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CHAPTER 6 – POLICE REGULATIONS

Article 1 – Dogs and Cats

§6-101 LICENSE.

(A) Any person who shall own, keep, or harbor a dog within the City shall acquire a license for each such dog as follows:

- (1) Any dog acquired after January 1 of any year, younger than four months by January 1 of any year, or brought into or harbored within the corporate limits subsequent to January 1 of any year shall be licensed within 30 days after said dog being acquired, reaching the age of four months or brought into or harbored within the corporate limits.
- (2) Any dog required to be licensed under subsection (1) shall be required to be licensed each year thereafter by January 1. The license will be delinquent on January 31 each year.
- (3) Any dog not required to be licensed under subsection (1) shall be licensed each year by January 1. The license will be delinquent on January 31 each year.

(B) Licenses shall be issued by the City Clerk upon the payment of a license fee for each male dog and spayed female dog and a fee for each unspayed female dog. Such fees shall be set by the City Council and shall be on file in the office of the Clerk, available for public inspection during office hours. Said license shall not be transferrable to another owner, dog and no refund will be allowed in case of death, sale, or other disposition of the licenses dog. The owner shall state at the time the application is made and upon printed forms provide for such purpose his/her 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.

(C) Every dog guide for a blind or visually impaired person, hearing aid dog for a deaf or hearing-impaired person, and service dog for a physically limited person shall be licensed as required by the city code but no license tax shall be charged upon a showing by the owner that the dog is a graduate of a recognized training school for dog guides, hearing aid dogs or service dogs. Upon the retirement or discontinuance of the dog as a dog guide, hearing aid dog or service dog, the owner of the dog shall be liable for the payment of the required license tax.

(Am. by Ord. Nos. 582, 10/6/97; 827, 9/3/13; 958, 5/3/21)

§6-102 LICENSE TAGS.

Upon the payment of the license fee, the City Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tag shall be properly attached to the collar or harness of every dog so licensed and shall entitle the owner to keep or harbor the said dog until December 31 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 City Clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee for each duplicate or new tag so issued. Such fee shall be set by the City Council and shall be on file in the office of the City Clerk, available for public inspection during office hours. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the City Clerk to issue tags of a suitable design that are different in appearance each year. (Neb. Rev. Stat. §17-526, 54-603) (Am. by Ord. Nos. 827, 9/3/13; 958, 5/3/21)

§6-103 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 or other identification issued by any municipality other than that issued by the Ord City Clerk specifically for such dog nor shall the owner, keeper, or harbinger wrongfully and knowingly license an unspayed female dog with a license prescribed for a male or spayed female dog. (Neb. Rev. Stat. §17-526, 54-603) (Am. by Ord. Nos. 827, 9/3/13; 958, 5/3/21)

§6-104 OWNER DEFINED.

Any person, firm, corporation, organization, political subdivision or department possessing, harboring, keeping or having control or custody of any dog to be present in or about his/her/its house, store, or enclosure or to remain to be fed for ten days or more in a 30-day period shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed. "Owner" shall not apply to dogs owned by other persons which are temporarily maintained on the premises of a veterinarian or kennel operator for a period of not more than 30 days. (Neb. Rev. Stat. §54-606, 71-4401) (Am. by Ord. Nos. 827, 9/3/13; 958, 5/3/21)

§6-105 PROCLAMATION.

It shall be the duty of the City Council, 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 30 days or more than 90 days from the date of such proclamation or until such danger is past. The dogs may be harbored by any good and sufficient means in a house, garage, or yard on the premises where the said owner may reside. Upon issuance of the proclamation, it shall be the duty of all persons owning, keeping, or harboring any dog to confine the same as herein provided. (Neb. Rev. Stat. §17-526) (Am. by Ord. Nos. 827, 9/3/13; 958, 5/3/21)

§6-106 UNCOLLARED; RUNNING AT LARGE.

(A) All dogs found running at large and to go in or upon the private premises of others or

upon the public grounds, streets or highways of the City are hereby declared a public nuisance. It shall be unlawful for any person or persons to have any dog which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him/her/their or under his/her/their control, to be at large and to go in or upon the private premises of others or upon the public grounds, streets or highways of the City; and it shall be unlawful for such person or persons to own, keep or harbor, or to have in or upon the premises occupied by him/her/their or under his/her/their control, any dog, unless said dog is securely fastened by a chain or other similar restraint or otherwise confined in or upon said premises in some enclosure. However, when a dog is away from the occupied premises there is no violation of this section if the dog is on a secure leash and under control of the owner or other person. Any dogs found running at large shall be killed or impounded in the Municipal Dog Shelter by the City Police Department or any city worker.

(B) It shall be unlawful for any person to feed any dog or cat on public property or private property not owned, rented, or leased by such person without permission of the owner of such dog or cat. Any person feeding any dog or cat on public or private property not owned, rented or leased by such person without permission of the owner of such dog or cat shall be cited for littering.

(Am. by Ord. Nos. 381, 5/14/84; 382, 6/5/84; 582, 10/6/97; 610, 9/8/98; 827, 9/3/13; 958, 5/3/21)

§6-107 DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL.

(A) It shall be unlawful for any person to own, keep, or harbor any dangerous or potentially dangerous animal within the City without first having complied with the following provisions:

- (1) The owner of any *dangerous* animal shall register such animal with the City and upon registration shall provide (a) the name, address and telephone number of the owner, (b) a written description and representation indicating the owner has and will continue to comply with the confinement provisions of this chapter, (c) written evidence from a licensed veterinarian that the animal is currently neutered or spayed and micro-chipped, (d) a written acknowledgement that the owner shall notify the City immediately if said animal is known by the owner to be running at large, unconfined, or when the owner has any knowledge or belief that the animal has bitten or is alleged to have bitten a human being or another animal, (e) a written acknowledgment that the owner of said animal shall notify the City of any changes in the material recorded as part of the registration (animal has been sold, given away or transferred to another person) within twenty-four (24) hours of said change. Upon satisfactory completion of all the requirements, the City shall issue a registration certificate which shall be used to assign the animal a number.
- (2) The owner of any *potentially dangerous* animal shall register such animal with the City and upon registration shall provide (a) the name, address and telephone number of the owner, (b) a written acknowledgment that the owner shall notify the City immediately or when the owner has any knowledge or belief that the animal has bitten or is alleged to have bitten a human being or another animal, (c) a written acknowledgement that the owner of said animal shall notify the City of any changes in the material recorded as part of the registration (animal has been sold, given away or transferred to another person) within twenty-four (24) hours of said change. Upon satisfactory completion of all the requirements, the City shall issue a registration certificate which shall be used to assign the animal a number.
- (3) The registration requirements, including the notification requirements, shall be construed as affirmative duties upon the owner, failure of which shall constitute a violation of this section. Any new owner of an animal registered as a dangerous or potentially dangerous animal shall be required to follow all registration require-

ments. It shall be unlawful for any person registering an animal to falsify or misrepresent material recorded as part of the registration.

- (4) Any animal determined to be *dangerous* shall be spayed or neutered and implanted with microchip identification by a licensed veterinarian at the owner's expense no more than thirty (30) days after such determination is entered with written proof of spaying or neutering and the microchip identification number being provided to the City within seventy-two (72) hours of the procedure being completed.
- (5) While unattended on the owner's property, a *dangerous* animal 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 a 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. (Neb. Rev. Stat. §54-619)
- (6) No person owning, harboring, or having the care of a *dangerous* animal or a *potentially dangerous* animal shall permit such animal to be outdoors unless confined as required herein or unless such animal is securely leashed with a leash of a fixed length no longer than four (4) feet, under the control of a person eighteen (18) years of age or older, and muzzled. "Muzzled" for the purposes of this section shall mean that the jaws of the animal are confined by a device that prevents it from biting.
- (7) Any person owning or harboring an animal within the City of Ord that has been determined to be a *dangerous* animal or a *potentially dangerous* animal must, within thirty (30) days of said determination, present written proof of public liability insurance, covering any damage or injury that may be caused by said animal, of not less than one hundred thousand dollars (\$100,000.00), to the City Clerk. The policy shall contain a provision requiring the insurance company to provide written notice to the City not less than fifteen (15) days prior to any cancellation, termination or expiration of said policy.

(B) Determination of potentially dangerous animal or a dangerous animal:

- (1) A law enforcement officer or animal control officer shall initiate administrative proceedings to determine an animal to be a potentially dangerous animal or a dangerous animal if it meets the definition of potentially dangerous animal or a dangerous animal by service of a notice, in writing, upon such animal's owner either by certified and regular mail to the owner's last known address or by personal service. The notice shall contain (a) the name and address of the owner whose animal is subject to such determination; (b) the name, description and license number of the animal who is subject to such determination; (c) a description of the facts which form the basis of such determination; (d) a summary of the effects of such determination, including the requirements of this article; (e) the date of proposed entry of the determination which shall be not less than ten (10) days after the date of mailing or personal service of the notice; and (f) notification of the availability of an appeal if the owner objects to such determination, within ten (10) days of the date of mailing or personal service of notice.

- (2) An owner whose animal is determined to be a potentially dangerous animal or a dangerous animal shall be required to comply with the requirements of this article, unless a notice of appeal of the order is filed with the City Clerk, provided, non-compliance with any portion of the above paragraph shall result in the owner being declared a reckless owner. An appeal of such determination order shall be heard by the Chief of Police and Mayor within twenty (20) days of the date of the filing of the notice of appeal, and shall provide an opportunity for the owner to appear and offer evidence to dispute the determination order. A decision to affirm or reverse such order shall be entered within ten (10) days of the date of hearing.
- (3) An owner may request termination of the determination order if there are no incidents of the type specified in the definition of potentially dangerous animal or dangerous animal for at least two (2) years following the date of the determination order. Such request for termination shall be heard, by the Chief of Police and Mayor within ten (10) days of the date of the filing of the request for termination, and shall provide an opportunity for the owner to appear and offer evidence to support termination of the determination environment, health, age, training, neutering or other relevant factor. A decision to continue or terminate such determination order shall be entered within twenty (20) days of the date of this hearing.

(C) Any dangerous animal may be immediately confiscated by the Chief of Police, the Animal Control Officer or their designee if in violation of this section. The owner shall be responsible for the reasonable costs incurred for the care of a dangerous animal confiscated or for the destruction of any dangerous animal as authorized herein. In addition to any other penalty, a court may order the Chief of Police, the Animal Control Officer or their designee to dispose of a dangerous animal in an expeditious and human manner.

(D) It shall be unlawful for the owner of any *dangerous* animal, required to be registered under this chapter to permit or allow such animal to kill, bite, chase, attack, injure, wound, or endanger in such a way that the animal may be considered either a dangerous animal or a potentially dangerous animal as defined in this chapter. In addition, any such *dangerous* animal required to be registered under this section shall be immediately confiscated by the Chief of Police, the Animal Control Officer or their designee, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(E) A Law Enforcement Officer or Animal Control Officer shall initiate administrative proceedings to declare an owner, who has been determined to have violated or convicted of one (1) or more violations of this Article on three (3) separate occasions in a twelve-month period, or whose animal has been determined to be a *dangerous* animal or a *potentially dangerous* animal, who has not complied with the requirements of this section, and to revoke all animal licenses issued to such person. Such proceedings shall be instituted by service of a notice, in writing, upon such owner either by certified and regular mail to the owner's last known address or personally. The notice shall contain (1) the name and address of the owner who is subject to such declaration and revocation, (2) the names, descriptions and license numbers of any animals licensed to the owner, (3) a description of the violations or requirements which form the basis of such declaration and revocation, including any case numbers, if any, (4) a summary of the effects of such declaration, including revocation of all pet licenses and surrender of all animals, (5) the date of proposed entry of the declaration and revocation order which shall be not less than ten (10) days after the date of mailing or personal service of the notice, and (6) notification and the availability of the appeal, if the owner objects to such declaration and revocation, within ten (10) days of the date of mailing or personal service of the notice. Upon entry of such declaration and revocation order, unless an appeal of such order is filed with the City in accordance with this section, such reckless owner shall be required to surrender all animals to the City within twenty-four (24) hours. Failure to surrender such animals shall result in immediate impoundment by the City. Such surrender or impounded animal shall immediately become the property of the City and may be disposed of by the City as it deems appropriate. An owner who is declared a reckless owner shall be prohibited from licensing, residing with, or owning any animal in the City for a period of

two (2) years from the date of entry of the declaration and revocation order. An appeal of such declaration and revocation order shall be heard by the Chief of Police and the Mayor and shall provide an opportunity for the owner to appear and offer evidence to dispute the declaration and revocation order within twenty (20) business days. A determination to affirm or reverse such order shall be entered within ten (10) days of the date of the hearing.

(F) It shall be unlawful for any person to bring any animal into the City which has in another jurisdiction been administratively determined by another municipality or judicially determined to be a dangerous, potentially dangerous, vicious, a nuisance, or a threat to the health or safety of human beings.

(Ord Nos. 909, 3/5/18; 958, 5/3/21)

§6-108 INTERFERENCE WITH POLICE.

It shall be unlawful for any person to hinder, delay, or interfere with any City Police Officer who is performing any duty enjoined upon him/her 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 wagon, or other vehicle used for the collecting or conveying of dogs to the shelter. (Neb. Rev. Stat. §28-906) (Am. by Ord. Nos. 827, 9/3/13; 958, 5/3/21)

§6-109 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 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 to place any poison or poisoned food where the same is accessible to a dog or cat; provided, this section shall not apply to City Police Officers acting within their power and duty. (Neb. Rev. Stat. 28-1014) (Am. by Ord. Nos. 827, 9/3/13; 958, 5/3/21)

§6-110 BARKING AND OFFENSIVE DOGS.

It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood or person or which habitually barks at or chases pedestrians, drivers, or owners of vehicles while they are on any public sidewalks, streets, or alleys in the City. Upon the written complaint of any affected person, filed within any 30-day period with the City Clerk, that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, the City Police shall investigate the complaint and if in their opinion the situation warrants, shall notify the owner to silence and restrain such dog. The provisions of this section shall not be construed to apply to the city animal shelter. (Neb. Rev. Stat. §17-526) (Am. by Ord. Nos. 827, 9/3/13; 958, 5/3/21)

§6-111 OFFENSIVE CATS.

It shall be unlawful for any person to own, keep, or harbor any cat which shall annoy or disturb any neighborhood or person. Upon the written complaint of any affected person, filed within any 30-day period with the City Clerk, that any cat owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, the City Police shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to silence and restrain such cat. The provisions of this section shall not be construed to apply to the city animal shelter. (Neb. Rev. Stat. §17-526) (Am. by Ord. No. 827, 9/3/13)

§6-112 LIABILITY OF OWNER.

(A) It shall be unlawful for any person to allow a dog owned, kept, or harbored by him 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 any amount equal to the value of the damage so sustained.

(B) In addition to the license fees and impounding fees aforesaid, any owner, harborer, or possessor of any dog over the age of four months, whether male, spayed female or unspayed female, violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined and shall stand committed until said fine and the costs of prosecution are paid or otherwise discharged by law. Said fine shall be set by the City Council and shall be on file in the office of the City Clerk, available for public inspection during office hours.

(Neb. Rev. Stat. §54-601, 54-602) (Am. by Ord. Nos. 827, 9/3/13; 958, 5/3/21)

§6-113 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. (Neb. Rev. Stat. §17-526) (Am. by Ord. Nos. 827, 9/3/13; 958, 5/3/21)

§6-114 IMPOUNDING.

(A) It shall be the duty of the City Police, Dogcatcher or other designated official to capture, secure, and remove in a humane manner to the city animal shelter any dog violating any of the provisions of this article. Any dog so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the pound for a period of not less than five days after public notice has been given unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the City Clerk within 24 hours after impoundment as public notification of such impoundment. Any dog may be reclaimed by its owner during the period of impoundment by payment of a fee for each day of impoundment. Said impoundment fee may be amended by resolution of the City Council. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 72 hours after release.

(B) If the dog is not claimed at the end of the required waiting period after public notice has been given, the City Police may dispose of it in accordance with the applicable rules and regulations pertaining to the same; provided, if, in the judgment of the City Police, a suitable home can be found for any such dog within the City, the said dog shall be turned over to that person and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided herein. The City shall acquire legal title to any unlicensed dog impounded in the animal shelter for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in the summary and humane manner as prescribed by the Board of Health unless a suitable home can be found for such dogs.

(Neb. Rev. Stat. §17-548, 71-4408) (Am. by Ord. Nos. 338, 4/5/82; 611, 9/8/98; 695, 9/2/03; 827, 9/3/13; 958, 5/3/21)

§6-115 ANIMAL SHELTER.

The animal shelter shall be safe, suitable, and conveniently located for the impounding, keeping, and destruction of dogs. The said shelter shall be sanitary and ventilated. (Neb. Rev. Stat. §17-548) (Am. by Ord. Nos. 827, 9/3/13; 958, 5/3/21)

§6-116 RABIES SUSPECTED.

(A) Any animal which is owned by a person and has bitten any person or caused an abrasion of the skin of any person shall be seized and confined with a licensed veterinarian for a period of not less than ten days if:

- (1) The animal is suspected of having rabies, regardless of the species and whether or not the animal has been vaccinated;

- (2) The animal is not vaccinated and is a dog, cat, or another animal of a species determined by the Department of Health and Human Services to be a rabid species; or
- (3) The animal is of a species which has been determined by HHS to be a rabid species not amenable to rabies protection by immunization, whether or not the animal has been vaccinated.

(B) If, after observation and examination by a veterinarian, at the end of the ten-day period, the animal shows no clinical signs of rabies, the animal may be released to its owner.

(C) Except as provided in division (D) below, whenever any person has been bitten or has an abrasion of the skin caused by an animal owned by another person, which animal has been vaccinated in accordance with state law, or if an injury to a person is caused by an owned dog, cat, or other animal determined by the Department of Health and Human Services to be a rabid species amenable to rabies protection by immunization which has been vaccinated, the animal shall be confined by the owner or other responsible person for a period of at least ten days and shall be observed and examined by a veterinarian at the end of the ten-day period. If no clinical signs of rabies are found by the veterinarian, the animal may be released from confinement.

(D) A vaccinated animal owned by a law enforcement or governmental military agency which bites or causes an abrasion of the skin of any person during training or the performance of the animal's duties may be confined as provided in division (C) above. The agency shall maintain ownership of and shall control and supervise the actions of the animal for a period of 15 days following the injury. If, during the period, the death of the animal occurs for any reason, a veterinarian shall, within 24 hours of the death, examine the tissues of the animal for clinical signs of rabies.

(E) Any dog, cat, or other animal of a rabid species which has bitten a person or caused an abrasion of the skin of a person and which is unowned or the ownership of which cannot be determined within 72 hours of the time of the bite or abrasion shall be immediately subject to any tests which the Department of Health and Human Services believes are necessary to determine whether the animal is afflicted with rabies. The 72-hour period shall include holidays and weekends and shall not be extended for any reason. The tests required by this division may include tests which require the animal to be destroyed.

(F) If the ownership of any animal which has bitten a person can be established, the owner shall be liable for the cost of confining it for the length of time as is necessary to establish whether the animal is rabid. If the ownership of the animal cannot be determined, the cost of confining an animal who is only suspected of having rabies shall be paid by the City.

(G) All costs incurred in the collection, submission, and sending to the Department of Health, of heads of animals that have or are suspected of dying from rabies, shall be borne by the owner of the animal if the ownership thereof can be established. If ownership of the animal cannot be determined, the cost of sending the head of an animal which has not bitten any person and is only suspected of having rabies, shall be paid by the city.

(Neb. Rev. Stat. §71-4406, 17-526) (Am. by Ord. Nos. 827, 9/3/13; 852, 11/3/14; 958, 5/3/21)

§6-117 CITY OFFICIALS' LIABILITY.

No Police Officer, Dogcatcher, City Worker or Veterinarian employed by said city shall be answerable for damages for the death, injury or sickness of any dog or cat while such person is in good faith carrying out the provisions of this Article. (Am. by Ord. Nos. 338, 4/5/82; 827, 9/3/13; 958, 5/3/21)

§6-118 FEES.

All moneys and fees collected hereunder for licenses and impounding charges shall be turned over to the City Treasurer for credit to the General Fund and a report shall be made to the City Council at the regular May meeting each year, informing it of the number of dogs and cats licensed to that date and the number of dogs and cats impounded since any previous report. Any and all license fees, impounding charges and other charges established in this Article may be amended from time to time by resolution of the Council. (Am. by Ord. Nos. 338, 4/5/82; 827, 9/3/13; 958, 5/3/21)

§6-119 COSTS.

Costs on all citations issued under this article which are paid and handled through the office of the City Clerk shall be established by the City Council and shall be paid in addition to any fine or levy imposed. Costs for such citations may be amended and changed by the Council from time to time by resolution duly passed and adopted. (Ord. Nos. 402, 7/1/85; 827, 9/3/13; 958, 5/3/21)

§6-120 EXCREMENT TO BE REMOVED AND DISPOSED OF.

(A) It shall be unlawful for any person to cause or permit a dog or cat to be on any property, public or private, not owned or possessed by that person, unless the person has in his or her immediate possession a device for the removal of excrement and a depository for the transmission of excrement to a receptacle located upon property owned or possessed by the person.

(B) It shall be unlawful for any person in control of, causing or permitting any dog or cat to be on any property, public or private, not owned or possessed by that person to fail to remove excrement left by any dog or cat to a proper receptacle located on property owned or possessed by that person or by the City.

(C) Any person violating this section shall pay a fine which shall be paid to the City Treasurer. Such fine shall be set by the City Council and shall be on file in the office of the City Clerk, available for public inspection during office hours. In the event said fine is not paid within five days from the date of issuance of the citation, then said citation shall be filed in the County Court. All fines collected shall be immediately credited to the General Fund. (Ord. Nos. 610, 9/8/98; 827, 9/3/13; 958, 5/3/21)

Article 2 – Animals Generally

§6-201 ANIMALS AND FOWLS; 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 or fowl to be driven or run at large on any of the public ways and property, upon the property of another, or to be tethered or staked out in such a manner so as to allow such animal or fowl to reach or pass into any public way. (Neb. Rev. Stat. §17-547)

§6-202 CRUELTY.

No person shall cruelly or unnecessarily beat, overwork, or insufficiently shelter or feed any animal within the City. (Neb. Rev. Stat. §28-552 through 28-554)

§6-203 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. (Neb. Rev. Stat. §28-552, 28-553)

§6-204 ABANDONMENT, NEGLIGENCE, AND CRUELTY; DEFINITIONS.

“Abandon” shall mean to leave any animal for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health.

“Animal” shall mean any vertebrate member of the animal kingdom except man. The term shall not include an uncaptured wild creature.

“Cruelly mistreat” shall mean to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise set upon any animal.

“Cruelly neglect” shall mean to fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health.

“Humane killing” shall mean the destruction of an animal by a method which causes the animal a minimum of pain and suffering.

“Law enforcement officer” shall mean any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of the Village, or any other public official authorized by the Village to enforce state or local animal control laws, rules, regulations, or ordinances. (Neb. Rev. Stat. §28-1008) (Ord. No. 457, 2/4/91)

§6-205 ABANDONMENT, NEGLECT, AND CRUELTY; LAW ENFORCEMENT OFFICER; POWERS; IMMUNITY.

(A) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may (1) seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal and (2) issue a citation to the owner as prescribed by law.

(B) Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence. (Neb. Rev. Stat. §28-1012) (Ord. No. 457, 2/4/91)

§6-206 ABANDONMENT, NEGLECT, AND CRUELTY; PENALTY.

A person commits cruelty to animals if he or she abandons, cruelly mistreats, or cruelly neglects an animal. (Neb. Rev. Stat. §28-1009) (Ord. No. 457, 2/4/91)

§6-207 BANNED FROM CITY.

It shall be unlawful for any person to keep or maintain within the corporate limits of the city any horse, mule, sheep, cow, goat, swine, fowl or other livestock; provided, this section shall not apply to any of said animals currently kept or maintained by any owner or occupier of land on the effective date of this section. In the event ownership or occupancy of land should change subsequent to the effective date of this section, then in such event all animals listed herein shall be banned from the land so owned or occupied. (Neb. Rev. Stat. §17-505) (Ord. Nos. 507, 6/6/94; 945, 9/8/20)

Article 3 – Miscellaneous Misdemeanors

§6-301 IMPERSONATING AN OFFICER.

It shall be unlawful for any person other than a City or State Police Officer to wear an official badge or uniform or to falsely and willfully impersonate the said officials. (Neb. Rev. Stat. §28-715.01)

§6-302 REFUSING TO ASSIST OFFICER.

It shall be unlawful for any person to refuse to assist a City Police Officer when lawfully requested to do so. (Neb. Rev. Stat. §28-728)

§6-303 RESISTING OFFICER.

It shall be unlawful for any person to resist any City Policeman when such officer is in the lawful performance of his duties. (Neb. Rev. Stat. §28-729)

§6-304 ABUSING OFFICER.

It shall be unlawful for any person to abuse a police officer or city official in the execution of his office. (Neb. Rev. Stat. §28-729)

§6-305 TRESPASSING.

It shall be unlawful for any person, knowing that he or she 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 as to which notice against trespass is given by:

(1) Actual communication to the actor; or

(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.

(C) A person found guilty under subsection (A) hereof shall be guilty of a Class I misdemeanor. A person found guilty under subsection (B) hereof shall be guilty of a Class III misdemeanor except that he or she shall be guilty of a Class II misdemeanor if the offender defied an order to leave personally communicated to him or her by the owner of the premises or other authorized person.

(Neb. Rev. Stat. §28-520, 28-521) (Ord. No. 822, 6/3/13)

§6-306 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 any real or personal property of any description belonging to another. (Neb. Rev. Stat. §28-572, 28-573)

§6-307 LARCENY.

It shall be unlawful for any person within the corporate limits to steal any money, goods, or chattels of any kind whatever. Any person who shall steal property of any kind, whether the same be entirely in money or entirely property having a value of less than \$300.00, shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §28-512, 28-514)

§6-308 INJURY TO TREES.

It shall be unlawful for any person to purposely or carelessly and without lawful authority cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the City Council to

do so and the written permit of the Council in accordance with its decision to allow such an action shall constitute the only lawful authority on the part of the company to do so. (Neb. Rev. Stat. §28-565 through 28-567)

§6-309 TRASH.

It shall be unlawful for any person to willfully, maliciously, or negligently place or throw upon the premises of another any filth, garbage, leaves, papers, or other matter to the annoyance of the owner or occupant thereon. (Neb. Rev. Stat. §28-591)

§6-310 DRINKING ON PUBLIC PROPERTY; POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINER.

(A) Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. Rev. Stat. §53-186(2), it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any of its governmental subdivisions unless authorized by the governing bodies having jurisdiction over such property. (Neb. Rev. Stat. §53-186)

(B)(1) It is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this city.

(2) Except as provided in Neb. Rev. Stat. §53-186, it is unlawful for any person to consume an alcoholic beverage

(a) In a public parking area or on any highway in this city, or

(b) Inside a motor vehicle while in a public parking area or on any highway in this city.

(C) For purposes of this division:

(1) “Alcoholic beverage” means (a) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor, (b) wine of not less than one-half of one percent of alcohol by volume, or (c) distilled spirits, which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. “Alcoholic beverage” does not include trace amounts not readily consumable as a beverage.

(2) “Highway” means a road or street including the entire area within the right-of-way.

(3) “Open alcoholic beverage container” means any bottle, can, or other receptacle (a) that contains any amount of alcoholic beverage and (b) that is open or has a broken seal or the contents of which are partially removed.

(4) “Passenger area” means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. “Passenger area” does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk. (Neb. Rev. Stat. §60-6,211.08) (Am. by Ord. No. 641, 7/5/00)

§6-311 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.

§6-312 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.

§6-313 DISCHARGE OF FIREARMS.

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

§6-314 SLINGSHOTS, AIR GUNS, BB GUNS.

It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the City. (Neb. Rev. Stat. §17-207)

§6-315 FIRECRACKERS.

It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except sparklers, Vesuvius fountains, spray fountains, torches, color fire cones, star- and comet-type color aerial shells without explosive charges for the purpose of making a noise, color wheels, lady fingers, not exceeding seven-eighths inch in length or one-eighth inch in diameter and which do not contain more than one-half grain each in weight of explosive material. (Neb. Rev. Stat. §28-1003.07)

§6-316 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. (Neb. Rev. Stat. §28-411)

§6-317 PROVOKING ASSAULT.

It shall be unlawful for any person or persons within the City to intentionally provoke or attempt to provoke an assault upon himself or another by the uttering of insulting words, cursing and swearing, or to use slander against any other person. Upon conviction a fine shall be assessed which shall be set by the City Council, on file in the office of the City Clerk and available for public inspection during office hours. (Neb. Rev. Stat. §28-412)

§6-318 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. (Neb. Rev. Stat. §28-411)

§6-319 DISTURBING THE PEACE.

It shall be unlawful for any person or persons to assemble or gather within the City with the intent to do an unlawful or disorderly act or acts by force or violence against the City or residents 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. (Neb. Rev. Stat. §28-818)

§6-320 WINDOW PEEPING.

It shall be unlawful for any person to go upon the private premises of another to look or peep into any window, door, or other opening in a building occupied by any other person.

§6-321 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) The word "litter" as used in this section shall mean all waste material susceptible of being dropped, deposited, discarded or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing. "Waste material" as used in this section shall mean any material appearing in a place or in a context not associated with that material's function or origin.

(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 watercraft commits the offense of littering.

(Neb. Rev. Stat. §28-523) (Am. by Ord. No. 525, 2/6/95)

§6-322 APPLIANCES IN YARD.

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children, whether on private or public property, unless he shall first remove all doors and make the same reasonably safe. (Neb. Rev. Stat. §18-1720)

§6-323 (Reserved for Future Use)

§6-324 ABANDONED AUTOMOBILES.

(A)(1) No person shall cause any vehicle to be an abandoned vehicle as described in subsections (B)(1), (2), (3), or (4) of this section. (Neb. Rev. Stat. §60-1907)

(2) No person other than one authorized by the City or appropriate state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. (Neb. Rev. Stat. §60-1908)

(B) A motor vehicle is an abandoned vehicle:

(1) 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;

(2) If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

(3) If left unattended for more than 48 hours after the parking of such vehicle has be-

come illegal if left on a portion of any public property on which parking is legally permitted;

(4) 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; or

(5) If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under subsection (H) of this section.

(6) If removed from private property by the City pursuant to a municipal ordinance.

(C) An all-terrain vehicle, a utility-type vehicle, or a mini-bike is an abandoned vehicle:

(1) If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

(2) If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

(3) 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;

(4) If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under subsection (H) of this section; or

(5) If removed from private property by the City pursuant to a municipal ordinance.

(D) A mobile home is an abandoned vehicle if left in place on private property for more than 30 days after a local governmental unit, pursuant to an ordinance or resolution, 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 as set forth under subsection (G) of this section.

(E) For purposes of this section:

(1) "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, and shall include a manufactured home as defined in Neb. Rev. Stat. §71-4603. "Mobile home" does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. Rev. Stat. §60-169;

(2) "Public property" means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and

(3) "Private property" means any privately owned property which is not included within the definition of public property.

(4) No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this subsection. (Neb. Rev. Stat. §60-1901) (Am. by Ord. No. 779, 3/1/10)

(F) If an abandoned vehicle at the time of abandonment has no license plates of the current year or valid "In Transit" stickers issued pursuant to Neb. Rev. Stat. §60-376 affixed and is of a wholesale value of \$250.00 or less, taking into consideration the condition of the vehicle, title shall immediately vest in the City. (Neb. Rev. Stat. §60-1902)

(G)(1) Except for vehicles governed by subsection (F) of this section, the City shall make

an inquiry concerning the last-registered owner of an abandoned vehicle as follows: (a) with license plates affixed, to the jurisdiction which issued such license plates; or (b) with no license plates affixed, to the Department of Motor Vehicles.

(2) The City shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either: (a) it will be sold or will be offered at public auction after five days from the date such notice was mailed; or (b) title will vest in the City 30 days after the date such notice was mailed.

(3) If the City is notified that a lien or mortgage exists, the notice described in subsection (G)(2) of this section shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

(4) Title to an abandoned vehicle, if unclaimed, shall vest in the City:

(a) Five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subsection (G)(2)(a) of this section;

(b) 30 days after the date the notice is mailed if the City will retain the vehicle; or

(c) If the last-registered owner cannot be ascertained, when notice of such fact is received.

(5) After title to the abandoned vehicle vests pursuant to subsection (G)(4) of this section, the City may retain for use, sell, or auction the abandoned vehicle. If the City has determined that the vehicle should be retained for use, the City shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the City intends to retain the abandoned vehicle for its use and that title will vest in the City 30 days after publication. (Neb. Rev. Stat. §60-1903)

(H)(1) If the city law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, it shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle.

(2) This subsection shall not apply to motor vehicles subject to forfeiture under Neb. Rev. Stat. §28-431.

(3) No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this subsection unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. (Neb. Rev. Stat. §60-1903.01)

(I) Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the City, 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. (Neb. Rev. Stat. §60-1905)

(J) Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed nor the City shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the City or its contractual agent or as a result of any subsequent disposition. (Neb. Rev. Stat. §60-1906)

(K) The last-registered owner of an abandoned vehicle shall be liable to the City for the costs of removal and storage of such vehicle. (Neb. Rev. Stat. §60-1909)

(L) Any person who violates the provisions of this section is guilty of an offense. (Neb. Rev. Stat. §60-1901 through 60-1911) (Am. by Ord. Nos. 640, 7/5/00; 855, 11/3/14)

§6-325 CURFEW.

It shall be unlawful for any minor under the age of 16 years to ride in or operate any vehicle in or upon any street, alley, or other public place or to loiter, wander, stroll, loaf, or play in or upon any of the streets, alleys, or other public places between the hours of 10:00 P.M. of any day and 6:00 A.M. of the following day unless (1) accompanied by a parent, guardian or other adult person having the care, custody or control of said minor, (2) the minor is engaged in lawful employment, or (3) the minor is on an emergency errand; provided, when an activity of the kind normally attended by minors under 16 years terminates after or less than one hour prior to 10:00 P.M., the curfew shall commence one hour after the termination of such activity.

§6-326 STALKING.

Any person who willfully and maliciously harasses another person with the intent to terrify, threaten, or intimidate commits the offense of stalking. For purposes of this section, “harass” shall mean 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, and “course of conduct” shall mean a pattern of conduct composed of a series of acts of following, detaining, restraining the personal liberty of or stalking or telephoning the person. (Neb. Rev. Stat. §28-311.02, 28-311.03) (Ord. No. 508, 6/6/94)

§6-327 (Reserved for Future Use)

(Repealed by Ord. No. 954, 5/3/21)

§6-328 DISORDERLY CONDUCT.

It shall be unlawful for any person to engage in conduct or behavior which disturbs the peace and good order of the City 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) (Ord. No. 810, 9/4/12)

Article 4 – Sexual Predators

(Ord. No. 848, 10/6/14)

§6-401 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)

§6-402 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)

§6-403 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 facility triggering the restriction was established after the initial date of the sexual predator's residence at that location. (Neb. Rev. Stat. §29-4017)

Article 5 – Penal Provision

§6-501 VIOLATIONS; PENALTY.

(A) (1) Any person or any person’s agent or servant who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500.00. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(2) Any violation of this chapter shall be waivable and carry the penalty listed below, unless otherwise specifically provided herein;

1 st offense	\$ 50.00
2 nd offense	100.00
3 rd offense	150.00
4 th offense	200.00
5 th and subsequent offenses	250.00

(B) (1) Whenever a nuisance exists as defined in this chapter, the City may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) 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.

(Neb. Rev. Stat. §17-505, 18-1720, 18-1722) (Am. by Ord. Nos. 645, 7/5/00; 846, 9/3/14)