

CHAPTER 3 – MISDEMEANORS

ARTICLE 1 – GENERAL MISDEMEANORS

- SECTION 3-101: RESISTING OR FAILING TO ASSIST OFFICER**
- SECTION 3-102: CRIMINAL TRESPASS**
- SECTION 3-103: CRIMINAL MISCHIEF**
- SECTION 3-104: CONCEALED WEAPONS; EXCEPTION**
- SECTION 3-105: DISCHARGE OF FIREARM**
- SECTION 3-106: DISCHARGE OF SLINGSHOT, PAINTBALL GUN, BLOW GUN, AIR RIFLE OR SIMILAR INSTRUMENT**
- SECTION 3-107: DISORDERLY CONDUCT**
- SECTION 3-108: STALKING**
- SECTION 3-109: PUBLIC INDECENCY**
- SECTION 3-110: WINDOW PEEPING**
- SECTION 3-111: DISTURBING AN ASSEMBLY**
- SECTION 3-112: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS**
- SECTION 3-113: CURFEW**
- SECTION 3-114: FAILURE TO CONTROL MINOR**
- SECTION 3-115: STREET GAMES**
- SECTION 3-116: APPLIANCES IN YARD**
- SECTION 3-117: LITTERING**
- SECTION 3-118: PARKS; INJURY TO PROPERTY; LITTERING**

ARTICLE 2 –DOGS AND CATS

- SECTION 3-201: DEFINITIONS**
- SECTION 3-202: RABIES VACCINATION**
- SECTION 3-203: RABIES CERTIFICATE; LICENSING; FEE**
- SECTION 3-204: LOST TAG**
- SECTION 3-205: WRONGFUL LICENSING**
- SECTION 3-206: KENNELS**
- SECTION 3-207: COLLAR OR HARNESS REQUIRED**
- SECTION 3-208: RUNNING AT LARGE**
- SECTION 3-209: DAMAGE, DEFECATION; LIABILITY OF OWNER**
- SECTION 3-210: BARKING, MEOWING, AND OFFENSIVE BEHAVIOR**
- SECTION 3-211: FIGHTING**
- SECTION 3-212: KILLING AND POISONING**
- SECTION 3-213: DANGEROUS DOGS; DEFINITIONS**
- SECTION 3-214: DANGEROUS DOGS; RESTRAINED**
- SECTION 3-215: DANGEROUS DOGS; CONFINED; WARNING SIGN**
- SECTION 3-216: DANGEROUS DOGS; FAILURE TO COMPLY**
- SECTION 3-217: DANGEROUS DOGS; ADDITIONAL REGULATIONS**
- SECTION 3-218: RABIES PROCLAMATION**

SECTION 3-219: RABIES SUSPECTED; IMPOUNDMENT; CONFINEMENT BY OWNER

SECTION 3-220: INTERFERENCE WITH ANIMAL CONTROL

ARTICLE 3 – ANIMALS GENERALLY

SECTION 3-301: RUNNING AT LARGE

SECTION 3-302: LIVESTOCK AND POULTRY PROHIBITED; EXCEPTIONS

SECTION 3-303: CHICKENS, TURKEYS, GEESE, AND RABBITS; PERMIT REQUIRED

SECTION 3-304: CHICKENS, TURKEYS, GEESE, AND RABBITS; RESTRICTIONS AND REQUIREMENTS

SECTION 3-305: RABIES; DISPOSITION OF ANIMALS AFFLICTED OR EXPOSED

SECTION 3-306: CAPTURE IMPOSSIBLE

SECTION 3-307: DEAD ANIMALS; DUTY TO REMOVE; UNLAWFUL ACTS; EXCEPTIONS

SECTION 3-308: STORAGE OF HIDES

ARTICLE 4 – NUISANCES

SECTION 3-401: GENERALLY DEFINED

SECTION 3-402: SPECIFICALLY DEFINED

SECTION 3-403: WEEDS OR OTHER NUISANCES; ABATEMENT; NOTICE

SECTION 3-404: WEEDS OR OTHER NUISANCES; FAILURE TO CORRECT

SECTION 3-405: WEEDS OR OTHER NUISANCES; SECOND OFFENSE

SECTION 3-406: DANGEROUS BUILDINGS; DEFECTS

SECTION 3-407: DANGEROUS BUILDINGS; BUILDING INSPECTOR

SECTION 3-408: DANGEROUS BUILDINGS; STANDARDS

SECTION 3-409: DANGEROUS BUILDINGS; UNLAWFUL MAINTENANCE

SECTION 3-410: DANGEROUS BUILDINGS; NUISANCE; PROCEDURE

SECTION 3-411: DANGEROUS BUILDINGS; FAILURE TO COMPLY

SECTION 3-412: DANGEROUS BUILDINGS; DISPUTES

SECTION 3-413: DANGEROUS BUILDINGS; APPEAL

SECTION 3-414: DANGEROUS BUILDINGS; IMMEDIATE HAZARD

SECTION 3-415: JURISDICTION

ARTICLE 5 – SEXUAL PREDATORS RESIDENCY RESTRICTIONS

SECTION 3-501: DEFINITIONS

SECTION 3-502: RESIDENCY RESTRICTIONS

SECTION 3-503: EXCEPTIONS

ARTICLE 6 – PENAL PROVISIONS

SECTION 3-601: VIOLATION; PENALTY

SECTION 3-602: ABATEMENT OF NUISANCE

CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: RESISTING OR FAILING TO ASSIST OFFICER

It shall be unlawful for any person in this village to hinder, obstruct or resist any police officer in making any arrest or performing any duty of his or her office or to refuse or neglect to assist any such officer when called upon by him or her in making any arrest or conveying a prisoner to jail. (Neb. Rev. Stat. §28-903, 28-904)

SECTION 3-102: CRIMINAL TRESPASS

It shall be unlawful for any person, knowing that he is not licensed or privileged to do so, to:

A. Enter or secretly remain in any building or occupied structure or any separately secured or occupied portion thereof; or

B. Enter or remain in any place where notice against trespass is given by (1) actual communication to the actor; (2) posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or (3) fencing or other enclosure manifestly designed to exclude intruders.
(Neb. Rev. Stat. §28-520, 28-521)

SECTION 3-103: CRIMINAL MISCHIEF

It shall be unlawful for any person intentionally or recklessly to damage property of another; intentionally or recklessly tamper with property of another so as to endanger person or property; or intentionally or maliciously cause another to suffer pecuniary loss by deception or threat, provided that the value of the property involved is less than \$1,500.00. (Neb. Rev. Stat. §28-519)

SECTION 3-104: CONCEALED WEAPONS; EXCEPTION

Except as otherwise provided in this section, any person who carries a weapon or weapons concealed on or about his or her person such as a revolver, pistol, bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, or any other deadly weapon commits the offense of carrying a concealed weapon. This section shall not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon which the offender is carrying is a handgun as defined in Neb. Rev. Stat. §69-2429. (Neb. Rev. Stat. §28-1202)

SECTION 3-105: DISCHARGE OF FIREARM

It shall be unlawful, except in the act of self-defense, for any person, except an officer

of the law in the performance of his or her official duty, to fire or discharge any gun, pistol, or other fowling piece within the Village; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Village Board. (Neb. Rev. Stat. §17-556)

SECTION 3-106: DISCHARGE OF SLINGSHOT, PAINTBALL GUN, BLOW GUN, AIR RIFLE OR SIMILAR INSTRUMENT

It shall be unlawful, except in the act of self-defense, for any person to discharge a slingshot, paintball gun, blow gun, air rifle or other like instrument capable of launching a dangerous projectile therefrom. (Neb. Rev. Stat. §17-207)

SECTION 3-107: DISORDERLY CONDUCT

It shall be unlawful for any person to engage in conduct or behavior which disturbs the peace and good order of the Village by clamor or noise, intoxication, drunkenness, fighting, using of obscene or profane language in the streets or other public places, or is otherwise indecent or disorderly conduct or lewd or lascivious behavior. (Neb. Rev. Stat. §17-129, 17-556)

SECTION 3-108: STALKING

A. Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.

B. For purposes of this section, the following definitions shall apply:

1. "Harass" means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose;
2. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of or stalking the person or telephoning, contacting, or otherwise communicating with the person;
3. "Family or household member" means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a

casual relationship or an ordinary association between persons in a business or social context;
(Neb. Rev. Stat. §28-311.02, 28-311.03)

SECTION 3-109: PUBLIC INDECENCY

It shall be unlawful for any person 18 years of age or over to perform, procure or assist any other person to perform in a public place and where the conduct may reasonably be expected to be viewed by members of the public:

A. An act of sexual penetration as defined by Neb. Rev. Stat. §28-318(5);

B. An exposure of the genitals of the body done with intent to affront or alarm any person; or

C. A lewd fondling or caressing of the body of any other person of the same or opposite sex. "Lewd" shall mean obscene or indecent; crude and offensive in a sexual way.

(Neb. Rev. Stat. §28-806)

SECTION 3-110: WINDOW PEEPING

It shall be unlawful for any person to go upon the premises of another and look or peep into any window, door or other opening in any building located thereon which is occupied as a place of abode.

SECTION 3-111: DISTURBING AN ASSEMBLY

It shall be unlawful for any person or persons to disturb, interrupt, or interfere with any lawful assembly of people, whether religious or otherwise, by loud and unnecessary noise, threatening behavior, or indecent and shocking behavior. (Neb. Rev. Stat. §17-556)

SECTION 3-112: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS

It shall be unlawful for any person to operate any radio, tape player, compact disc player, stereophonic sound system or similar device which reproduces or amplifies radio broadcasts or musical recordings in or upon any street, alley or other public place in such a manner as to be audible to other persons more than 50 feet from the source. Persons operating such devices while participating in licensed or permitted activities, such as parades, shall not be deemed in violation of this section. (Neb. Rev. Stat. §28-1322)

SECTION 3-113: CURFEW

A. It shall be unlawful for any minor under the age of 18 years of age to loiter,

idle, wander, stroll, or play in or upon the public streets, avenues, highways, roads, alleys, parks, 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 following times: Sunday through Thursday, 10:00 P.M. to 5:00 A.M. of the following day; and Friday and Saturday, 11:00 P.M. to 5:00 A.M. of the following day; except 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, guardian, or other adult person having the care and custody of the said minor.

B. It is unlawful for the parent, guardian, or other adult person having the legal care and custody of a minor under 18 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 amusements and entertainment, roads, alleys, parks, playgrounds, public places and public buildings, 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 following times: Sunday through Thursday, 10:00 P.M. to 5:00 A.M. of the following day; and Friday and Saturday, 11:00 P.M. to 5:00 A.M. of the following day; except 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, guardian, or other adult person having the care and custody of the said minor.

C. Any person who violates subsections (A) or (B) of this section shall be guilty of an offense and upon conviction shall be fined as provided in Section 3-601. Any person accused of any violation under this section may appear at the office of the clerk of the Cass County Court no later than 48 hours prior to the date set for arraignment and waive arraignment and the right to a hearing by payment of a fine and court costs as may be set forth by the Village Board. Said waiver fine schedule shall be set by the Village Board and placed on file in the office of the village clerk for public inspection.

(Am. by Ord. Nos. 323, 1/27/98; 325, 5/27/98)

SECTION 3-114: FAILURE TO CONTROL MINOR

It shall be unlawful for any parent or legal guardian of any person under the age of 18 years, by any act or omission or the threat of any act or omission, to contribute to or induce or endeavor to induce his or her child or ward to violate any state statute or any ordinance of the Village. Such parent or legal guardian shall have the duty to exercise reasonable care, supervision, protection, and control over his or her minor child or ward.

B. Any parent or legal guardian found to be in violation of this section, with the exception of a state or local governmental unit as guardian, shall be deemed to be

guilty of an offense and subject to a civil penalty not to exceed \$100.00.

C. In addition to the penalty set forth in subsection (B), any parent or guardian found in violation of this section may be required to attend and complete an approved parenting class at the sole discretion of the chairperson or the chairperson's designee, who may also allow attendance and completion of such class as an alternative to the penalty in subsection (B). Such alternative shall only be available in cases involving a first or second violation of this section.

D. A parent or guardian found in violation of this section may appeal the penalty provided for herein by filing a written notice with the Village Board within 20 calendar days of the date upon which such parent or guardian received notice of the penalty.

SECTION 3-115: STREET GAMES

A. It shall be unlawful for any person to engage in any exercise or sport or to push, coast or skate with roller blades, ice skates, inline skates, skateboards, scooters, or other kindred contrivances upon the village streets and sidewalks within the following areas within the corporate limits of the Village:

1. Main Street between and including the intersections with Broad and Walnut Streets.
2. Broad Street between and including the intersections with Third and Main Streets.
3. Walnut Street between and including the intersections with Third and Main Streets
4. Third Street between and including the intersections with Broad and Walnut Streets.

B. Nothing herein shall be construed to prohibit or prevent the Village Board from ordering certain streets, sidewalks, and public places in the Village from being blocked off from time to time for the purpose of providing a safe area to engage in such exercise and sport.

SECTION 3-116: 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. (Neb. Rev. Stat. §18-1720)

SECTION 3-117: LITTERING

A. Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:

1. Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or
2. The litter is placed in a receptacle or container installed on such property for such purpose.

B. "Litter" as used in this section means all rubbish, refuse, waste material, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description, but does not include the wastes or primary processes of farming or manufacturing.

C. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or water craft commits the offense of littering.

(Neb. Rev. Stat. §17-123.01, 28-523)

SECTION 3-118: PARKS; INJURY TO PROPERTY; LITTERING

It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub; to damage or destroy any sodded or planted area; or injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the village parks and recreational areas. No person shall litter the village parks or other public grounds.

Article 2 –Dogs and Cats

SECTION 3-201: DEFINITIONS

“Animal control authority” shall mean an entity authorized to enforce the animal control laws of the Village.

“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 article or any other law or ordinance relating to the licensing, control 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

“Owner” shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog or cat; and specifically in reference to a collarless dog or cat, any person who shall harbor such animal for ten days or more shall be deemed the owner and possessor of such dog or cat and shall be deemed to be liable for all penalties prescribed in this chapter.

(Neb. Rev. Stat. §54-606, 71-4401)

SECTION 3-202: RABIES VACCINATION

Every dog or cat three months of age and older shall be vaccinated against rabies pursuant to Nebraska law. Puppies shall be vaccinated within 30 days after having reached three months of age. Unvaccinated dogs acquired or moved into the Village must be vaccinated within 30 days after purchase or arrival unless under three months of age as specified above. The provisions of this ordinance with respect to vaccination shall not apply to any dogs owned by a person temporarily residing within this village for less than 30 days, any dog brought into this village for show purposes, or any dog brought into this village for hunting purposes for a period of less than 30 days; such dogs shall be kept under the strict supervision of the owner. (Neb. Rev. Stat. §71-4402)

SECTION 3-203: RABIES CERTIFICATE; LICENSING; FEE

A. Any person who shall own, keep, or harbor a dog or cat over the age of three months within the Village shall license his or her dog or cat, or within 30 days after acquisition of the said dog or cat, acquire a license for each animal. Licenses shall expire on May 1 of each year. Licenses, in no event, shall be issued for more than one year. Application shall be made upon a printed form provided by the Village, upon which the owner shall state his or her name and address and the name, breed, color and sex of each dog and/or cat owned and kept by him or her. A certificate stating 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. If the dog or cat has been spayed or neutered, a statement signed by a veterinarian verifying the spaying or neutering must be presented.

B. Upon payment of the license fee as set by resolution of the Village Board, the village clerk shall issue to the owner of a dog or cat a license certificate and a metallic tag for each animal so licensed. There shall be no fee for a neutered or spayed dog or cat. The Village shall, in addition to the license fee imposed, collect from the licensee a fee of \$1.00, provided the same is required by state law. From each one-dollar fee collected, the clerk shall retain 3¢ and remit the balance to the state treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund. The 3¢ collected shall be credited to the general fund.

C. The metallic tag shall be properly attached to the collar or harness of every dog or cat so licensed and shall entitle the owner to keep or harbor the said animal until December 31 of the licensing period. Said licenses shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog or cat.

D. Every service animal shall be licensed but no license tax shall be charged. Upon the retirement or discontinuance of the animal as a service animal, the owner of the animal shall be liable for the payment of a license tax as prescribed herein.

(Neb. Rev. Stat. §17-526, 54-603)

SECTION 3-204: LOST TAG

In the event that a licensing tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the village clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid. (Neb. Rev. Stat. §17-526)

SECTION 3-205: 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 village identification than that issued by the village clerk nor shall the owner, keeper, or harbinger wrongfully and knowingly license an unspayed female dog or cat with a license prescribed for a male or spayed female dog or cat. (Neb. Rev. Stat. §17-526)

SECTION 3-206: KENNELS

It shall be unlawful to own, keep, or harbor more than a total combination of animals of no more than three (i.e. three dogs, three cats, two dogs and one cat, or one dog and two cats) without obtaining a kennel license from the village clerk. Kennel operators shall confine each such dog or cat to a kennel or fenced area upon the owner's premises at all times. Kennel license fees are in lieu of individual dog and cat license fees and shall be in effect for one year from the date of issuance. Annual fees for a

kennel license shall be set by the Village Board and filed in the office of the village clerk for public inspection.

SECTION 3-207: COLLAR OR HARNESS REQUIRED

All dogs and cats found running at large upon the streets and public grounds of the Village without a collar or harness are hereby declared a public nuisance and shall be impounded in the village animal shelter by the animal control officer. (Neb. Rev. Stat. §54-605)

SECTION 3-208: RUNNING AT LARGE

It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to run at large. "Running at large" shall mean any dog found off the premises of the owner and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. (Neb. Rev. Stat. §17-526)

SECTION 3-209: DAMAGE, DEFECATION; 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 or to defecate upon such property without immediate removal of the defecation. The owner or possessor of any such dog or cat, in addition to the usual judgment upon conviction, may be made liable to the person so injured in an amount equal to the value of the damage so sustained. (Neb. Rev. Stat. §54-601, 54-602, 18-1720) (Am. by Ord. No. 345, 5/30/00)

SECTION 3-210: BARKING, MEOWING, AND OFFENSIVE BEHAVIOR

It shall be unlawful for any person to own, keep, or harbor any dog or cat which by loud, continued, or frequent barking, meowing, howling, or yelping shall annoy or disturb any neighborhood or person or which habitually barks or meows at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the Village. Upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the village clerk, that any dog or cat owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, an animal control officer shall investigate the complaint and, if in his or her opinion the situation warrants, shall notify the owner to silence and restrain such dog or cat. The provisions of this section shall not be construed to apply to the animal shelter. (Neb. Rev. Stat. §17-505, 17-526, 18-1720)

SECTION 3-211: FIGHTING

It shall be unlawful for any person, by agreement or otherwise, to set dogs and cats to fighting or by any gesture or word to encourage the same to fight. (Neb. Rev. Stat.

§28-1014)

SECTION 3-212: KILLING AND POISONING

It shall be unlawful to administer or cause to be administered poison of any sort to a dog or cat; in any manner to injure, maim, or destroy or in any manner attempt to injure, maim, or destroy any dog or cat that is the property of another person; or place any poison or poisoned food where the same is accessible to a dog or cat; provided, this section shall not apply to animal control officers acting within their power and duty. (Neb. Rev. Stat. §28-1014)

SECTION 3-213: DANGEROUS DOGS; DEFINITIONS

“Dangerous dog” shall mean any dog that, according to the records of the animal control authority (A) has killed or inflicted injury on a human being that requires medical treatment; (B) has killed a domestic animal without provocation or (C) 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 again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was sustained by a person who (A) at the time was committing a willful trespass as defined in Neb. Rev. Stat. §20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog; (B) was tormenting, abusing, or assaulting the dog; (C) has in the past been observed or reported to have tormented, abused, or assaulted the dog; or (D) was committing or attempting to commit a crime.

“Domestic animal” shall mean a cat, a dog, or livestock.

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

“Potentially dangerous dog” means:

- A. Any dog that, when unprovoked: (1) inflicts an injury on a human being that does not require medical treatment, (2) injures a domestic animal, or (3) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
- B. Any specific 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.

(Neb. Rev. Stat. §54-617)

SECTION 3-214: DANGEROUS DOGS; RESTRAINED

No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash. (Neb. Rev. Stat. §54-618)

SECTION 3-215: DANGEROUS DOGS; CONFINED; WARNING SIGN

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 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 10 feet from any property line of the owner. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property. Each warning sign shall be no less than 10 inches by 12 inches and shall contain the words "Warning" and "Dangerous Animal" in high-contrast lettering at least 3 inches high on a black background. (Neb. Rev. Stat. §54-619)

SECTION 3-216: DANGEROUS DOGS; FAILURE TO COMPLY

Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of the confiscated dog or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this article. In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner. (Neb. Rev. Stat. §54-620)

SECTION 3-217: DANGEROUS DOGS; ADDITIONAL REGULATIONS

Nothing in this article shall be construed to restrict or prohibit the Village Board from establishing and enforcing laws or ordinances at least as stringent as the provisions of this article. (Neb. Rev. Stat. §54-624)

SECTION 3-218: RABIES PROCLAMATION

It shall be the duty of the Village Board whenever in its opinion the danger to the public safety from rabid dogs or cats is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog or cat to muzzle the same or to confine it for a period of not less than 30 days or more than 90 days from the date of such proclamation or until such danger is past. The dogs or cats may be harbored by any good and sufficient means in a house, garage, or yard on the premises wherein the owner may reside. Upon issuance of the proclamation, it shall be the duty of all

persons owning, keeping, or harboring any dog or cat to confine the same as herein provided. (Neb. Rev. Stat. §17-526)

SECTION 3-219: RABIES SUSPECTED; IMPOUNDMENT; CONFINEMENT BY OWNER

A. 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 under the supervision of the Board of Health for a period of not less than ten days. If upon examination by a veterinarian the dog 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.

B. If the owner of the 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 days, at which time the animal shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog or cat may be released from confinement. (Neb. Rev. Stat. §71-4406)

SECTION 3-220: INTERFERENCE WITH ANIMAL CONTROL

It shall be unlawful for any person to hinder, delay, or interfere with any animal control officer who is performing any duty enjoined upon him by the provisions of this article or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of the animal shelter, any ambulance, or other vehicle used for the collecting or conveying of dogs or cats to the shelter. (Neb. Rev. Stat. §28-906)

Article 3 – Animals Generally

SECTION 3-301: 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, poultry, fowl, 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. (Neb. Rev. Stat. §17-547)

SECTION 3-302: LIVESTOCK AND POULTRY PROHIBITED; EXCEPTIONS

No person shall keep or maintain any horse, mule, sheep, cow, goat, swine, or other livestock, any fur-bearing animal, or any poultry or fowl within the corporate limits of the Village, except that chickens, turkeys, geese, and rabbits may be kept or maintained as authorized in this article.

SECTION 3-303: CHICKENS, TURKEYS, GEESE, AND RABBITS; PERMIT REQUIRED

A. It shall be unlawful for any person to keep or have under his or her control within the limits of the Village any chickens, turkeys, geese, or rabbits without first having procured a permit so to do.

B. Application for a permit to keep any chickens, turkeys, geese, or rabbits shall be made to the Village Board in writing upon a form provided by the village clerk. The application shall contain the following information in addition to such other information as the board may require:

1. Name and residence of the applicant.
2. Location of premises where the chickens, turkeys, geese, or rabbits are to be kept.
3. Species of animals to be kept.
4. Number of animals to be kept.
5. Attached diagram or plat of premises, showing dimensions of the enclosure, corral, pen, and shelter and the distance from residence buildings, either on the same lot or on adjacent property.
6. A signed copy of this article acknowledging that it has been read and is understood.

C. Prior to the issuance of any permit for the keeping of chickens, turkeys, geese, or rabbits, the Village Board shall investigate the application for the permit and determine whether the premises conform to the requirements of this article and other ordinances of the Village with respect to zoning and building regulations, sanitation, and location of enclosures and shelters. No permit shall be approved by the

Village Board until proper facilities are provided for the care and protection of the animals to be cared for on the premises and the location of the premises is deemed to be proper and suitable for the keeping of such animals.

D. Before a permit for a chicken, turkey, goose, or rabbit is issued, the applicant shall pay to the village clerk a fee for each premises upon which animals are to be kept. The fee shall be set by resolution by the Village Board and placed on file in the office of the village clerk for public inspection.

E. All permits issued herein shall expire on May 31 following the date of issuance, unless sooner revoked. No permit shall be assignable or transferable either as to permittee location or species of animal.

F. Any permit issued herein shall be subject to revocation or suspension by the Village Board for violation by the permittee of any of the provisions of this article or other ordinances of the Village with respect to the keeping of animals now in effect or hereafter enacted. Written notice will be given of non-compliance after seven days if the permittee fails to come into compliance. The Village Board or its designated representative shall remove the animals and store them at the owner's expense.

**SECTION 3-304: CHICKENS, TURKEYS, GEESE, AND RABBITS;
RESTRICTIONS AND REQUIREMENTS**

A. The maximum number of animals allowed to be kept by a person who has obtained a permit issued pursuant to Section 3-303 shall be:

Chickens	25
Turkeys	5
Geese	5
Rabbits	25

A weaning period shall be allowed for newborn animals.

B. Each exercise area, corral, or pen for every chicken, turkey, goose, or rabbit kept within the Village shall confine the animal to the designated area and be not less than 50 square feet for each such animal kept.

C. Sufficient and suitable shelter shall be provided for all chickens, turkeys, geese, and rabbits kept and such shelter shall comply in all respects with the building and zoning regulations of the Village. No enclosure, pen, or shelter structure for any such animal shall be nearer than 50 feet to any building or structure used for residence purposes, either when located on the same lot or plot of ground or on adjoining property.

D. All pens, enclosures, and shelter structures in which such animals are kept shall be maintained in a sanitary condition and the bedding, offal, manure, and waste

materials accumulating from such animals shall be removed or disposed of in a sanitary manner at least once within every seven days. All such pens, enclosures, and shelter structures shall at all times be kept clean or disinfected so as to prevent the breeding of flies and other bacteria-carrying insects and the emission of deleterious and offensive odors.

E. It shall be the duty of the Village Board to enforce the provisions of this section.

SECTION 3-305: RABIES; DISPOSITION OF ANIMALS AFFLICTED OR EXPOSED

Every animal which is found to have rabies by competent authority shall be at once destroyed. Every animal that has been exposed to such disease shall be at once confined by the owner of such animal under the direction of the Village Board in some secure place for such length of time as to show that such exposure has not given the animal such disease and so as to avoid all danger to life and health. The body of any animal that dies of such disease shall be disposed of by the owner in a method approved by the Village Board. This section applies to animals other than cats or dogs, which are addressed in Article 2.

SECTION 3-306: CAPTURE IMPOSSIBLE

The village police shall have the authority to kill any animals showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Neb. Rev. Stat. §54-624)

SECTION 3-307: DEAD ANIMALS; DUTY TO REMOVE; UNLAWFUL ACTS; EXCEPTIONS

A. If any animal dies in the possession of any person in the Village, it shall be the duty of such person to cause the same to be removed without the limits of the Village and buried or otherwise disposed of. Such burial or disposition shall be at a place prescribed by and under the direction of the Village Board. In case the owner or person having charge of any such animal neglects or refuses to remove such dead animal within 24 hours after its death, the agency authorized by the Village for the removal of dead animals shall remove the same or, if no such agency exists, then the Village Board shall cause the animal to be removed at the expense of such owner or person having charge of the same, such expenditure to be recovered in a civil action. Whenever the owner or other person having charge of any dead animal cannot be found, it shall be the duty of the agency authorized by the Village for the removal of dead animals to remove the animal at village expense or, if no such agency exists, then the Village Board shall cause such animal to be removed and buried at village expense.

B. It shall be unlawful for any person to deposit or bury in any of the streets or

alleys or other places within the corporate limits of the Village or cause to be buried any carcass of any dead animal of any kind and it shall be unlawful for the owner or person having possession of any animal that dies to suffer the carcass of any such animal to remain within the corporate limits of the Village for more than 24 hours after the death of the animal. In no event shall such dead animal be used as food for other animals.

C. Nothing in this chapter shall prevent burial of any dog, cat, or other animal on the residential premises of the owner of such animal if it weighs less than 100 pounds and was a household pet. Any such animal shall be buried within 24 hours after its death and all parts of any such animal shall be covered by at least 2 feet of fine soil.

SECTION 3-308: STORAGE OF HIDES

No salted or green hides shall be stored in any warehouse or other building or other place within the Village so that odors arising from the hides annoy or disturb the occupants of premises in the vicinity thereof; and the maintaining of such hides in such condition shall of itself constitute a public nuisance.

Article 4 – Nuisances

SECTION 3-401: GENERALLY DEFINED

A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

A. Injures or endangers the comfort, repose health, or safety of others,

B. Offends decency,

C. Is offensive to the senses,

D. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the Village.

E. In any way renders other persons insecure in life or the use of property, or

F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
(Neb. Rev. Stat. §18-1720)

SECTION 3-402: SPECIFICALLY DEFINED

The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances:

A. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish or fowl or any foul, decaying, or rotting substance.

B. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.

C. Filthy, littered or trash-covered cellars, house yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.

D. Animal manure in any quantity which is not securely protected from flies and the elements, or which, is kept or handled in violation of any ordinance of the Village.

E. Liquid household waste, human excreta, garbage, butcher's trimmings and

offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the Village nor the dumping of non-putrefying waste in a place and manner approved by the health officer.

F. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.

G. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, appliances, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

H. Lumber, scrap iron, tin or other construction metal or material not neatly stacked, if for more than 90 consecutive days.

I. Any buildings or structures which have any or all of the following defects are hereby declared to be unsafe or dangerous buildings or structures and a public nuisance:

1. Those having walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;
2. Those showing 33% or more of damage or deterioration of the supporting member or members, exclusive of the foundation;
3. Those with improperly distributed loads upon floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
4. Those damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants of the people of the Village;
5. Those which have become dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein;
6. Those having light, air and sanitation facilities which are inadequate to

protect the health, safety, or general welfare of human beings who live or may live therein;

7. Those having inadequate facilities for egress in the case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication;
8. Those having parts thereof which are so attached that they may fall and injure persons or property;
9. Those that are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of the Village because of their condition;
10. Those having been inspected by the professional engineer appointed by the Village which are, after inspection, deemed to be in violation of any local, state or federal rules and regulations or which are structurally unsafe or unsound ;
11. Those existing in violation of any provision of this article, any provision of the Fire Code, any provision of the county health rules and regulations or other applicable provisions of village ordinances, including but not limited to the building code adopted by the Village.

J. All places used or maintained as junkyards or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

K. Stagnant water permitted or maintained on any lot or piece of ground.

L. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure in which animals or fowl of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter, including grain, is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the Village, or are maintained and kept in such a manner as to be injurious to the public health.

M. Maintenance of weeds, grasses or worthless vegetation of 12 inches or more in height, or 8 inches or more in height of weeds, grasses or worthless vegeta-

tion on any lot or piece of ground located within the corporate limits during any calendar year. Weeds shall include, but 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 (*Rhamnus* sp.) (toun), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

N. Any machine, vehicle, 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;

O. Any motor vehicle without a current license and not housed in a storage or other building;

P. Any wood, firewood or tree limbs not cut and stacked in neat rows on an area not exceeding 10 feet by 16 feet.

Q. Debris from burned or damaged buildings, whether created by consensual burning or demolition or whether occurring due to fire or age.

R. All other things specifically designated as nuisances elsewhere in this code. (Neb. Rev. Stat. §18-1720)

SECTION 3-403: WEEDS OR OTHER NUISANCES; ABATEMENT; NOTICE

A. Whenever the Board of Health, nuisance officer, or maintenance staff determines that any weeds or grasses in excess of 12 inches or weeds, grasses or worthless vegetation 8 inches or more in height, are growing on property within the Village, or other nuisance as defined herein, is found on any property, the village clerk shall give notice to mow, abate and remove such nuisance as follows: (1) to each owner or owner's duly authorized agent by certified mail, which shall be conspicuously marked as to its importance; and (2) to the occupant, if any, by personal service by a county sheriff or deputy.

B. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the Village to appeal the order to mow, abate or remove the nuisance by filing a written appeal with the office of the village clerk. A hearing on the appeal shall be held within 14 days after the filing of the appeal and shall be conducted by the hearing officer, as appointed by the Village Board, who shall render a decision on the appeal within five business days after the

conclusion of the hearing. If the appeal fails, the Village may have such work done unless such decision is appealed to the District Court. The hearing shall be conducted according to the provisions set forth in Section 3-412(B) hereafter, except that the hearing shall be conducted by the village chairperson instead of the Village Board.

C. 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 Village or fails to comply with the order to mow, or abate and remove the nuisance, the Village 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 Village 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. (Am. by Ord. No. 564, 7/8/14)

SECTION 3-404: WEEDS OR OTHER NUISANCES; FAILURE TO CORRECT

Any owner or occupant of premises within the Village who maintains a nuisance, as defined herein, except dangerous buildings, shall be a violation of this article. Each day's further violation shall be a separate offense.

SECTION 3-405: WEEDS OR OTHER NUISANCES; SECOND OFFENSE

In the event that an owner or agent of any property with the Village shall have received a notice to correct or abate a nuisance within the past 12 months and is again charged with maintaining a nuisance, as defined herein, the village attorney shall forthwith file a complaint against such owner or agent for maintenance of a nuisance with the Cass County Court.

SECTION 3-406: DANGEROUS BUILDINGS; DEFECTS

Any buildings or structures which have any or all of the following defects are hereby declared to be unsafe or dangerous buildings or structures and a public nuisance:

A. Those having walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;

B. Those showing 33% or more of damage or deterioration of the supporting member or members, exclusive of the foundation;

C. Those with improperly distributed loads upon floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;

D. Those damaged by fire, wind, or other causes so as to have become dan-

gerous to life, safety or the general health and welfare of the occupants of the people of the Village;

E. Those which have become dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein;

F. Those having light, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein;

G. Those having inadequate facilities for egress in the case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication;

H. Those having parts thereof which are so attached that they may fall and injure persons or property;

I. Those that are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of the Village because of their condition;

J. Those having been inspected by the a professional engineer appointed by the Village which are, after inspection, deemed to be in violation of any provision of local, state or federal rules and regulations or which are structurally unsafe or unsound as found by the inspection of the professional engineer;

K. Those existing in violation of any provision of this article, any provision of the Fire Code, any provision of the county health rules and regulations or other applicable provisions of village ordinances, including but not limited to the building code adopted by the Village.

SECTION 3-407: DANGEROUS BUILDINGS; BUILDING INSPECTOR

A specially designated building inspector, his or her authorized representatives, or a professional engineer shall, at the direction of the Village Board:

A. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in a dangerous or unsafe manner;

B. Inspect any building or structure within the jurisdictional area of the Village for the purpose of determining whether any conditions exist which render such place a dangerous or unsafe building or structure within the terms of this article;

C. Report to the Village Board the results of the inspection;

D. Appear at all hearings and testify as to the condition of the unsafe or dangerous building or structure.

SECTION 3-408: DANGEROUS BUILDINGS; STANDARDS

In the event that it is determined that any building or structure is unsafe or dangerous the following standards shall be followed in substance in determining whether the structure or building should be repaired, vacated, or demolished:

A. If the unsafe or dangerous building or structure can reasonably be repaired so that it will no longer exist in violation of any of the terms or provisions of this article, it shall be ordered to be repaired.

B. If the unsafe or dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

C. In any case where an unsafe or dangerous building or structure cannot be repaired so that it will no longer exist in violation of the terms or provisions of this article, it shall be demolished. In all cases where the unsafe or dangerous building is a fire hazard existing or erected in violation of the applicable fire codes and regulations, or any other provision of an ordinance of this village, or state statute, it shall be demolished.

SECTION 3-409: DANGEROUS BUILDINGS; UNLAWFUL MAINTENANCE

It is hereby determined unlawful to maintain a dangerous building within the corporate limits of the Village or within its zoning jurisdiction.

SECTION 3-410: DANGEROUS BUILDINGS; NUISANCE; PROCEDURE

If the specially designated building inspector or his or her representatives or professional engineer finds that a building or structure is unsafe or dangerous and a nuisance, the Village Board shall:

A. Notify the owner, occupant, lessee, mortgagee, agent or other persons having an interest in the building or structure that it has been found to be an unsafe or dangerous building. The notice will indicate whether the owner must vacate, repair or demolish the building or structure.

B. Set forth in the notice a description of the building or structure deemed unsafe or dangerous, accompanied by a statement of the particulars which make the building or structure unsafe or dangerous and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 60 days, as is reasonable;

C. Direct a village employee to place a sign on the building or structure found to be unsafe or dangerous on its exterior near the main entrance which shall set forth that the building or structure is unsafe or dangerous for occupancy and use.

SECTION 3-411: DANGEROUS BUILDINGS; FAILURE TO COMPLY

In case any owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure shall fail, neglect, or refuse to comply with the notice by or on behalf of the Village to repair, rehabilitate or demolish and remove a building or structure which is unsafe or dangerous and a public nuisance, and fails to request a hearing on such determination, the Village may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Village Board, which is authorized to levy the cost as a special assessment against the property. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments under Nebraska statutes.

SECTION 3-412: DANGEROUS BUILDINGS; DISPUTES

A. In the event that the owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure disagrees with or disputes the information contained in the notice, such person shall notify the village clerk with a written statement that sets forth the reasons for the disagreement or dispute and the relief requested. This written request shall be made within 14 days of mailing of the notice provided by Section 3-403 herein. If written notice is received by the village clerk within 14 days of mailing or delivery of notice, a hearing shall be held before the Village Board, either at a special meeting or at a regularly scheduled monthly meeting. The clerk shall notify the person requesting the hearing, in writing, of the time, place, and date of such hearing.

B. The hearing before the Village Board shall be informal and not governed by the Nebraska Rules of Evidence. Such hearing shall be quasi-judicial in nature and its decision shall be based on the evidence presented at the hearing. The person requesting the hearing may be represented by legal counsel or other representative, may present witnesses and offer evidence, and may examine and copy, at his or her own expense, and not less than three business days before the hearing, the records of the Village regarding the inspection and notice. The Village Board need not make a written finding of fact and may make its pronouncement orally at the hearing. The decision of the Village Board shall be final unless appealed. Failure of the person to attend the hearing shall relieve the Village Board of any further procedures before action is taken as set forth in a notice.

SECTION 3-413: DANGEROUS BUILDINGS; APPEAL

Any person aggrieved by the decision of the Village Board may appeal the decision

to the District Court. This appeal shall and must be taken within 30 days of the pronouncement of the Village Board's decision.

SECTION 3-414: DANGEROUS BUILDINGS; IMMEDIATE HAZARD

In the event that a condition constitutes an immediate hazard to the life or safety of any persons and must be removed to protect their health or safety, the Board of Health, nuisance officer, maintenance staff, specially appointed building inspector or professional engineer designated by the Village Board shall report such facts to the Village Board. Upon receipt of such report the Village, by and through the Village Board, may immediately contract for the immediate abatement of such condition, including the immediate demolition of unsafe and dangerous buildings, without requiring bids. The cost of such emergency abatement and demolition shall be levied, equalized, and assessed in the manner of other special assessments.

SECTION 3-415: JURISDICTION

The jurisdiction of the Village Board shall extend to, and the territorial application of this article, shall include all territory adjacent to the limits of the Village within one mile thereof and all territory within the corporate limits.

Article 5 – Sexual Predators Residency Restrictions

SECTION 3-501: DEFINITIONS

For purposes of this ordinance:

“Child care facility” means a facility licensed pursuant to the Child Care Licensing Act;

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

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

“School” means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;

“Sex offender” means an individual who has been convicted of a crime listed in Nebr. Rev. Stat. §29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and

“Sexual predator” means an individual required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in Neb. Rev. Stat. §29-4001.01 and who has victimized a person 18 years of age or younger.
(Neb. Rev. Stat. §29-4016)

SECTION 3-502: RESIDENCY RESTRICTIONS

It is unlawful for any sexual predator to reside within 500 feet from a school or child care facility. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility. (Neb. Rev. Stat. §29-4017)

SECTION 3-503: EXCEPTIONS

This ordinance shall not apply to a sexual predator who:

A. Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;

B. Established a residence before July 1, 2006, and has not moved from that residence; or

C. Established a residence after July 1, 2006, and the school or child care fa-

cility triggering the restriction was established after the initial date of the sexual predator's residence at that location.
(Neb. Rev. Stat. §29-4017)

Article 6 – Penal Provisions

SECTION 3-601: 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 \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

SECTION 3-602: ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in this chapter, the Village may proceed by a suit in equity to enjoin and abate the same in the manner provided by law.