

## Chapter 6

### ANIMAL REGULATIONS & MISCELLANEOUS MISDEMEANORS

#### Article 1. Dogs

- §6-101** **DOGS; LICENSE.** Any person who shall own, keep, or harbor a dog over the age of six (6) months within the Municipality shall within thirty (30) days after acquisition of the said dog acquire a license for each such dog. The renewal date for a dog license shall be the first (1<sup>st</sup>) day of January of each year. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of ten (\$10.00) dollars for each spayed or neutered dog, and twenty (\$20.00) for each dog not spayed or neutered. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his 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 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. (*Ref. 17-526, 54-603, 71-4402 RS Neb.*)
- §6-102** **DOGS; LICENSE TAGS.** Upon the payment of the license fee, the Municipal Clerk shall issue to the owner, a dog license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until the thirty-first (31<sup>st</sup>) day of December following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original 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 at no charge. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Municipal Clerk to issue tags of a suitable design that are different in appearance each year.
- §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 Municipal Identification than that issued by the Municipal Clerk for dogs, nor shall the owner, keeper, or harbinger wrongfully and knowingly license an un-spayed or un-neutered dog with a license prescribed for a neutered or spayed dog.
- §6-104** **DOGS; OWNER DEFINED.** Any person who shall harbor or permit any dog 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 and shall be deemed liable for all penalties herein prescribed. (*Ref. 54-606, 71-4401- 71-4402 RS Neb.*)
- §6-105** **DOGS; DANGEROUS DOGS.** It shall be the duty of the Governing Body whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog to muzzle the same, or to confine it for a period of not less than thirty (30) days or more than ninety (90) days from the date of such proclamation, or until such danger is

passed. The dangerous dogs shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of the dangerous dog shall post warning signs on the property where the dog is kept that are clearly visible from all areas of public access and that 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. Upon issuing the proclamation it shall be the duty of all persons owning, keeping, or harboring any dog to confine the same as herein provided. (Ref. 54-619 thru 54-624 RS Neb.)

**§6-106 DOGS; UN-COLLARED.** All dogs found running at large upon the streets and public grounds of the Municipality without a collar or harness are hereby declared a public nuisance. Un-collared dogs found running at large may be killed by The Sheriff's Department. (Ref. 54-604, 54-605 RS Neb.)

**§6-107 DOGS; RUNNING AT LARGE.** It shall be unlawful for the owner of any dog, whether licensed or unlicensed, to allow such dog to run at large in the Municipality. "Running at Large" shall mean any dog found off the premise 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. (Ref. 17-526 RS Neb.)

**§6-108 DOGS; IMPOUNDMENT FEES WHEN DOGS LICENSED OR UNLICENSED ARE IMPOUNDED.** Impoundment of dogs within the City of David City, Nebraska, shall be accomplished by The Sheriff's Department or person(s) designated by the Mayor when found "running at large." There shall be a boarding fee for each day the dog is impounded by the City, which shall be the responsibility of the owner. In addition there shall be a general impoundment fee of five dollars (\$5.00) for the first impoundment of a dog during any license year; then ten dollars (\$10.00) for the second impoundment during any license year; fifteen dollars (\$15.00) for the third impoundment during any license year. All such fees, together with proof that a dog is licensed in accordance with the provisions of this Chapter, shall be paid before any dog is released. When all fees have been paid to the City, the dog may be returned to the owner.

**§6-109 DOGS; CAPTURE IMPOSSIBLE.** The Sheriff's Department shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved. (Ref. 54-604 RS Neb.)

**§6-110 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. If any vicious or dangerous dog is allowed to run at large, The Sheriff's Department shall have the authority to put the dog to death. Upon the complaint of one (1) or more affected persons, filed with the Sheriff's Department, that any dog owned by the person named in the complaint is committing injury to persons or property, or is an annoyance, dangerous, offensive or unhealthy, The

Sheriff's Department shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to dispose of the dog. If The Sheriff's Department is unable to locate the owner of the dog, or if the owner of the dog fails to restrain such dog, the Sheriff's Department shall take custody of the dog, and impound said dog. The owner of the dog shall be required to pay impoundment fees as set forth in Municipal Code 6-108, before the dog will be released.

- §6-111 DOGS; INTERFERENCE WITH SHERIFF.** It shall be unlawful for any person to hinder, delay, or interfere with any Sheriff or authorized deputy who is performing any duty enjoined upon him/her by the provisions of this Article. (*Ref. 28-906 RS Neb.*)
- §6-112 DOGS; KILLING AND POISONING.** It shall be unlawful to kill, or to administer, or cause to be administered, poison of any sort to a dog, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy any dog that is the property of another person, or to place any poison, or poisoned food where the same is accessible to a dog.
- §6-113 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 person or neighborhood, 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 Municipality. Upon the complaint of one (1) 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 of the Municipal Code, the Sheriff's Department shall investigate the complaint and, if in the opinion the situation warrants, shall notify the owner to silence and restrain such dog. If the Sheriff's Department is unable to locate the owner of the dog, or if the owner of the dog fails to silence and restrain such dog, the Sheriff's Department may take custody of the dog, and impound such dog. The owner of the dog shall be required to pay impoundment fees as set forth in Municipal Code 6-108, before the dog will be released.
- §6-114 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 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.*)
- §6-115 DOGS; 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 without the consent of the owner, keeper, or possessor thereof.
- §6-116 DOG AND CATS; LIMITATION OF NUMBERS WITHIN CITY LIMITS.** It shall be unlawful for the owner or occupant of any residence or premises within the City Limits of the City of David City, to own, keep, or harbor more than three (3) dogs, cats, or a combination of dogs and cats who are over the age of six (6) months.

Nothing in this provision shall alter or modify the provisions of the City Code concerning kennels within the City Limits of the City of David City, Nebraska. To the extent that the owner/occupant of the premises within the zoning jurisdiction of the City of David City, complies with zoning restrictions concerning a kennel, that ordinance shall remain in full force and effect.

## 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 a manner so as to allow such animal to reach or pass into any public way.
- §6-202** **ANIMALS; CRUELTY.** No person shall cruelly or unnecessarily beat, overwork, or insufficiently shelter or feed any animal within the Municipality.
- §6-203** **ANIMALS; KILLING AND INJURING.** No person shall kill or injure any animal by the use of firearms, stones, clubs, poisons, or any other manner unless the animal is vicious or dangerous and cannot be captured without danger to the persons attempting to effect a capture of the said animal. *(Ref. 54-624 RS Neb.)*
- §6-204** **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.
- §6-205** **FOWLS; RUNNING AT LARGE.** It shall be unlawful for any person to allow poultry, chickens, turkeys, geese, or any other fowls to run at large within the corporate limits, except in enclosed places on private property. *(Ref. 17-547 RS Neb.)*
- §6-206** **ANIMALS; PROHIBITED WITHIN THE CORPORATE LIMITS.** It shall be unlawful for the owner, keeper, or harbinger of any livestock, namely cows, horses, sheep, goats, swine or mules, to keep such livestock within the corporate limits of the City of David City, Nebraska, except as provided herein. All properties, within the corporate limits, where any of the above listed livestock are being kept at the time of the passage of this ordinance, shall be permitted to continue to keep livestock.

### Article 3. Exotic Animals

**§6-301** **EXOTIC ANIMALS.** It shall be unlawful for any person to possess or sell any exotic animals. It is the intent of the City of David City to protect the public against health and safety risks that exotic animals pose to the community and to protect the welfare of the individual animals held in private possession. Exotic animals are wild and potentially dangerous in a captive environment.

**§6-302** **DEFINITIONS.**

A. "Animal control authority" means any agency designated by the mayor and city council responsible for animal control.

B. "Exotic animal" means those species of animals that are wild by nature, including any or all hybrids, which, because of habitat, mode of life, or natural instinct, are incapable of being completely domesticated, and require the exercise of art, force, or skill to keep them in subjection, whether bred in the wild or in captivity. Examples of wild or exotic animals include, but are not limited to hawks, owls, mink, monkeys, deer, skunks, alligators, crocodiles, caimans, raccoons, opossums, any cat not a member of the family felis domestica, including, but not limited to, tigers, lions, panthers, and lynxes, and any dog not a member of the family canis familiaris, including, but not limited to, wolves, foxes, and coyotes. All venomous snakes and non-venomous snakes including but not limited to Paupan python, Peruvian black-tailed boa, Guyana red-tailed boa, Suriname red-tailed boa, argentine boa, green anaconda, yellow anaconda, oenpelli python, amethystine python, bar-neck amethystine python, boelens python, Burmese python, tiger reticulated python dwarf reticulated python and African rock python. Also included as an exotic animal are the following types of lizards: gila monster, Mexican beaded lizard, Bengal monitor, gray's monitor, blackthroat monitor, gould's/sand monitor, nile monitor, green iguana, water monitor, lace monitor.

C. "Domestic Animal" means any of various animals domesticated by people to live and breed in a tame condition and shall include, but not limited to dogs, cats, ferrets, guinea pigs, rabbits and gerbils.

D. "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate or any other legal entity, and any officer, member, shareholder, director, employee, agent or representative thereof.

E. "Possessor" means any person who owns, possesses, keeps, harbors, brings into the state, has in one's possession, acts as a custodian, or has custody or control of a exotic animal.

F. "Wildlife sanctuary" means a non-profit organization described in Section 170(b)(1)(A)(vi), Internal Revenue Code 1986, and its subsequent amendments, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced exotic animals are provided care for their lifetime or released back to their natural habitat and, with respect to any animal owned by the organization, does not: conduct any activity that is not inherent to the animal's nature; use the animal for any type of entertainment; sell, trade or barter the animal or the animal's body parts; or breed the animal for any purpose.

**§6-303** **KEEPING OF EXOTIC ANIMALS PROHIBITED.** It shall be unlawful for any person within the corporate limits of the city to own, sell, possess, keep, harbor, bring into the city, have in one's possession, act as a custodian, or have custody or control of an exotic animal, except in compliance with this act.

It shall be unlawful for a person to breed an exotic animal.

**§6-304** **EXOTIC ANIMALS; EXEMPTIONS.**

The provisions of this act shall not apply to:

Licensed Zoos and Aquariums.

Duly incorporated non-profit animal protection organizations.

Animal control or law enforcement agencies or officers.

Licensed veterinary hospitals or clinics.

Any wildlife sanctuary as defined under this act.

Any licensed or accredited research or medical institution.

Any licensed or accredited educational institution.

Any lawfully operated circus or rodeo.

Any person exempted by Nebraska law consistent with Chapter 37 of Neb. Rev. Stats.

**§6-305** **EXOTIC ANIMALS; PERMITS.**

Any person owning an exotic pet with the exception of all venomous snakes, constricting snakes more than 7 feet in length, monkeys, deer, skunks, alligators, crocodiles, tigers, caimans, raccoons, any cat not a member of the family felis domestica, including, but not limited to lions tigers, panthers, and lynxes, and any dog not a member of the family canis familiaris, including, but not limited to, wolves, foxes, and coyotes on or before February 9, 2005 shall file for a permit with the City of David City. All exotic pets listed above are not covered by this exception and are banned under this ordinance. Each permit, which will be kept on file at the David City Office, shall include the owner's name, address, phone number, type of animal in possession and the animal's length and weight. The city administrator and the city clerk shall sign all permits. The owner shall then be responsible for filing another permit with the City of David City if he/she moves. If a new permit is not filed with the city within one month of the owner moving the owner will no longer be allowed to keep the specified animal within the corporate limits of David City. This exception does not cover owners who have had a pet die or who have sold a pet. (*Ref 54-7, 105.01 RS Nebr.*)

**§6-306** **EXOTIC ANIMALS; ENFORCEMENT.** The city animal control authority, its staff, its agents, any city, county or state law enforcement officer, are authorized and empowered to enforce the provisions of this ordinance.

**§6-307** **EXOTIC ANIMALS; INSPECTION.** The possessor of an exotic animal consistent with this act, at all reasonable times, shall allow the animal control authority, its staff, and its agents to enter the premises where the animal is kept to ensure compliance with this act.

**§6-308 EXOTIC ANIMALS; CONFISCATION AND DISPOSITION OF EXOTIC ANIMALS.**

A. The animal control authority or law enforcement officer may immediately confiscate any exotic animal if the animal is kept in contravention of this act. The possessor is liable for the costs of placement and care for the exotic animal from the time of confiscation until the time of return to the possessor or until the time the animal has been relocated to an approved facility.

B. If an exotic animal is confiscated due to the animal being kept in contravention of this act, the possessor must post a security bond or cash with the animal control authority in an amount sufficient to guarantee payment of all reasonable expenses expected to be incurred in caring and providing for the animal, including but not limited to the estimated cost of feeding, medical care, and housing for at least thirty (30) days. The security bond or cash shall not prevent the animal control authority from disposing of the animal at the end of the thirty (30) days unless the person claiming the animal posts an additional security bond or cash with the animal control authority to secure payment of all reasonable expenses expected to be incurred in caring and providing for the animal for an additional thirty (30) days, and does so prior to the expiration of the first thirty (30) day period. The amount of the security bond or cash shall be determined by the animal control authority and based on the current rate to feed, provide medical care, and house the animal.

C. If a confiscated animal possessor cannot be located or if a confiscated animal remains unclaimed, in the discretion of the animal control authority, the animal control authority may contact an approved facility and allow the animal to be adopted by an authorized person or facility or may euthanize the animal.

D. If the exotic animal cannot be taken up or recaptured safely by the animal control authority or if proper and safe housing cannot be found the animal control authority may immediately euthanize the animal.

E. An exotic animal may be returned to the possessor only if, to the satisfaction of the animal control authority, the possessor is exempt from this act or has a legal possession permit, has corrected the conditions resulting in the confiscation, and has paid the cost of placement and care of the animal while under the care and control of the animal control authority.

**§6-309 EXOTIC ANIMALS; PENALTIES.**

Any person, upon violation of the provisions of this ordinance, who shall fail, neglect, or refuse to comply with any of the provisions of this section shall be in violation of this ordinance and upon conviction thereof, shall be fined as follows:

First violation	\$25.00 fine; forfeiture of animal
Second violation	\$50.00 fine; forfeiture of animal
Third violation	\$75.00 fine; forfeiture of animal
Fourth violation	\$100.00 fine; forfeiture of animal



#### Article 4. Miscellaneous Misdemeanors

- §6-401** **MISDEMEANORS; IMPERSONATING AN OFFICER.** It shall be unlawful for any person other than a State or Federal Officer to wear an official badge or uniform, or to falsely and willfully impersonate the said officials. *(Ref. 28-638, 28-609, 28-610 RS Neb.)*
- §6-402** **MISDEMEANORS; RESISTING OFFICER.** It shall be unlawful for any person to resist any Municipal Officer when lawfully requested to do so by him/her. Any person who refuses to assist an officer when lawfully requested to do so shall be fined in any amount not exceeding fifty (\$50.00) dollars. *(Ref. 28-904 to 28-906 RS Neb.)*
- §6-403** **MISDEMEANORS; ABUSING OFFICER.** It shall be unlawful for any person to abuse a Sheriff's officer or Municipal official in the execution of his office. *(Ref. 28-929, 28-931, 28-931.01 RS Neb.)*
- §6-404** **MISDEMEANORS; TRESPASSING.** It shall be unlawful for any person to trespass upon any private grounds within the Municipality, or to break, cut, or injure any tree, shrub, plant, flower, or grass growing thereon, or without the consent of the owner or occupant to enter upon an improved lot or grounds occupied for residence purposes and to loiter about the same. *(Ref. 28-520 to 28-522 RS Neb.)*
- §6-405** **MISDEMEANORS; MALICIOUS DESTRUCTION OF PROPERTY.** It shall be unlawful for any person within the corporate limits to purposely, willfully, or maliciously injure in any manner, or destroy real or personal property of any description belonging to another. *(Ref. 28-519 RS Neb.)*
- §6-406** **MISDEMEANORS; THEFT BY DECEPTION.** It shall be unlawful for any person within the corporate limits to obtain property of another by deception. A person deceives if he intentionally:
- (1) Creates or reinforces a false impression, including false impressions as to law, value, intention, or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise; or
  - (2) Prevents another from acquiring information which would affect his judgement of a transaction; or
  - (3) Fails to correct a false impression which the deceiver previously created or reinforced, or which the deceiver knows to be influencing another to whom he stands in a fiduciary or confidential relationship; or
  - (4) Uses a credit card, charge plate, or any other instrument which purports to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer (a) where such instrument has been stolen, forged, revoked, or canceled, or where for any other reason its use by the actor is unauthorized, or (b) where the actor does not have the intention and ability to meet all obligations to the issuer arising out of his use of the instrument.

The word deceive does not include falsity as to matters having no pecuniary significance, or statements unlikely to deceive ordinary persons in the group addressed. (*Ref. 28-512 RS Neb.*)

- §6-407** **MISDEMEANORS; THEFT OF PROPERTY.** It shall be unlawful for any person within the corporate limits who comes into control of property of another that he or she knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient commits theft if, with intent to deprive the owner thereof, he or she fails to take reasonable measures to restore the property to a person entitled to have it. Any person violating the provisions of this section shall, upon conviction thereof, be punished by the penalty prescribed in the next lower classification below the value of the item lost, mislaid, or delivered under a mistake pursuant to section 28-518. Any person convicted pursuant to this section when the value of the property is five hundred dollars or less shall be guilty of a Class III misdemeanor for the first conviction, a Class II misdemeanor for the second conviction, and a Class I misdemeanor for the third or subsequent conviction. (*Ref. 28-514 RS Neb.*)
- §6-408** **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 the fruit of any trees planted or growing 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.
- §6-409** **MISDEMEANORS; DRINKING IN PUBLIC.** It shall be unlawful for any person to consume alcoholic beverages in the public streets, alleys, roads, highways, or upon any property owned by the Municipality or other governmental subdivision thereof, or inside vehicles while upon the public streets, alleys, roads, or highways, except when said consumption is in accordance with the provisions of the Nebraska Liquor Control Act and the licensing requirements of the State of Nebraska (*Ref. 53-186, 53-186.01 RS Neb.*)
- §6-410** **MISDEMEANORS; MINOR IN POSSESSION.** Except as provided in Section 53-168.06, no minor may sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, or highways, upon property owned by the State of Nebraska or any subdivision thereof, or inside any vehicle while in or on any other place, including, but not limited to, the public streets, alleys, roads, or highways, or upon property owned by the State of Nebraska or any subdivision thereof, except that a minor may consume, possess, or have physical control of alcoholic liquor in his or her permanent place of residence or on the premises of a place of religious worship on which premises alcoholic liquor is consumed as a part of a religious rite, ritual, or ceremony

The governing body shall have the power to, and may by applicable resolution or ordinance, regulate, suppress, and control the transportation, consumption, or knowing possession of or having under his or her control beer or other alcoholic

liquor in or transported by any motor vehicle, by any person under twenty-one years of age, and may provide penalties for violations of such resolution or ordinance.

- §6-411** **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.
- §6-412** **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.
- §6-413** **MISDEMEANORS; DISCHARGE OF FIREARMS.** It shall be unlawful for any person, except an officer of the law in the discharge of his official duty, to discharge firearms, rockets, powder, fireworks, or any other dangerous combustible material in the streets, lots, grounds, alleys, or about or in the vicinity of any buildings; to regulate, prevent, and punish the carrying of concealed weapons, except the carrying of a concealed handgun in compliance with the Concealed Handgun Permit Act; and to arrest, regulate, punish, fine, or set at work on the streets or elsewhere all vagrants and persons found without means of support or some legitimate business. *(Ref. 17-556 RS Neb.)*
- §6-414** **MISDEMEANORS; CONCEALED WEAPONS.** It shall be unlawful for any person or persons to carry about their person any concealed pistol, revolver, knife, billy club, sling-shot, metal knuckles, or other dangerous weapon of any kind. Nothing herein shall be construed to apply to The Sheriff's Department. *(Ref. 28-1202, 28-1204 RS Neb.)*
- §6-415** **MISDEMEANORS; SLINGSHOTS, AIR GUNS, BB GUNS, ARCHERY EQUIPMENT, INCLUDING CROSSBOWS AND ANY OTHER PROJECTILE WEAPONS OR DEVICES.**
- (1) It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, paint ball gun or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the municipality.
  - (2) It shall be unlawful for any person using archery equipment including crossbows, within the corporate limits, without having at least a 6' x 8' plywood backstop, three-quarters inch (3/4") thick or of a comparable material of at least the same dimensions and depth to provide the necessary stopping power for the equipment being used.
- §6-416** **MISDEMEANORS; FIRECRACKERS.** It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers, except:
- (1) Any display fireworks purchased from a licensed distributor; or
  - (2) Any display fireworks purchased by the holder of a display permit issued pursuant to section 28-1239.01; or

- (3) Any fireworks brought into this state for storage by a licensed distributor and held for sale outside of this state; or
- (4) Any fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal to any holder of a distributor's license; or
- (5) Toy cap pistols or toy caps, each of which does not contain more than twenty-five hundredths of a grain of explosive material. (*Ref. 28-1245 RS Neb.*)

- §6-417 **MISDEMEANORS; ASSAULTS.** It shall be unlawful for any person to assault or threaten any other person or persons. Any person who assaults another person or persons shall be deemed to be guilty of a misdemeanor.
- §6-418 **MISDEMEANORS; PROVOKING ASSAULT.** It shall be unlawful for any person or persons within the Municipality to intentionally provoke or attempt to provoke an assault upon him/herself or another by the uttering of insulting words, cursing and swearing, or to use slander against any other person.
- §6-419 **MISDEMEANORS; MENACING THREATS.** It is hereby declared unlawful for any person within the corporate limits of this Municipality to assault or threaten another in a menacing manner or strike or injure another.
- §6-420 **MISDEMEANORS; ASSAULT AND BATTERY.** It shall be unlawful for any person to assault, threaten, strike, or injure any other person or persons. Any person who assaults or batters another person or persons shall be deemed to be guilty of a misdemeanor. (*Ref. 28-309, 28-310 RS Neb.*)
- §6-421 **MISDEMEANORS; DISTURBING THE PEACE.** It shall be unlawful for any person or persons to assemble or gather within the Municipality with the intent to do an unlawful or disorderly act or acts, by force or violence against the Municipality, or resident therein, or who shall disturb the public peace, quiet, security, repose, or sense of morality. Any person or persons so assembled or gathered shall be deemed to be guilty of a misdemeanor. (*Ref. 28-1322, 55-474 RS Neb.*)
- §6-422 **MISDEMEANORS; DISORDERLY CONDUCT.** Any person who shall knowingly start a fight, fight, commit assault or battery, make unnecessary noise, or otherwise conduct themselves in such a way as to breach the peace shall be deemed to be guilty of a misdemeanor. (*Ref. 17-129, 17-556 RS Neb.*)
- §6-423 **MISDEMEANORS; LITTERING.** It shall be unlawful for any person to drop, or cause to be left, upon any municipal highway, street, or alley, except at places designated by the Governing Body, any rubbish, debris, grass, leaves, or waste, and any person so doing shall be guilty of littering. (*Ref. 39-311, 28-523 RS Neb.*)
- §6-424 **MISDEMEANORS; PROHIBITED 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 corporate limits.

- §6-425** **MISDEMEANORS; APPLIANCES IN YARD.** (1) It shall be unlawful for any person to permit a refrigerator, icebox, freezer, stove, range, clothes washing machine, clothes dryer, dish washing machine, or any other dangerous appliance to be in the open and accessible to children whether on private or public property and possession of the same shall be deemed a nuisance.  
(2) Upon the report being received by a City employee of a refrigerator, icebox, freezer or any other dangerous appliance being in the open and accessible to children, whether on private or public property, or, upon observation by a Sheriff's officer of a refrigerator, icebox, freezer, stove, range, clothes washing machine, clothes dryer, dish washing machine, or any other dangerous appliance being in the open and accessible to children, whether on private or public property, the Sheriff's Department shall serve notice to the owner of said refrigerator, icebox, freezer, or any other dangerous appliance to remove same within five (5) days. In the event that the refrigerator, icebox, freezer, stove, range, clothes washing machine, clothes dryer, dish washing machine, or other dangerous appliance is not removed within the five (5) days, the City will remove or cause to be removed said appliance(s) and assess the expense of the removal to the owner of said appliance(s). (Ref. 17-563, 18-1720 RS Neb.)
- §6-426** **MISDEMEANORS; OBSTRUCTION OF PUBLIC.** It shall be unlawful for any person to erect, maintain, park, or suffer to remain on any street, alley, or public sidewalk a stand, wagon, display, or other obstruction inconvenient to, or inconsistent with, the public use of the same.
- §6-427** **MISDEMEANORS; OBSTRUCTING WATER FLOW.** It shall be unlawful for any person to stop or obstruct the passage of water in a street gutter, culvert, water pipe, or hydrant.
- §6-428** **MISDEMEANORS; REMOVING DIRT.** It shall be unlawful for any person to remove, disturb, or take away from any street, alley, or public grounds any dirt, earth, stones, or other materials forming a part of such street, alley, or public grounds without first having obtained written permission to do so from the Governing Body.
- §6-429** **MISDEMEANORS; WEED REMOVAL.**
- (1) It shall be a nuisance to permit or maintain any growth of eight inches (8") or more in height of weeds, grasses, or worthless vegetation. It shall be the duty of each owner or owner's duly authorized agent or occupant of real estate in the Municipality to cut and clear such real estate, together with one-half (½) of the streets and alleys abutting thereon, of all weeds, grasses or worthless vegetation that are noxious, obstruct travel on public ways, or create a fire or health hazard. Such weeds, grasses and worthless vegetation shall be cut so as not to extend more than eight inches (8") in height above the ground. Subsequent to the cutting of the said weeds, grasses and worthless vegetation, all loose vegetation shall be immediately removed. Upon the failure of the owner or owner's duly authorized agent or occupant having control of any real estate to cut and clear the said weeds, grasses and worthless vegetation as set forth hereinbefore, the County Sheriff, or designated officer, shall give notice to abate and remove such nuisance to each owner or owner's duly authorized agent or occupant, if any, by personal service or first-class mail which has been conspicuously marked as to its importance. Within five (5) days after receipt of such notice, the owner or

occupant of the lot or piece of ground may request a hearing with the city to appeal the decision to abate or remove a nuisance by filing a written appeal with the office of the City Clerk. A hearing on the appeal shall be held within fourteen days after the filing of the appeal and shall be conducted by the Mayor and City Council. A decision on the appeal shall be rendered within five business days after the conclusion of the hearing. If the appeal fails, the city may have such work done. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the city, or fails to comply with the order to abate and remove the nuisance, the city may have such work done, and the cost thereof shall be paid by the owner. (*Ref. 17-563 RS Neb.*)

(2) The cost and expenses of any such work shall be paid by the property owner. If unpaid for two months after such work is done, the Municipality 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 street and alleys. (*Ref. 17-563 RS Neb.*)

(3) For purposes of this section:

- (a) Litter includes, but is not limit to: (i) trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement, brick, or stone building rubble; (iii) grass, leaves, and worthless vegetation; (iv) offal and dead animals; and (v) 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
- (b) Weeds includes, but is not limited to, bindweed, puncture vine, leafy spurge, Canada thistle, perennial peppergrass, Russian knapweed, Johnson grass, nodding or musk thistle, quack grass, perennial sow thistle, horse nettle, bull thistle, buckthorn, hemp plant, and ragweed. (*Ref. 17-563 RS Neb.*)

**§6-430 MISDEMEANORS; ABANDONED AUTOMOBILES.**

- (1) A motor vehicle, all-terrain vehicle, a utility-type vehicle, or a mini-bike is an abandoned vehicle:
  - (a) If left unattended, with no license plates or valid In Transit stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;
  - (b) If left unattended for more than twenty-four hours, on any public property, except a portion thereof on which parking is legally permitted;
  - (c) If left unattended for more than forty-eight 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;
  - (d) If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

- (e) If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner; or
- (f) If left unattended for more than seven days on private property, and the Municipality or Sheriff's Department has determined such vehicle to be abandoned, unlicensed, junked, inoperable, discarded, stored on private property in Residential areas, or deteriorating the value of neighboring property. (RS 60-1901)**

- (2) The Sheriff's Department, on behalf of 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, (a) if unclaimed within seven days from the date such notice was mailed, the vehicle will be towed and (b) if not claimed within thirty days of towing, the vehicle will be disposed of pursuant to Section 7. If the agency described in Section 6 (a) or (b) also notifies the local authority or state agency that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee.**
- (3) A Municipal employee or the Sheriff's Department shall cause the vehicle to be towed. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. (RS 60-1903)

The following charges for towing and storage will apply:

Towing: \$60.00 minimum charge plus sales tax, and

Storage Fees: \$25.00 minimum charge plus \$25.00 for each additional day.

The towing and storage fee charges shall be paid to the Municipal Clerk prior to the release of the vehicle. After the payment of all fees in full, the Municipal Clerk shall arrange for the release of the vehicle(s).

- (4) A mobile home is an abandoned vehicle if left in place on private property for more than thirty days after a local governmental unit has sent a certified letter to each of the last-registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title. (Mobile home means a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit. (RS 71-4603) Mobile home does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded. (RS 60-1901 & 60-1903)
- (5) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit stickers affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of two hundred fifty dollars or less, title shall immediately vest in the Municipality having jurisdiction thereof. Any certificate of title issued under this section to the Municipality shall be issued at no cost to such authority or agency. (RS 60-1902)

- (6) The Sheriff's Department, on behalf of the Municipality having custody of an abandoned vehicle, shall make an inquiry concerning the last registered owner of such 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.
- (7) The towed vehicles, **if unclaimed after thirty days from the date that it was towed**, either (a) will be sold or will be offered at public auction or (b) title will vest in the Municipality.
- (8) Title to an abandoned vehicle, if unclaimed, shall vest in the Municipality (a) if the vehicle will be sold or offered at public auction under 6(a) of this section, (b) thirty 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. (Ref. 60-1903)
- (9) After title to the abandoned vehicle vests pursuant to subsection (8) 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 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 days after the publication. (RS 60-1903)
- (10) Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the Municipality or Sheriff's Department shall be held by the City without interest, for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the City. (RS 60-1904 – 60-1905)

**§6-431**     **MISDEMEANORS; DISCHARGING PROJECTILES.** It shall be unlawful for any person to discharge or release any instrument which propels a projectile across or into any public place or in the private property of another person.  
(Ordinance #1122, 2/10/10)



## Article 5. Penal Provisions

**§6-501** **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 one hundred dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

**§6-502** **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.)