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## **CHAPTER 2 – MISDEMEANORS**

### **Article 1 – General Misdemeanors**

#### **SECTION 2-101: RESISTING OR FAILING TO ASSIST OFFICER**

It shall be unlawful for any person 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 in making any arrest or in the conveying of a prisoner to jail.

#### **SECTION 2-102: IMPERSONATING OFFICER**

It shall be unlawful for any person, other than a regular police officer or other authorized officer or employee of the Village, to wear a badge similar to or resembling the badges prescribed for or furnished to the police force or any other officer or employee of the Village or to willfully impersonate or endeavor to impersonate any such police officer, village officer or employee or seek to exercise authority as such. (Neb. Rev. Stat. §28-715.01)

#### **SECTION 2-103: DISTURBING THE PEACE**

It shall be unlawful for any person to disturb the peace and quiet of any person, family, neighborhood or public assembly; to make any loud, boisterous or unusual noise; or to quarrel, curse, swear or use obscene or indecent language within this village. (Neb. Rev. Stat. §28-801 through 28-803)

#### **SECTION 2-104: EXCESSIVE NOISE**

It is hereby determined to be unlawful to operate industrial equipment, heavy machinery, jack hammers and other industrial equipment emitting loud noise or to race automobile engines between the hours of 8:00 P.M. and 7:00 A.M. in such a manner so as to disturb the comfort, repose, peace and quiet of residents of the Village unless such activity has been approved in advance by the Village Board.

#### **SECTION 2-105: DISORDERLY CONDUCT**

It shall be unlawful for any person to engage in any riotous or disorderly conduct, to fight, strike or assault another person in a threatening manner, or to do or engage in any other disorderly act within the Village. (Neb. Rev. Stat. §17-129, 17-556)

#### **SECTION 2-106: MALICIOUS DESTRUCTION OF PROPERTY**

It shall be unlawful for any person wantonly or maliciously in any manner to molest, injure or destroy any property of another in this village. (Neb. Rev. Stat. §28-573)

**SECTION 2-107: TRESPASSING**

It shall be unlawful for any person to remain upon any private or public property within the Village without the express permission of the owner or party in possession thereof.

**SECTION 2-108: WINDOW PEEPING**

It shall be unlawful for any person to maliciously or stealthily 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 or to go upon the premises of another for the purpose of looking or peeping into any window, door or other opening in any building thereon which is occupied as a place of abode.

**SECTION 2-109: NON-LICENSED GAMBLING OPERATIONS**

It shall be unlawful for any person or organization to operate or permit to be operated in this village any lottery, game of chance or gambling device of any kind unless the same is licensed, regulated and operated pursuant to Nebraska law.

**SECTION 2-110: GAMBLING**

It shall be unlawful for any person to participate in any lottery or game of chance except bingo in this village unless authorized and licensed by state law. (Neb. Rev. Stat. §28-944, 29-947)

**SECTION 2-111: 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 the person or repetitiously telephoning the person.

**SECTION 2-112: PANDERING, PROSTITUTION, AND ILLICIT SEXUAL INTERCOURSE**

It shall be unlawful for any person to engage in or commit any act of pandering, prostitution or illicit sexual intercourse within the Village. (Neb. Rev. Stat. §28-910)

**SECTION 2-113: HOUSE OF PROSTITUTION; DISORDERLY HOUSE**

It shall be unlawful for any person to keep, operate or maintain or to be an inmate of or visit a house of prostitution or a disorderly house within this village. A "house of

prostitution” shall be construed to mean a house or other place which is kept, used or operated as a place for hire. A “disorderly house” shall be construed to mean any place kept in such a manner as to disturb, annoy or scandalize the public generally or persons within the particular neighborhood, any place used as a public resort by drunkards, prostitutes or other idle or vicious persons, or any place of public resort where illegal practices are habitually carried on to the corruption of public morals. (Neb. Rev. Stat. §28-907)

**SECTION 2-114: INDECENT EXPOSURE OF PERSON; PUBLIC URINATION; INDECENT BOOK, PICTURE, PLAY OR DESIGN**

It shall be unlawful for any person to make an indecent exposure of his or her person; to urinate in public view; to commit any indecent or lewd act; to sell or offer for sale or to dispense of in any manner any obscene, lewd or indecent book, picture or other publication or thing; to exhibit or perform any indecent, immoral, lewd or obscene play or other representation; or in any public place to write, draw, or make any profane, obscene, indecent or lewd work, sentence, figure or design.

**SECTION 2-115: RADIO INTERFERENCE**

Any person operating or causing to be operated any motor, sign or other electrical apparatus that is connected with the electrical distribution system shall equip the apparatus with proper filtering attachments to eliminate radio and television reception interference; provided, this section shall not apply to the use of necessary medical equipment or apparatus where electrical interference cannot be reasonably and safely eliminated. Any person who so operates or causes to be operated any such electrical apparatus that interferes habitually with radio and television reception shall be deemed to be guilty of a misdemeanor and the apparatus is hereby declared a nuisance. (Neb. Rev. Stat. §18-1720)

**SECTION 2-116: APPLIANCES**

It shall be unlawful for any person to store, dump or leave unattended any refrigerator, freezer or ice box not in use within the village limits without first disconnecting and removing its door and such refrigerator, freezer or ice box is hereby declared to be a nuisance.

**SECTION 2-117: TOBACCO PURCHASE**

It shall be unlawful for any minors under the age of 18 years to smoke, purchase or attempt to acquire tobacco, cigarettes or cigars of any kind. (Neb. Rev. Stat. §53-196)

**SECTION 2-118: TOBACCO SALE**

It shall be unlawful for any person to sell or attempt to sell to any person under the age of 18 years any tobacco, cigarettes or cigars of any kind. (Neb. Rev. Stat. §28-1021)

**SECTION 2-119: 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.

**SECTION 2-120: SIGNS AND ADS**

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.

**SECTION 2-121: PROVOKING ASSAULT**

It shall be unlawful for any person or persons within the Village 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. (Neb. Rev. Stat. §28-412)

**SECTION 2-122: MENACING THREATS; ASSAULT**

It is hereby declared unlawful for any person to assault or threaten another in a menacing manner or strike or injure another.

**SECTION 2-123: LITTERING**

A. No person shall throw or deposit or accumulate upon any street, public way or lot or parcel of ground in the Village:

1. Any glass bottle, glass, nails, tacks, wire, cans or other substance likely to injure any person or animal or damage any vehicle upon the street, public way or other property;
2. Materials that may make any street, public way or property unsightly such as rubbish, sewage, garbage, paper or any other material of such nature.

B. Any person who deposits or permits to be deposited upon any street, public way or other property any litter or destructive or injurious material shall immediately remove such or cause it to be removed so as to abate any nuisance occasioned thereby.

C. Any person who removes a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance deposited on the street from such ve-

hicle.

D. If the owner fails to remove any such litter after five days' notice by publication and by certified mail, the village sewer commissioner or the village police shall remove or cause the litter to be removed and shall assess the cost thereof against the property so benefited.

(Neb. Rev. Stat. §17.123.01, 28.523)

## **SECTION 2-124: PUBLIC NUDITY**

A. It is the intent of the Village to prohibit the exploitation of human nudity for the purpose of advertising, selling, or otherwise promoting the economic interest of any type of business enterprise. It is also the intent of the Village to further the government's interest in avoiding the harmful secondary effects of this type of activity such as prostitution, sexual assaults, criminal activity, degradation of women, and other activities which break down the family structure. This prohibition is not intended to extend to any expression of opinion or the performance of a bona fide play, ballet, or drama protected by the First Amendment to the Constitution of the United States or by Article I, Section 5 of the Constitution of the State of Nebraska.

B. It shall be unlawful for any person to knowingly or intentionally appear in a state of nudity in a public place, in any place open to the public, or while employed in providing any service, product or entertainment in any business or commercial establishment.

C. It shall be unlawful for anyone to aid, abet, assist or direct another person to knowingly or intentionally appear in a state of nudity in a public place, in any place open to the public, or while employed in providing any service, product, or entertainment in any business or commercial establishment.

D. "Nudity" means the showing of the human male or female genitals, buttocks or pubic area with less than a full opaque covering, the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the showing of covered male genitals in a discernibly turgid state.

E. Any activity in violation of this section shall be deemed to be a nuisance and the Village may proceed by a suit in equity to temporarily and permanently enjoin, abate, and remove the same in the manner provided by law.

F. Any person, firm, association or corporation violating any of the provisions of this section, in addition to any equitable or injunctive relief, shall, upon conviction thereof, be deemed guilty of an offense and shall be fined in any sum not exceeding \$500.00 per violation, with costs of prosecution, and any other costs and expenses as allowed by law. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this section.

G. This section shall not apply to:

1. Any theater, concert hall, art center, museum or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were lawfully permitted or allowed as part of such art exhibit or performance;
2. Any dressing/changing room or restroom facility open to the public;
3. Any person under 12 years of age; or
4. Mothers who are breastfeeding.

(Ord. No. 1-13-03-02, 1/13/03)

### **SECTION 2-125: SEXUAL PREDATOR; 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) (Ord. No. 81406A, 8/14/06) (Am. 3/11/13)

### **SECTION 2-126: SEXUAL PREDATOR; 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) (Ord. No. 81406A, 8/14/06)



**SECTION 2-127: SEXUAL PREDATOR; 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) (Ord. No. 81406A, 8/14/06)

## **Article 2 – Curfew**

### **SECTION 2-201: HOURS**

It shall be unlawful for any person under the age of 16 years to loiter, idle, wander, stroll, play or be in or upon the public streets, public places and public buildings, places of amusement and entertainment, vacant buildings or vacant lots or to operate any bicycle or other vehicle in, upon, over or through the streets of other public places of the Village between the hours of 10:00 P.M. of any day until 6:00 A.M. of the following day, unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of said minor person or unless the minor person is upon an emergency errand or legitimate business directed by his or her parents, guardian or legal custodian, except as hereinafter provided.

### **SECTION 2-202: HOURS EXTENDED**

Nothing herein contained shall prohibit said minor persons from attending special school functions or adult-supervised entertainment conducted by any school, church or fraternal organization which continue beyond the curfew hours as set out herein. In all such cases the hours herein prohibited shall be extended for those minors attending said special social functions or entertainment one hour after the closing of said special function.

### **SECTION 2-203: VIOLATION; PARENTAL LIABILITY**

It shall be unlawful for the parent, guardian or other adult person having the care and custody of minors under the age of 16 years to allow or permit said minor persons to do any of the acts or things prohibited by Section 2-201 or 2-202 of this article.

### **SECTION 2-204: ENFORCEMENT; POLICE AUTHORIZATION**

Every member of the police force while on duty shall be authorized to detain any such minor willfully violating the provisions of this ordinance and upon apprehension of said minor shall forthwith notify by telephone or other appropriate means the parents or legal guardians or person in custody of said minor child.

## **Article 3 – Dogs**

### **SECTION 2-301: OWNER DEFINED**

Any person who shall feed, shelter or permit any dog to be present in or about his or her house, store or enclosure for a period of five continuous days shall be deemed the owner of such dog and shall be bound by all of the rules and regulations hereafter and liable for all penalties herein described.

### **SECTION 2-302: RABIES VACCINATION**

Every dog 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 the Village for less than 30 days, any dog brought into the Village for show purposes, or any dog brought into the Village for hunting purposes for a period of less than 30 days; such dogs shall be kept under the strict supervision of the owner.

### **SECTION 2-303: RABIES CERTIFICATE; LICENSING**

A. Any person who shall own, keep or harbor a dog over the age of three months within the Village shall, within 30 days after acquisition of the said dog, acquire a license for each such dog.

B. Licenses shall be issued by the village clerk or other person designated by the Village Board upon the payment of a license fee in the sum of \$5.00 for each dog and proof of current protection from rabies by vaccination from a licensed veterinarian. Said license shall not be transferable and no refund will be allowed in case of the death, sale or other disposition of the licensed dog. Such license shall be effective during the time when such rabies vaccination is effective and shall terminate when such dog is in need of another rabies vaccination. A certificate that the dog has had a rabies vaccination shall be presented when the license is applied for and no license or tag shall be issued until the certificate is presented. At the time the application is made, the owner shall state, upon a form provided for such purpose, his or her name and address and the name, breed, color and sex of each dog owned and kept by him or her.

### **SECTION 2-304: WRONGFUL LICENSING**

It shall be unlawful for the owner, keeper or harbinger of any dog to permit or allow such dog to wear any license, metallic tag or other village identification than that issued by the village clerk for dogs.

**SECTION 2-305: REMOVAL OF TAGS**

It shall be unlawful for any person to remove or cause to be removed the collar, harness or metallic tag from any licensed dog without the consent of the owner, keeper or possessor thereof.

**SECTION 2-306: UNLICENSED DOGS**

Any dog found running at large upon the streets and public grounds of the Village without a current license tag affixed as required in this article is hereby declared a public nuisance and may be destroyed pursuant to Section 2-308 hereafter.

**SECTION 2-307: 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 or chases pedestrians, vehicles or riders of horses while they are on any public sidewalks, streets or alleys in the Village; provided, the provisions of this section shall not be construed to apply to any village dog shelter.

**SECTION 2-308: RUNNING AT LARGE**

A dog found "running at large" shall mean it was found off the premises of the owner and not under the control of the owner or a responsible person either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. It shall be unlawful for any person to suffer or permit any dog to run at large within the Village, and every dog found running at large in violation hereof is declared to be a public nuisance and may be picked up and returned to the owner thereof upon payment of a fee of \$30.00 to cover the cost of catching and transporting said dog; provided, any dog found running at large whose owner is unknown shall be destroyed. Any person who permits his or her dog to run at large within the confines of the Village is hereby deemed to be guilty of a misdemeanor and, upon conviction thereof, shall be fined no more than \$25.00 and shall pay the costs of prosecution.

**SECTION 2-309: DAMAGE; LIABILITY OF OWNER**

It shall be unlawful for any person to allow a dog 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.

**SECTION 2-310: FIGHTING**

It shall be unlawful for any person, by agreement or otherwise, to set dogs to fighting or by any gesture or word to encourage the same to fight. Any person convicted of violating this section shall be fined not less than \$5.00 nor more than that sum per-

mitted by Nebraska law for violation of a municipal ordinance.

### **SECTION 2-311: KILLING AND POISONING**

It shall be unlawful to kill, administer or cause to be administered to a dog poison of any sort; in any manner to injure, maim, destroy or in any manner attempt to injure, maim or destroy any dog that is the property of another person; or to place any poison or poisoned food where the same is accessible to a dog.

### **SECTION 2-312: RABIES SUSPECTED; IMPOUNDMENT**

Any dog or other animal suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions set forth above which has bitten any person or has caused an abrasion of the skin of any person shall be seized by a police officer or animal control officer of this village and shall be impounded under the supervision of a licensed veterinarian or public health authority for not less than ten days. If, upon examination by a veterinarian, the dog or other animal has no clinical signs of rabies at the end of such impoundment, it shall be released to the owner upon payment of the costs of said impoundment by said owner or, in the case of a stray, shall be disposed of in whatever manner deemed best by a village police officer.

### **SECTION 2-313: RABID DOGS; PROCLAMATION**

It shall be the duty of the Village Board, 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. Such dogs may be harbored by any good and sufficient means in a house, garage or yard on the premises wherein 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.

### **SECTION 2-314: DANGEROUS DOGS; DEFINITIONS**

“Animal control authority” shall mean the Hadar Village Board.

“Animal control officer” shall mean any individual employed, appointed or authorized by the animal control authority for the purpose of aiding in the enforcement of this act 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 personnel or other employees whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

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

- A. Has killed or inflicted severe injury on a human being on public or private property;
- B. Has killed a domestic animal without provocation while the dog was off the owner's property; or
- C. Has been previously determined to be a potentially dangerous dog by the animal control authority and the owner has received notice of such determination; such dog again aggressively bites, attacks or endangers the safety of humans or domestic animals.
- D. Notwithstanding the foregoing, a dog shall not be defined as a dangerous dog if any threat, or any injury that is not a severe injury, or any damage was sustained by a person who at the time was committing a willful trespass or any other tort upon the property owner of the dog; who was tormenting, abusing or assaulting the dog; who has, in the past, been observed or reported to have tormented, abused or assaulted the dog; or who was committing or attempting to commit a crime.

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

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

“Potentially dangerous dog” shall mean:

- A. Any dog that, when unprovoked, inflicts a non-severe injury on a human or injures a domestic animal on public or private property, or chases or approaches a person upon streets, sidewalks or on any public ground 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.

"Severe injury" shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.

#### **SECTION 2-315: DANGEROUS DOGS ON OWNER'S PROPERTY; CONFINED**

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, such sides shall be embedded

into the ground. The pen or structure shall also protect the dog from the elements.

**SECTION 2-316: DANGEROUS DOGS OFF OWNER'S PROPERTY;  
RESTRAINED**

No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless it is restrained securely by a chain or leash.

**SECTION 2-317: 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, and said officer may enter upon private property in order to confiscate the animal. In lieu of confiscation, the animal control officer may immediately destroy the dangerous dog if it poses a threat of harm to said officer or any other person or property. The owner shall be responsible for the costs incurred by the animal control authority for the care and boarding of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the owner violated this article.

**SECTION 2-318: DANGEROUS DOGS; IMPOUNDMENT**

In addition to any other penalty, the animal control authority shall order the animal control officer to dispose of a dangerous dog in a humane manner. Notice of impoundment of all animals, including any significant marks or identification thereon, shall be posted at the office of the village clerk as public notification of such impoundment. Upon such notice, the animal control authority shall schedule the matter to be heard at a special or regular meeting of the authority, at which time the owner must present clear and convincing evidence that the dog will not present a present nor future threat to the safety of the public or to public property. The animal control authority shall not be bound by the Nebraska Rules of Evidence. Upon such proof to the satisfaction of the authority, the dog may be returned to the owner after he or she pays the sum of \$30.00 for each animal so redeemed, the cost of any notice in the newspaper, and the sum of \$10.00 per day for each and every day the dog remains impounded, along with evidence of current rabies vaccination or post a bond of \$50.00, refundable upon proof of current rabies vaccination being presented within 30 days. If the foregoing costs are not paid within 15 days of the hearing, the dog shall be destroyed.

**SECTION 2-319: 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 or 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 village animal shelter, any ambulance wagon or other vehicle used for the collecting or conveying of dogs to the shelter.

**SECTION 2-320: VIOLATION; IMPOUNDMENT**

A. It shall be the duty of the animal control officer to capture, secure and remove in a humane manner to the designated village animal shelter any dog violating any of the provisions of this article. The dogs 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 three days 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 animal control officer as public notification of such impoundment.

B. Any dog may be reclaimed by its owner during the period of impoundment by payment of all impoundment fees, medical expenses, boarding fees and food costs. The owner shall then be required to comply with the rabies vaccination requirements within 72 hours after release. If the dog is not claimed at the end of three days, the animal control officer shall dispose of the dog; provided, if in the judgment of the officer a suitable home can be found for any such dog within the Village, 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 in this article. The Village shall acquire legal title to any unlicensed dog impounded in the animal shelter after three days. All dogs shall be destroyed and buried in a humane manner.

**SECTION 2-321: PENALTIES**

In addition to any other penalty provided by this article, any person or owner of a dog who shall violate any provisions of this article shall be fined not less than \$10.00 nor more than that sum permitted by Nebraska law for violation of a municipal ordinance. Each day's violation of this article shall constitute a separate offense and may be prosecuted as such.



## **Article 4 – Kennels**

### **SECTION 2-401: DEFINED**

“Kennel” is defined for this article as any lot or parcel of land or place where more than three dogs or more than three cats over the age of 6 months are confined, treated, boarded, housed or cared for and shall include any lot or parcel of land or place where a person, corporation or other entity engages in, conducts, manages or maintains a veterinary business, regardless of the number of animals treated, kept, confined or boarded.

### **SECTION 2-402: UNLICENSED KENNELS; PROHIBITED; NUISANCE**

It shall be unlawful for any person, corporation, partnership or other entity to maintain, keep, conduct or operate any kennel within the zoning limits of the Village without first obtaining a license therefor and every unlicensed kennel is hereby declared to be a nuisance.

### **SECTION 2-403: LICENSE**

Any person or legal entity seeking a kennel license shall make written application to the Village Board. Such application shall state in detail the type, number and gender of animals to be held in such kennel, describe the kennel facility in detail and provide such other information as may be required by the board. Such application shall also have attached thereto the consent of all property owners or occupants of lands or lots adjoining the land upon which the proposed kennel is to be located. In the event that the Village Board determines that such kennel would not constitute a nuisance, it shall issue such license on such terms and conditions as it deems appropriate. Such license shall be on an annual basis and may be revoked after notice and hearing for violation of any term or condition of the issuance of the license. The annual license fee shall be \$100.00 and the license shall not be issued until such fee is paid.

### **SECTION 2-404: REGULATIONS**

Every place used as a kennel shall be kept in a clean and sanitary condition and no refuse or waste material shall be allowed to remain thereon for more than 24 hours. All animals shall be humanely treated, and any animal having any disease shall be properly isolated and treated.



## **Article 5 – Animals Generally**

### **SECTION 2-501: PROHIBITION; NUISANCE**

It shall be and hereby is determined to be unlawful to keep or maintain any goats, sheep, cows, hogs, pigs, horses, and/or chickens, geese and other poultry within the corporate limits of the Village. It is hereby determined to be a nuisance for anyone to keep or maintain within the corporate limits of the Village any of the livestock or poultry described above, and the Village may maintain an action to enjoin said nuisance in addition to collection of the prescribed penalty as set forth in Article 7 of this chapter.

### **SECTION 2-502: RABID ANIMALS; CAPTURE IMPOSSIBLE**

The animal control officer shall have the authority to kill any domestic animals with the characteristics of rabies which make capture impossible because of the danger involved.



## Article 6 – Nuisances

### SECTION 2-601: DEFINITIONS

A. The terms "weeds, grasses or worthless vegetation" shall mean any weed or grass growth of more than 12 inches in height, or 8 inches as described in Section 2-602. "Weeds" shall include, but not be limited to, bindweed, puncture vine, leafy spurge, Canada thistle, perennial peppergrass, Russian knapweed, Johnson grass, nodding or musk thistle, quack grass, perennial sow thistle, horse nettle, bull thistle, buckthorn, hemp plant and ragweed.

B. The term "litter" shall include, but not be limited to:

1. Trash, rubbish, refuse, garbage, paper, rags and ashes;
2. Wood, plaster, cement, brick or stone building rubble;
3. Offal and dead animals or any foul, decaying, or rotting substance, including stagnant water.
4. 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;
5. Any motor vehicle without a current license and not housed in a storage or other building;
6. Any wood or tree limbs not cut and stacked in neat rows on an area not exceeding 10 feet by 16 feet.
7. Debris from burned or damaged buildings, whether created by consensual burning or demolition or whether occurring due to fire or age.

C. The term "unsafe building" or "dangerous building" as used in this article is hereby defined to mean and include any building, shed, fence or other man-made structure which, by reason of faulty construction, age, lack of proper repair or any other cause:

1. Is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to its occupants or neighboring structures;
2. Is especially liable to fire and constitutes or creates a fire hazard;

3. Is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;
4. Readily admits birds and animals or is an attractive nuisance for children or animals to enter; or
5. Is kept or maintained in such an unsightly or poor condition as to essentially interfere with the comfortable enjoyment of life or property of others or depreciates the value of the property in the vicinity thereof.

(Neb. Rev. Stat. §17-563) (Ord. No. 6-12-06A, 6/12/06)

### **SECTION 2-602: GRASSES OR WEEDS**

It is hereby declared to be a public nuisance to permit grasses or weeds to grow in excess of 12 inches on any property within the corporate limits of the Village or to maintain any growth of 8 inches or more in height of weeds, grasses or worthless vegetation on any lot or piece of ground during any calendar year if, within the same calendar year, the Village has previously acted to remove weeds, grasses, or worthless vegetation exceeding 12 inches in height on the same lot or piece of ground and had to seek recovery of the costs and expenses of such work from the owner. (Neb. Rev. Stat. §17-563) (Am. 3/11/13)

### **SECTION 2-603: LITTER**

It is hereby declared to be a public nuisance to permit the accumulation of litter, as defined in this article, on any property within the corporate limits of the Village. (Ord. No. 6-12-06C, 6/12/06)

### **SECTION 2-604: ABATEMENT PROCEDURE**

A. Whenever the Board of Trustees, utilities superintendent, building inspector, fire marshal, Board of Health, or other authorized village official shall be of the opinion that any weeds, grasses or worthless vegetation or litter, as defined in this article, are located on property within the corporate limits of the Village, there shall be filed a written statement to this effect with the village clerk. If, after review of the written statement and other evidence, the Board of Trustees determines by resolution that a public nuisance exists, the village clerk shall cause written notice to be served upon the owner of the property on which the weeds, grasses or worthless vegetation or litter is located (and further, upon the occupant thereof, if different from the owner) by certified U.S. mail, postage prepaid, or by personal service. Such notice shall state that the property in question has been declared to be a public nuisance by reason of having weeds, grasses or worthless vegetation or litter located thereon in violation of the village code and that the public nuisance must be removed or remedied within 15 days of receipt of notice.

B. In all nuisance abatement actions, if notice by personal service or certified U.S. mail is unsuccessful, notice shall be given by publication thereof one time for

one week in a newspaper of general circulation in the Village or by conspicuously posting the notice on the property upon which the public nuisance that is required to be abated or removed is located.

C. Upon receiving the notice to abate the public nuisance, the owner and/or occupant of the property may, within seven days of the receipt of said notice, in writing to the village clerk, request a hearing before the Board of Trustees to present reasons why the property does not constitute a public nuisance and should not be abated, repaired or removed. The Village shall grant such hearing within 30 days from the date of receiving the written request. Following the hearing, a written notice of the decision of the board shall be sent to the owner and/or occupant by certified U.S. mail, postage prepaid. If the Board of Trustees rejects the appeal, the owner and/or occupant shall have seven days from the date of the denial of the appeal to abate the public nuisance as required.

D. If, after the applicable repair period expires, the owner and/or occupant of the property fails, neglects or refuses to comply with the notice to abate the public nuisance, the Village Board may proceed with the work specified in the notice to abate. A statement of the cost of such work shall be transmitted to the board. The Village Board may (1) levy the cost as a special assessment against the lot or real estate upon which the public nuisance was located; such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (2) collect the cost from the owner and/or occupant of the real estate and enforce the collection by civil action in any court of competent jurisdiction.

E. The remedies set forth in this section are cumulative and non-exclusive and the Village may proceed with any other remedy or proceeding to enforce its ordinances as provided under the laws of the State of Nebraska, including those remedies set forth in Section 2-701 of this chapter.

(Am. by Ord. No. 2-14-05C, 2/14/05; Ord. No. 6-12-06E, 6/12/05)

## **SECTION 2-605: UNLICENSED OR INOPERABLE VEHICLES**

A. It is hereby expressly found and determined that the practice of permitting unlicensed or inoperable motor vehicles, motor vehicle bodies, and motor vehicle chassis to be stored or accumulated on private premises is unsightly, unhealthy and constitutes a nuisance to the citizens and residents of the Village; provided, however, the storage and accumulation of such motor vehicles, motor vehicle bodies, and motor vehicle chassis in a completely enclosed building shall not be considered a nuisance.

B. No person shall store, retain or keep on or permit to be stored, retained or kept on any private premises within the corporate limits of the Village any motor vehicle, motor vehicle body or motor vehicle chassis that has been unlicensed for a period in excess of 30 days under the laws of the State of Nebraska.

C. No person shall store, retain, or keep on or permit to be stored, retained or kept on any private premises within the corporate limits of the Village any partially dismantled, inoperable, wrecked, junked or discarded motor vehicle, motor vehicle body or motor vehicle chassis on such property for a period in excess of 30 days.

D. In addition to all other remedies available to the Village, if the owner of the vehicle or the parts thereof, or the occupant or owner of the private premises upon which it is located, fails to remedy the nuisance within 15 days after receipt of the notice to abate from the village clerk, or the receipt of a citation by the authorized law enforcement officer of the Village, the Village may remove and abate the nuisance and the costs and expenses of such removal and abatement shall be paid by the owner of the vehicle or the parts thereof, or the occupant or owner of the private premises, or both. The Board of Trustees may collect the costs from such persons, and the Village may enforce the collection by civil action in any court of competent jurisdiction. Such collection may also be included as restitution to be collected from the owner of the vehicle or the parts thereof, or the occupant or owner of the private premises in any ordinance violation proceedings filed against said persons based upon this section.

E. The remedies set forth in this section are cumulative and non-exclusive and the Village may proceed with any other remedy or proceeding to enforce its ordinances as provided under the laws of the State of Nebraska, including those remedies set forth in Section 2-701 of this chapter.

(Am. by Ord. No. 6-12-06D 6/12/06)

## **SECTION 2-606: UNSAFE AND DANGEROUS BUILDINGS; PROCEDURE**

A. It shall be declared a public nuisance and unlawful to maintain or permit the existence of any unsafe or dangerous building, as defined in this article, in the Village and it shall be unlawful for the owner, occupant, and/or person in custody of any such building or structure to permit the same to remain in the unsafe and dangerous condition that constitutes a public nuisance or to occupy such building or permit it to be occupied while it is in such condition.

B. Whenever the Board of Trustees, building inspector, fire marshal, Board of Health member, or other authorized village official shall be of the opinion that any building or structure in the Village is an unsafe or dangerous building as defined in this article, there shall be filed a written statement to this effect with the village clerk. If, after review of the written statement and other evidence, the Board of Trustees determines by resolution that a public nuisance exists, the village clerk shall cause the property to be posted with the written notice to repair or demolish accordingly and shall file a copy of such notice in the office of the register of deeds of Pierce County, Nebraska. In addition, the village clerk shall serve the notice upon the owner thereof and upon the occupant thereof, if any, by certified U.S. Mail, postage prepaid, or by personal service. Such notice shall state that the structure has been declared to be in an unsafe condition and that it is a public nuisance and that the public nuisance must



be remedied within 60 days from the date of receipt of the notice. Such notice may be in the following terms:

“To (Owner/Occupant) of the premises known and described as \_\_\_\_\_:

“You are hereby notified that (describe structure) on the premises above-mentioned has been determined to be an unsafe and/or dangerous structure and a public nuisance after inspection by \_\_\_\_\_. The causes for this decision are (here insert the facts as to the public nuisance).

“You must remedy this condition or demolish the structure within 60 days from the date of receipt of this notice or the Village shall proceed to do so. Appeal of this determination may be made to the Village Board upon filing with the village clerk, within seven days from the date of receipt of this notice, a request for a hearing. If the Village proceeds with the work specified in the notice, you shall be responsible for payment of the cost of such work. The Village Board may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located and such special assessment shall be a lien on the real estate, collected in the manner provided for special assessments; or (2) collect the cost from you, as the owner of the building or structure, and force the collection by civil action in any court of competent jurisdiction.”

C. Upon receiving the notice to repair or demolish the structure, the owner of the structure may, within seven days of the receipt of said notice, in writing to the village clerk, request a hearing before the Village Board. At the hearing, the owner must present reasons why the building or structure is not a public nuisance and should not be repaired or demolished. The Village shall grant such hearing within 30 days from the date of receiving the written request. Following the hearing, a written notice of the decision of the board shall be sent to the owner by certified U.S. mail, postage prepaid. The filing of the appeal shall not extend the 60-day time period to remedy or demolish the structure. If the Village Board rejects the appeal, the owner shall immediately repair or accomplish the demolition or removal of the structure within the 60-day time period commencing from the date of receipt of the notice.

D. If, after the 60-day period, the owner of the unsafe or dangerous building or structure fails, neglects or refuses to comply with the notice to repair or demolish filed by or on behalf of the Village to repair, rehabilitate or demolish and remove the building or structure which is a public nuisance, the Village Board may proceed with the work specified in the notice to the owner. A statement of the cost of such work shall be transmitted to the Village Board. The Village Board may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located and such special assessment shall be a lien on the real estate, collected in

the manner provided for special assessments; or (2) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.

E. Where any unsafe building or structure poses an immediate danger to the health, safety or general welfare of any person or persons and the owner fails to remedy the situation in a reasonable time after receiving notice by the village clerk to do so, the Village Board may summarily repair or demolish and remove such building or structure. In such event, the owner shall be responsible for the cost of such work and it may be collected from the owner by the Village as set forth in this section.

F. The remedies set forth in this section are cumulative and non-exclusive and the Village may proceed with any other remedy or proceeding to enforce its ordinances as provided under the laws of the State of Nebraska, including those remedies set forth in Section 2-701 of this chapter.

## Article 7 – Penal Provisions

### SECTION 2-701: VIOLATION; PENALTY

A. 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.

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

C. Whenever in any action it is established that a nuisance exists, the Court may, together with a fine or penalty, enter an order of abatement of the nuisance as part of the judgment in the case.

(Am. by Ord. No. 1-13-03-3, 1/13/03)