Hose	\$25.00
7-107	Fires; Traffic	\$25.00
7-109	Fires; Pedestrians	\$25.00
7-205	Fires Prevention; Storage	\$25.00
7-303	Fireworks; Unlawful Acts; Enumerated	\$50.00
7-305	Fireworks; Sale and Use of Bottle Rockets, Skyrockets and Like Devices Prohibited; Unlawful Acts	\$50.00
7-306	Permissible Fireworks; Sale and Use Only From June 28 th Through and Including July 4 th , Hours Of Sale and Use Restricted	\$50.00
7-308	Fireworks; Unlawful Discharging, Firing, Launching, or Throwing Prohibited	\$50.00
7-309	Permissible Fireworks; Retail Sale; License Required; Fee	\$50.00

PUBLIC WAYS AND PROPERTY

8-103	Streets; Planting of Vegetation	\$25.00
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LAW ENFORCEMENT REGULATIONS

8-104	Municipal Property; Obstructions	\$25.00
8-105	Municipal Property; Weeds	\$50.00
8-201	Sidewalks; Overhanging Branches; Vegetation; Encroachments	\$25.00
8-202	Sidewalks; Kept Clean	\$25.00
8-206	Sidewalks; Construction by Owner	\$25.00
8-305	Streets; Driving Stakes	\$75.00
8-306	Streets; Mixing Concrete	\$25.00
8-307	Streets; Harmful Liquids	\$25.00

BUSINESS REGULATIONS

10-119	Alcoholic Beverages; Hiring Minors	\$100.00
10-120	Alcoholic Beverages; Consumption in Public Places	\$100.00
10-122	Alcoholic Beverages; Consumption Inside Vehicles	\$100.00
10-123	Alcoholic Beverages; Transporting in Public Places	\$100.00
10-201	Peddlers and Hawkers; Regulation	\$25.00