

CHAPTER 3 – MISDEMEANORS

ARTICLE 1 – GENERAL MISDEMEANORS

- SECTION 3-101: OBSTRUCTING AN OFFICER
- SECTION 3-102: RESISTING OR FAILING TO ASSIST OFFICER
- SECTION 3-103: IMPERSONATING OFFICER
- SECTION 3-104: RESISTING ARREST WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON
- SECTION 3-105: CONCEALED WEAPONS
- SECTION 3-106: DISCHARGE OF FIREARMS
- SECTION 3-107: DISCHARGE OF SLINGSHOTS, PAINTBALL GUNS, BLOW GUNS, AIR RIFLES OR SIMILAR INSTRUMENTS
- SECTION 3-108: STALKING
- SECTION 3-109: CRIMINAL TRESPASS
- SECTION 3-110: PUBLIC INDECENCY
- SECTION 3-111: INDECENT BEHAVIOR
- SECTION 3-112: WINDOW PEEPING
- SECTION 3-113: CRIMINAL MISCHIEF
- SECTION 3-114: THEFT
- SECTION 3-115: THREATS; ASSAULT IN THE THIRD DEGREE
- SECTION 3-116: DISORDERLY CONDUCT
- SECTION 3-117: DISTURBING AN ASSEMBLY
- SECTION 3-118: DISTURBING THE PEACE
- SECTION 3-119: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS
- SECTION 3-120: MISREPRESENTATION BY MINOR
- SECTION 3-121: MINOR IN POSSESSION
- SECTION 3-122: CURFEW
- SECTION 3-123: STREET GAMES
- SECTION 3-124: LITTERING
- SECTION 3-125: POSTING NOTICES
- SECTION 3-126: APPLIANCES IN YARD
- SECTION 3-127: OBSTRUCTING WATER FLOW
- SECTION 3-128: PUBLIC NUDITY
- SECTION 3-129: AIDING AND ABETTING PUBLIC NUDITY
- SECTION 3-130: ARSON, THIRD DEGREE
- SECTION 3-131: TOBACCO; USE BY MINORS
- SECTION 3-132: TOBACCO; SALE TO MINORS
- SECTION 3-133: GAMBLING; SECOND AND THIRD DEGREE
- SECTION 3-134: CONDUCTING PROSTITUTION
- SECTION 3-135: POSTED ADVERTISEMENTS
- SECTION 3-136: FIREWORKS
- SECTION 3-137: RIOTING

ARTICLE 2 – DOGS

- SECTION 3-201: DEFINITIONS**
- SECTION 3-202: RABIES VACCINATION**
- SECTION 3-203: LICENSING; RABIES CERTIFICATE; FEE**
- SECTION 3-204: NUMBER LIMITED IN RESIDENTIAL ZONING DISTRICTS**
- SECTION 3-205: DOG KENNEL; DEFINED**
- SECTION 3-206: DOG KENNEL; LICENSE**
- SECTION 3-207: KENNEL REQUIREMENTS**
- SECTION 3-208: LOST TAG**
- SECTION 3-209: WRONGFUL LICENSING**
- SECTION 3-210: REMOVAL OF LICENSE TAGS**
- SECTION 3-211: COLLAR AND NAME TAG REQUIRED**
- SECTION 3-212: RUNNING AT LARGE**
- SECTION 3-213: ANIMAL WASTE**
- SECTION 3-214: DAMAGE; LIABILITY OF OWNER**
- SECTION 3-215: BARKING AND OFFENSIVE DOGS**
- SECTION 3-216: FIGHTING DOGS**
- SECTION 3-217: RABIES PROCLAMATION**
- SECTION 3-218: RABIES SUSPECTED; IMPOUNDMENT**
- SECTION 3-219: DANGEROUS DOGS; DEFINITIONS**
- SECTION 3-220: DANGEROUS DOGS; CONFINED; WARNING SIGN**
- SECTION 3-221: DANGEROUS DOGS; RESTRAINED**
- SECTION 3-222: DANGEROUS DOGS; FAILURE TO COMPLY**
- SECTION 3-223: DANGEROUS DOGS; ADDITIONAL REGULATIONS**
- SECTION 3-224: IMPOUNDMENT**
- SECTION 3-225: INTERFERENCE WITH ANIMAL CONTROL**

ARTICLE 3 – CATS

- SECTION 3-301: RABIES VACCINATION**
- SECTION 3-302: LICENSING; RABIES CERTIFICATE; FEE**
- SECTION 3-303: LOST TAG**
- SECTION 3-304: REMOVAL OF TAGS**
- SECTION 3-305: NUMBER LIMITED IN RESIDENTIAL ZONING DISTRICTS**
- SECTION 3-306: STRAY CATS; DEFINITION**
- SECTION 3-307: STRAY CATS UNLAWFUL**
- SECTION 3-308: IMPOUNDING**
- SECTION 3-309: VIOLATION; FINES**

ARTICLE 4 – ANIMALS GENERALLY

- SECTION 3-401: WILD ANIMALS**
- SECTION 3-402: LIVESTOCK PROHIBITED**
- SECTION 3-403: RUNNING AT LARGE**
- SECTION 3-404: FOWLS PROHIBITED**

- SECTION 3-405: ENCLOSURES
- SECTION 3-406: RABIES SUSPECTED; CAPTURE IMPOSSIBLE

ARTICLE 5 – NUISANCES

- SECTION 3-501: WEEDS, GRASSES AND LITTER; DEFINITIONS
- SECTION 3-502: WEEDS OR GRASSES; PUBLIC NUISANCE
- SECTION 3-503: LITTER; PUBLIC NUISANCE
- SECTION 3-504: LITTER; UNLICENSED OR INOPERABLE VEHICLES; EXCEPTIONS
- SECTION 3-505: WEEDS, GRASSES AND LITTER; NOTICE OF NONCOMPLIANCE
- SECTION 3-506: WEEDS, GRASSES AND LITTER; FAILURE TO CORRECT; FINE
- SECTION 3-507: WEEDS, GRASSES AND LITTER; COST ASSESSED TO PROPERTY
- SECTION 3-508: DANGEROUS BUILDINGS; DEFINITIONS
- SECTION 3-509: DANGEROUS BUILDINGS; STANDARDS
- SECTION 3-510: DANGEROUS BUILDINGS; PUBLIC NUISANCE
- SECTION 3-511: DANGEROUS BUILDINGS; BUILDING INSPECTOR
- SECTION 3-512: DANGEROUS BUILDINGS; NUISANCE; PROCEDURE
- SECTION 3-513: DANGEROUS BUILDINGS; DISPUTES
- SECTION 3-514: DANGEROUS BUILDINGS; APPEAL
- SECTION 3-515: DANGEROUS BUILDINGS; FAILURE TO COMPLY
- SECTION 3-516: DANGEROUS BUILDINGS; IMMEDIATE HAZARD
- SECTION 3-517: AIR POLLUTION
- SECTION 3-518: WATER POLLUTION
- SECTION 3-519: NOXIOUS USE OF BUILDING OR PREMISES
- SECTION 3-520: RODENTS AND INSECTS; EXTERMINATION
- SECTION 3-521: RODENTS AND INSECTS; OCCUPANT
- SECTION 3-522: RODENTS AND INSECTS; OWNER
- SECTION 3-523: NUISANCE ANIMAL; DEFINED
- SECTION 3-524: NUISANCE ANIMAL; OWNER DEFINED
- SECTION 3-525: NUISANCE ANIMAL; UNLAWFUL
- SECTION 3-526: NUISANCE ANIMAL; IMPOUNDMENT
- SECTION 3-527: NUISANCE ANIMAL; HEARING/APPEAL
- SECTION 3-528: DUTY TO KEEP VILLAGE FREE OF NUISANCES
- SECTION 3-529: JURISDICTION
- SECTION 3-530: PROCEDURES IN CASE OF EMERGENCY

ARTICLE 6 – SEXUAL PREDATORS

- SECTION 3-601: DEFINITIONS
- SECTION 3-602: RESIDENCY RESTRICTIONS
- SECTION 3-603: EXCEPTIONS

ARTICLE 7 – PENAL PROVISIONS

SECTION 3-701: VIOLATION; PENALTY

SECTION 3-702: ABATEMENT OF NUISANCE

CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: OBSTRUCTING AN OFFICER

It shall be unlawful for any person to use or threaten to use violence, force, physical interference, or obstacle to intentionally obstruct, impair or hinder the enforcement of the penal law or the preservation of the peace by a peace officer acting under color of his or her official authority. (Neb. Rev. Stat. §28-906)

SECTION 3-102: RESISTING OR FAILING TO ASSIST OFFICER

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

SECTION 3-103: IMPERSONATING OFFICER

It shall be unlawful for any person to falsely pretend to be a peace officer and perform any act in that pretended capacity. (Neb. Rev. Stat. §28-610)

SECTION 3-104: RESISTING ARREST WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON

A. It shall be unlawful for any person to intentionally prevent or attempt to prevent a law enforcement officer, acting under color of his or her official authority, from effecting an arrest on said person or on another by (1) using or threatening to use physical force or violence against the said officer or another; (2) using any other means which creates a substantial risk of causing physical injury to the officer or another; or (3) employing means which require substantial force to overcome resistance to effecting the arrest; provided, this section shall apply only to those actions taken to resist arrest without the use of a deadly or dangerous weapon.

B. It is an affirmative defense to prosecution under this section if the officer involved was out of uniform and did not identify himself or herself as a law enforcement officer by showing his or her credentials to the person whose arrest is attempted. (Neb. Rev. Stat. §28-904)

SECTION 3-105: CONCEALED WEAPONS

Except as otherwise provided in this section, any person who carries a weapon or weapons concealed on or about his or her person such as a revolver, pistol, bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, or any other deadly weapon commits the offense of carrying a concealed weapon. This section shall

not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon which the offender is carrying is a handgun as defined in Neb. Rev. Stat. §69-2429. (Neb. Rev. Stat. §28-1202)

SECTION 3-106: DISCHARGE OF FIREARMS

It shall be unlawful for any person, except an officer of the law in the performance of his or her official duty, to fire or discharge any gun or pistol within the village; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Village Board. (Neb. Rev. Stat. §17-556) (Am. by Ord. No. 92-9, 5/18/92)

SECTION 3-107: DISCHARGE OF SLINGSHOTS, PAINTBALL GUNS, BLOW GUNS, AIR RIFLES OR SIMILAR INSTRUMENTS

It shall be unlawful for any person to discharge a slingshot, paint ball gun, blow gun, air rifle or other like instruments capable of launching a dangerous projectile therefrom at any time or under any circumstances within the village. (Neb. Rev. Stat. §17-207)

SECTION 3-108: STALKING

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

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

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

context;
(Neb. Rev. Stat. §28-311.02, 28-311.03, 28-311.04)

SECTION 3-109: CRIMINAL TRESPASS

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

A. To enter or secretly remain in any building or occupied structure, or any separately secured or occupied portion thereof; or

B. To 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.

(Neb. Rev. Stat. §28-520, 28-521) (Am. by Ord. No. 92-9, 5/18/92)

SECTION 3-110: PUBLIC INDECENCY

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

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

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

C. A lewd fondling or caressing of the body of any other person of the same or opposite sex.

(Neb. Rev. Stat. §28-806)

SECTION 3-111: INDECENT BEHAVIOR

It shall be unlawful for any person, or persons, to sell or convey any indecent and obscene books, pictures, or films, or to take part in any indecent, lascivious, or obscene show, play, theatrical exhibition, or other form of entertainment that is shocking to the public morals. Any person or persons who commit a rude, indecent, or immoral act shall be deemed to be guilty of a misdemeanor. (Am. by Ord. No. 92-9, 5/18/92)

SECTION 3-112: WINDOW PEEPING

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

SECTION 3-113: CRIMINAL MISCHIEF

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

SECTION 3-114: THEFT

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 property having a value of less than \$500.00, shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §28-509 through 28-518) (Am. by Ord. No. 135-77, 11/14/77)

SECTION 3-115: THREATS; ASSAULT IN THE THIRD DEGREE

It shall be unlawful for any person to intentionally, knowingly, or recklessly cause bodily injury to another person or threaten another in a menacing manner. It shall further be unlawful for any person to commit the above act in a fight or scuffle entered into by mutual consent. (Neb. Rev. Stat. §28-310)

SECTION 3-116: DISORDERLY CONDUCT

Any person who shall knowingly start a fight, fight, commit assault or battery, make unnecessary noise, or otherwise conduct himself in such a way as to breach the peace shall be deemed to be guilty of an offense. (Neb. Rev. Stat. §17-556)

SECTION 3-117: DISTURBING AN ASSEMBLY

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

SECTION 3-118: DISTURBING THE PEACE

It shall be unlawful for any person to intentionally disturb the peace and quiet of any person, family or neighborhood. (Neb. Rev. Stat. §17-556, 28-1322)

SECTION 3-119: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS

It shall be unlawful for any person to operate any radio, tape player, compact disc player, stereophonic sound system or similar device which reproduces or amplifies radio broadcasts or musical recordings in or upon any street, alley or other public place in such a manner as to be audible to other persons more than 50 feet from the source.

Persons operating such devices while participating in licensed or permitted activities, such as parades, shall not be deemed in violation of this section.

SECTION 3-120: MISREPRESENTATION BY MINOR

It shall be unlawful for any minor, as defined by Neb. Rev. Stat. §53-102, to obtain or attempt to obtain alcoholic liquor by misrepresentation of age or by any other method in any tavern or other place where alcoholic liquor is sold. (Neb. Rev. Stat. §53-180.01, 53-180.05)

SECTION 3-121: MINOR IN POSSESSION

It shall be unlawful for any minor, as defined by Neb. Rev. Stat. §53-102, to transport, knowingly possess or have under his or her control in any motor vehicle, beer or other alcoholic liquor on any public street, alley, roadway or property owned by the state or any subdivision thereof or any other place within the village limits. (Neb. Rev. Stat. §53-180.02, 53-180.05)

SECTION 3-122: CURFEW

A. It shall be unlawful for any person under the age of 18 years to be upon any of the streets, sidewalks, alleys, or other public places in the village between the hours of 10:00 p.m. and 5:00 a.m. of the following day Central Standard Time or Central Daylight Time, as the case may be, on Sunday through Thursday nights, and between the hours of 12:01 a.m. and 5:00 a.m. Central Standard Time or Central Daylight Time, as the case may be, on Saturday and Sunday of each week, unless accompanied by a parent, guardian or other person having legal custody or control of such minor person. If such person's employment or school activities do not terminate until a time which is within one hour of the curfew herein stated, the person so employed or participating in such school activities shall have a period of one hour following the termination of such employment or activity to come into compliance with this section. Where the person under 18 years of age is engaged in an emergency errand, this section shall not apply.

B. Upon any such minor person being apprehended in violation of this section, he or she shall be taken to the Ceresco Municipal Police Department and the parent, guardian, or legal custodian of such person shall be notified by the arresting officer. Said parent, guardian, or legal custodian shall be required to appear at the Police Department to escort said minor child home. If the parent, guardian, or custodian of said minor is unable to be found, the arresting officer may escort said minor to his or her place of residence. It shall be unlawful for any parent, guardian, or any other person having the legal care, custody, or control of any person under the age of 18 years to knowingly allow or permit any such person to go or be in or upon any of the streets, sidewalks, alleys, or public places of the village within the time specified in this section unless there exists reasonable necessity therefor.

(Ord. No. 145-78, 1/9/79) (Am. by Ord. No. 96-37, 12/17/96)

SECTION 3-123: STREET GAMES

It shall be unlawful for any person to play catch, bat a ball, kick or throw a football, engage in any exercise or sport, push, coast or skate with roller blades, ice skates, inline skates, skateboards, scooters, or other kindred contrivances upon the streets and sidewalks within the village, except as provided herein and as limited therein.

A. The aforementioned activities shall not be prohibited within or on the following:

1. Village parks;
2. The streets and sidewalks of any zoning district of the village, except said activity shall not be permitted on any wheelchair or handicap accessible ramps located on said streets and sidewalks, and further, said aforementioned activities shall be limited in the commercially zoned district of the village as hereinafter set forth.

B. Roller skates/blades, inline skates, skateboards, scooters or other kindred contrivances shall be permitted within the commercially zoned districts of the village, subject to the following limitations:

1. Said activity shall be permitted after business hours in the commercially zoned districts, business hours to be any time after 8:30 p.m., Monday through Friday and after 6:00 p.m. on Saturday and Sunday, provided that other ordinances of the village, i.e. curfew, are not violated;
2. Said activities shall not be permitted during the time of any special event in the commercially zoned district of the village, notice of said special event being posted on marquees at the intersection of 2nd Street and Main Street and the intersection of 2nd Street and Elm Street.

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

(Am. by Ord. No. 2002-08, 9/17/02)

SECTION 3-124: LITTERING

A. Any person who deposits, throws, discards, scatters, or otherwise disposes of any litter, refuse, waste matter or other thing 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. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or water

craft commits the offense of littering.

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

(Neb. Rev. Stat. §17-123.01, 28-523)

SECTION 3-125: POSTING NOTICES

No person in the city shall fasten any poster or other advertising device in any way upon public or private property in the city unless legally authorized to do so.

SECTION 3-126: APPLIANCES IN YARD

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children, whether on private or public property, unless he or she shall first remove all doors and make the same reasonably safe. Doors need not be removed from appliances which have magnetic closures or which may be opened from the inside. (Neb. Rev. Stat. §18-1720) (Am. by Ord. No. 92-9, 5/18/92)

SECTION 3-127: OBSTRUCTING WATER FLOW

It shall be unlawful for any person to stop or obstruct the passage of water in a street gutter, culvert, water pipe or hydrant.

SECTION 3-128: PUBLIC NUDITY

It shall be unlawful for any person to intentionally expose his or her genitals, pubic area or buttocks while employed in providing any service, product or entertainment in any business or commercial establishment. (Ord. No. 2001-15, 8/21/01)

SECTION 3-129: AIDING AND ABETTING PUBLIC NUDITY

It shall be unlawful for anyone to aid, abet, assist or direct another person to intentionally expose his or her genitals, pubic area or buttocks while employed in providing any service, product or entertainment in any business or commercial establishment. (Ord. No. 2001-15, 8/21/01)

SECTION 3-130: ARSON, THIRD DEGREE

Any person who willfully or maliciously sets on fire any property when the injury or damage therefrom shall be of a less value than \$100 shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §28-503)

SECTION 3-131: TOBACCO; USE BY MINORS

Any minor under the age of 18 who shall smoke cigarettes or cigars or use tobacco in any form whatever shall be guilty of a Class V misdemeanor. Any minor so charged with violation of this section may be free from prosecution when he or she shall have furnished evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars or tobacco. (Neb. Rev. Stat. §28-1418)

SECTION 3-132: TOBACCO; SALE TO MINORS

It shall hereafter be unlawful for any person or persons to sell cigars, cigarettes, cigarette material, or other tobacco in any form to any person under the age of 18 years. (Neb. Rev. Stat. §28-1425)

SECTION 3-133: GAMBLING; SECOND AND THIRD DEGREE

Any person who shall (A) play at any game whatever, except a licensed game of bingo, for any sum of money or other property of value; (B) bet or wager any money or property of value upon any gambling table or device, or (C) be the keeper or operator of a punch board, gaming table, or gambling machine for the purpose of determining any chance upon which money is won or lost shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §28-1103, 28-1104)

SECTION 3-134: CONDUCTING PROSTITUTION

It shall be unlawful for any person to conduct, sponsor, or otherwise carry on for the purpose of profit any lewdness, assignation, or prostitution in any house, room, or structure. (Neb. Rev. Stat. §28-801)

SECTION 3-135: 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 3-136: FIREWORKS

It shall be unlawful for any person to possess or discharge any fireworks not approved by the state fire marshal.

SECTION 3-137: RIOTING

It shall be unlawful for any person or persons to congregate together for the purpose of breaching the peace by rioting or to induce others to riot through words, actions, or conduct. Whoever shall congregate with others for the purpose of rioting or inducing others to riot shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §17-556)

Article 2 – Dogs

SECTION 3-201: DEFINITIONS

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

“Animal control officer” shall mean any individual employed, appointed or authorized by an animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals and shall include any state or local law enforcement or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

“Owner” shall mean any person, firm, corporation, organization, political subdivision or department possessing, harboring, keeping or having control or custody of a dog; and specifically in reference to a collarless dog, every person who shall harbor such a dog about his or her premises for the space of ten days shall be held to be the owner.
(Neb. Rev. Stat. §54-606, 71-4401)

SECTION 3-202: RABIES VACCINATION

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

SECTION 3-203: LICENSING; RABIES CERTIFICATE; FEE

A. Any person who shall own, keep, or harbor a dog over the age of six months within the village shall within 30 days after acquisition of the said dog acquire a license for each animal and renew it annually by or before May 1. Application shall be made upon a printed form provided by the village, upon which the owner shall state his or her name and address and the name, breed, color and sex of each dog owned and kept by him or her. A certificate stating that the dog has had a rabies shot, effective for the ensuing two years 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.

B. At the time of making an application for any dog license, each applicant shall identify the number of dogs which are being maintained on the same premises as the dog for which a license application is being made. If an applicant is entitled to an exception to any limitation which may from time to time exist on the number of dogs which may be kept, such exception shall be listed on the application.

C. Upon payment of the license fee, as established by resolution of the Village Board, the village clerk shall issue to the dog owner a license certificate and a metallic tag for each animal so licensed. The village shall, in addition to the license tax imposed, collect from the licensee a fee of \$1.25. The clerk shall retain three cents from the said fee and remit the balance to the state treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund. The three cents collected shall be credited to the general fund.

D. The dog tax shall be delinquent from and after May 30; provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to May 1 shall be liable for the payment of the dog tax levied herein. It shall be the duty of the village clerk to issue tags of a suitable design that are different in appearance for each two year period.

E. 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 animal until April 30 of the next licensing year. Said licenses shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog.

F. Every service animal shall be licensed but no license tax shall be charged. Upon the retirement or discontinuance of the animal as a service animal, the owner of the animal shall be liable for the payment of a license tax as prescribed herein. (Neb. Rev. Stat. §17-526, 54-603) (Am. by Ord. Nos. 79-155, 4/16/79; 81-3, 6/8/81; 82-4, 6/21/82; 92-22, 9/28/92)

SECTION 3-204: NUMBER LIMITED IN RESIDENTIAL ZONING DISTRICTS

No person or family may keep, harbor, or maintain upon any premises in the residential zoning districts of the village more than three dogs over the age of six months. (Ord. No. 82-4, 6/21/82)

SECTION 3-205: DOG KENNEL; DEFINED

Any premises upon which are located more than three dogs over the age of six months shall be considered a dog kennel for the purposes of this article. (Ord. No. 82-4, 6/21/82)

SECTION 3-206: DOG KENNEL; LICENSE

A. The owner of a dog kennel located within the corporate limits shall be required to obtain a license for the operation of such kennel within 30 days of the kennel coming into existence and annually by or before May 1 of each year thereafter. The license fee herein provided shall be delinquent from and after May 30. Licenses shall be issued by the village clerk upon the payment of a license fee as set by resolution.

B. All dogs kept, harbored, or maintained within said kennel shall be required to have current dog licenses as provided under Section 3-203.

C. A dog kennel license shall not be transferable and no refund will be allowed in case of sale, termination, or other disposition of said kennel. The owner or operator of said kennel shall state at the time application is made on a printed form provided for such purpose his or her name and address, number of dogs to be harbored in said kennel, the owner of the dogs to be harbored in said kennel, a description of the dogs harbored in said kennel and the date the license is applied for. A penalty as set by resolution shall be assessed against the owner or operator of any kennel who fails or neglects to obtain and pay a license fee when due. This penalty is in addition to any other fines or costs which may be levied pursuant to this article. (Ord. No. 82-4, 6/21/82)

SECTION 3-207: KENNEL REQUIREMENTS

A. Dog kennels shall be permitted to be located only in the open space agricultural zoning district and the industrial moderate zoning district within the corporate limits of the village. Each kennel shall be completely enclosed by fencing of sufficient height to retain the dogs kept within said kennel. If necessary, fencing may be required across the top of any such kennel in order to retain a dog within the kennel.

B. A kennel shall be designed so as to permit any dog kept therein to stand at its full height within said kennel without obstruction. A shelter shall be provided for each dog held within the kennel to shelter it from inclement weather. No kennel shall enclose a ground area of less than 48 square feet per dog held, confined, kept or harbored therein. All kennels shall have facilities on the premises for feeding and watering dogs kept therein.

C. All kennels shall be open to inspection by village police or other officers or employees of the village having the authority to inspect said premises.
(Ord. No. 82-4, 6/21/82)

SECTION 3-208: LOST TAG

In the event that a licensing tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the village clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee for each duplicate tag so issued. Such fee shall be set by resolution of the Village Board and placed on file in the office of the village clerk for public inspection. (Neb. Rev. Stat. §17-526, 54-603)

SECTION 3-209: 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. (Neb. Rev. Stat. §17-526)

SECTION 3-210: REMOVAL OF LICENSE 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. (Neb. Rev. Stat. §17-526)

SECTION 3-211: COLLAR AND NAME TAG REQUIRED

It shall be the duty of every owner of any dog to securely place upon the neck of such dog a good and sufficient collar with a metallic plate attached thereon which shall be plainly inscribed with the name of such owner. (Neb. Rev. Stat. §54-605)

SECTION 3-212: RUNNING AT LARGE

It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the village. It shall be the duty of the village police officers to cause any dog found to be running at large within the village to be taken up and impounded. "Running at large" shall mean a dog was found off the premises of the owner and not under control of the owner or a responsible person by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. "Owner" shall mean any person who shall harbor or permit any dog to be present for ten days or more in or about his or her house, store, or enclosure, or to remain to be fed. Such person shall be deemed to be liable for all penalties herein prescribed. (Neb. Rev. Stat. §17-526, 54-607) (Am. by Ord. No. 87-5, 10/22/87; 2006-10, 7/18/06)

SECTION 3-213: ANIMAL WASTE

It shall be unlawful for the owner or anyone having custody, control, or supervision of any dog, cat, or other animal, other than a service animal as defined in the Americans with Disabilities Act, 42 USC §1201 et seq., to allow the animal to defecate off the property of the owner, unless the animal waste is immediately collected and removed from the property and disposed of properly. It shall be unlawful for any person to dispose of any pet or animal waste by dumping or abandoning said waste on property located within the village limits. The owner of any animal that damages property by defecating on said property shall be held liable for the damages resulting therefrom.

SECTION 3-214: 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. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (Neb. Rev. Stat. §18-1720, 54-601, 54-602)

SECTION 3-215: 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 horses or vehicles while they are on any public sidewalks, streets, or alleys in the village. Upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the village clerk, that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, the village 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 village animal shelter. (Neb. Rev. Stat. §17-526)

SECTION 3-216: FIGHTING DOGS

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. (Neb. Rev. Stat. §17-526)

SECTION 3-217: RABIES 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 or cat to muzzle the same or to confine it for a period of not less than 30 days or more than 90 days from the date of such proclamation or until such danger is past. The dog or cat may be harbored by any good and sufficient means in a house, garage, or yard on the premises wherein the owner may reside. Upon issuance of the proclamation, it shall be the duty of all persons owning, keeping, or harboring any dog or cat to confine the same as herein provided. (Neb. Rev. Stat. §17-526)

SECTION 3-218: RABIES SUSPECTED; IMPOUNDMENT

Any dog suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions of this article which has bitten any person and caused an abrasion of the skin shall be seized and impounded under the supervision of the Board of Health for a period of no fewer than ten days. If, upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the dog shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog may be released from confinement. (Neb. Rev. Stat. §71-4406)

SECTION 3-219: DANGEROUS DOGS; DEFINITIONS

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

- A. Has killed or inflicted injury on a human being of public or private property;
- B. Has killed a domestic animal without provocation; or
- C. Has been previously determined to be a potentially dangerous dog by an animal control authority and the owner has received notice of such determination; and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Notwithstanding the foregoing, a dog shall not be defined as a dangerous dog:

- A. If the threat, any injury that is not a severe injury, or the damage was sustained by a person who (1) at the time was committing a willful trespass as defined in state statutes or any other tort upon the property of the owner of the dog; (2) at the time was tormenting, abusing or assaulting the dog; (3) has in the past been observed or reported to have tormented or assaulted the dog; or (4) at the time was committing or attempting to commit a crime; or
- B. If it is a trained dog assisting a police officer engaged in law enforcement duties.

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

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

(Neb. Rev. Stat. §54-617) (Ord. No. 90-2, 3/19/90)

SECTION 3-220: DANGEROUS DOGS; CONFINED; WARNING SIGN

While unattended on the owner's property, a dangerous dog shall be securely confined in a humane manner indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property. Each warning sign shall be no less than 10 inches by 12 inches and shall contain the words “Warning” and “Dangerous Animal” in high-contrast lettering at least 3 inches high on a black background. (Neb. Rev. Stat. §54-619) (Ord. No. 90-2, 3/19/90)

SECTION 3-221: DANGEROUS DOGS; RESTRAINED

No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the animal is restrained securely by a chain or leash. (Neb. Rev. Stat. §54-618) (Ord. No. 90-2, 3/19/90)

SECTION 3-222: DANGEROUS DOGS; FAILURE TO COMPLY

Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this article. In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner. (Neb. Rev. Stat. §54-620) (Ord. No. 90-2, 3/19/90)

SECTION 3-223: DANGEROUS DOGS; ADDITIONAL REGULATIONS

Nothing in this article shall be construed to restrict or prohibit the Village Board from establishing and enforcing laws or ordinances at least as stringent as the provisions of this article. (Neb. Rev. Stat. §54-624) (Ord. No. 90-2, 3/19/90)

SECTION 3-224: IMPOUNDMENT

A. It shall be the duty of the village police to capture, secure and remove in a humane manner to the 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 72 hours after public notice has been given unless reclaimed earlier by the owner. The day on which the animal was impounded shall count as one day and any part of any day during which the animal is impounded shall also count as a full day

B. Notice of impoundment of all dogs, including any significant marks or identification, shall be posted at the office of the village clerk and at the Ceresco Post office 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 general impoundment fee and daily board fee as set by resolution of the Village Board and filed in the office of the village clerk.

C. Before releasing a dog from impoundment, except an impoundment due to or suspected of rabies, the following items must be met:

1. The dog must be current regarding its rabies vaccination. If the dog is not current regarding said vaccination, it shall be given a rabies shot at the owner's expense.
2. The dog shall have a current license of the village as set forth in Section 3-

203.

3. The owner shall pay the daily boarding fee of the animal shelter or veterinarian.
4. The owner shall pay to the village a general impoundment fee as set forth by resolution.
5. The owner shall pay to the village a restitution fee as set forth by resolution to reimburse the cost of employing a humane officer, if so employed, at the time of impoundment.

D. If the dog is not claimed at the end of the required waiting period after public notice has been given, the village police may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same; provided, if a suitable home, in the judgment of the village police, 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.

E. The village shall acquire legal title to any unlicensed dog impounded in the 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 dog as provided in subsection (D) above.

(Neb. Rev. Stat. §17-548, 71-4408) (Am. by Ord. Nos. 81-4, 7/13/81; 81-9, 11/16/81; 2002-7, 5/21/02)

SECTION 3-225: 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 breaking into the animal shelter or any vehicle used for the collecting or conveying of dogs to the shelter. (Neb. Rev. Stat. §28-906)

Article 3 – Cats

SECTION 3-301: RABIES VACCINATION

Every cat shall be vaccinated against rabies pursuant to Nebraska law. Unvaccinated cats acquired or moved into the village must be vaccinated within 30 days after purchase unless under the age for initial vaccination. The provisions of this ordinance with respect to vaccination shall not apply to any cats owned by a person temporarily residing within this village for fewer than 30 days or any cat brought into this village for show purposes; such cats shall be kept under the strict supervision of the owner. (Neb. Rev. Stat. §71-4402)

SECTION 3-302: LICENSING; RABIES CERTIFICATE; FEE

A. Any person who shall own, keep, or harbor a cat over the age of six months within the village shall within 30 days after acquisition of the said cat acquire a license for each animal and renew it annually by or before May 1 each year. Application shall be made upon a printed form provided by the village, upon which the owner shall state his or her name and address and the name, breed, color and sex of each cat owned and kept by him or her. A certificate stating that the cat has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown.

B. Upon the payment of a fee set by resolution of the Village Board, the village clerk shall furnish to the registrant a receipt showing proof of such payment and a metallic tag bearing the registration number and the registration year.

C. The said cat tax shall be delinquent from and after May 30; provided, the possessor of any cat brought into or harbored within the corporate limits subsequent to May 1 shall be liable for the payment of the dog tax levied herein. It shall be the duty of the village clerk to issue tags of a suitable design that are different in appearance for each year.

D. The metallic tag shall be properly attached to the collar or harness of every cat so licensed and shall entitle the owner to keep or harbor the said animal until April 30 of the next year. Said license shall not be transferable and no refund will be allowed in the case of the death, sale or other disposition of the licensed cat.

(Ord. No. 2001-8, 6/19/01) (Am. by Ord. No. 2003-2, 6/17/03)

SECTION 3-303: LOST TAG

In the event that the license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with provisions herein, the village clerk shall issue a duplicate or new tag for the balance of the year for which the tax has been paid at no charge to the cat owner. (Ord. No. 2001-8, 6/19/01) (Am. by Ord. No. 2003-2, 6/17/03)

SECTION 3-304: 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 cat without the consent of the owner, keeper or possessor thereof. (Ord. No. 2003-2, 6/17/03)

SECTION 3-305: NUMBER LIMITED IN RESIDENTIAL ZONING DISTRICTS

No person or family may keep, harbor, or maintain upon any premises in the residential zoning districts of the village more than three cats over the age of six months. (Ord. No. 2001-8, 6/19/01)

SECTION 3-306: STRAY CATS; DEFINITION

Any unlicensed or un-collared cat frequenting or remaining on public property or private property without the consent of the owner or tenant of said property shall be considered a stray cat. (Ord. No. 2003-2, 6/17/03)

SECTION 3-307: STRAY CATS UNLAWFUL

It shall be unlawful for the owner of any cat to allow a cat to be a stray cat at any time within the corporate limits of the village. It shall be the duty of the village animal control personnel to cause any stray cat to be taken up and impounded. (Ord. No. 2003-2, 6/17/03)

SECTION 3-308: IMPOUNDING

A. It shall be the duty of animal control personnel to capture, secure and remove in a humane manner to the village animal shelter any cat violating any of the provisions of this article. The cats so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded cat shall be kept and maintained at the pound for a period of not less than 72 hours after public notice has been given unless reclaimed earlier by the owner. The day on which the animal was impounded shall count as one day and any part of any day during which the animal is impounded shall also count as a full day

B. Notice of impoundment of all cats, including any significant marks or identifications, shall be posted at the office of the village clerk and the Ceresco Post Office within 24 hours after impoundment as public notification of such impoundment. Any cat may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee and daily board fee as set by resolution of the Village Board and on file in the office of the village clerk.

C. Before releasing a cat from impoundment, except an impoundment due to or suspected of rabies, the following items must be met:

1. The cat must be current regarding its rabies vaccination. If the cat is not

- current regarding said vaccination, it shall be given a rabies shot at the owner's expense.
2. The cat shall have a current license of the village as set forth in Section 3-302.
 3. The owner shall pay the animal shelter's or veterinarian's daily boarding fee.
 4. The owner shall pay to the village a general impoundment fee as set by resolution.
 5. The owner shall pay to the village a restitution fee as set forth by resolution to reimburse the cost of employing a humane officer, if so employed, at the time of impoundment.

C. If the cat is not claimed at the end of required waiting period after public notice has been given, the animal control personnel may dispose of the cat in accordance with the applicable rules and regulations pertaining to the same; provided, if a suitable home can be found for any such cat within the village, the said cat 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.

D. The village shall acquire legal title to any unlicensed cat impounded in the animal shelter for a period longer than the required waiting period after giving notice. All cats 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 cat as provided in (C) above. (Ord. No. 2003-2, 6/17/03)

SECTION 3-309: VIOLATION; FINES

A. Any person having been issued a citation of any section of this article and desiring to plead guilty and waive court appearance, may pay the village clerk according to the fine schedule as set by the Village Board and filed in the office of the village clerk. The said fines shall be based upon elapsed time from the occurrence of the violation, excluding weekends and legal holidays, and previous citations issued to said person, whether a first offense or a second offense. The applicable fine may be paid to the village clerk in person, during normal business hours of the village office, or by mail.

B. In the event that any person having been issued a citation for a cat violation fails to respond to such citation within 15 days, excluding weekends and legal holidays, such person shall be liable to prosecution in the Saunders County Court for the offense or offenses charged and subject to the penalty provided by Section 3-701. Whenever any person refuses, neglects or fails to comply with any of the requirements of these sections as herein provided, said person shall be denied the benefit of the provisions hereof. For purposes of computing the time limits as set forth above, payment by mail shall be effective as of the date of the postmark.

(Ord. No. 2003-2, 6/17/03)

Article 4 – Animals Generally

SECTION 3-401: WILD ANIMALS

No wild animals may be kept within the corporate limits except such animals kept for exhibition purposes by circuses and educational institutions.

SECTION 3-402: LIVESTOCK PROHIBITED

It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat, swine or other livestock, except as provided in the zoning ordinance of the village. (Am. Ord. No. 2015-3, 7/21/15)

SECTION 3-403: RUNNING AT LARGE

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

SECTION 3-404: FOWLS PROHIBITED

It shall be unlawful for any person to keep or maintain poultry, chickens, turkeys, geese, or any other fowls within the corporate limits, except as provided in the zoning ordinance of the village. (Am. Ord. No. 2015-3, 7/21/15)

SECTION 3-405: ENCLOSURES

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

SECTION 3-406: RABIES SUSPECTED; CAPTURE IMPOSSIBLE

The animal control authority as defined in Article 2 herein shall have the authority to kill any animal showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Neb. Rev. Stat. §71-4406)

Article 5 – Nuisances

(Ord. No. 132-77, 11/14/77) (Am. by Ord. Nos. 2003-17, 11/18/03; 2010-1, 4/20/10)

SECTION 3-501: WEEDS, GRASSES AND LITTER; 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 3-502. 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. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or other sturdy receptacles.
4. Trash, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, appliances, scrap iron, tin or other metal not neatly piled, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.
5. Offal and dead animals or any foul, decaying, or rotting substance, including stagnant water.
6. 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;
7. Any motor vehicle without a current license and not housed in a storage or other building;
8. Any wood or tree limbs not cut and stacked in neat rows on an area not exceeding 10 feet by 16 feet.

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

SECTION 3-502: WEEDS OR GRASSES; PUBLIC NUISANCE

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 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.

SECTION 3-503: LITTER; PUBLIC NUISANCE

It is hereby declared to be a public nuisance to permit the accumulation of litter on any property within the corporate limits.

SECTION 3-504: LITTER; UNLICENSED OR INOPERABLE VEHICLES; EXCEPTIONS

It shall be unlawful for any person in charge of or in control of any property within the village whether as owner, tenant, occupant, lessee, or otherwise, to allow any non-operating, wrecked, junked, or partially dismantled vehicle to remain on such property longer than 30 days; provided, this section does not apply to a vehicle in an enclosed building or stored within an enclosure of a 6-foot high screening fence set in back or side yard property, a vehicle on the premises of a business enterprise operated in the lawful place and manner when necessary to the lawful operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner pursuant to the ordinances of the village. (Am. by Ord. Nos. 82-12, 12/20/82; 85-4, 5/20/85)

SECTION 3-505: WEEDS, GRASSES AND LITTER; NOTICE OF NON-COMPLIANCE

A. Whenever the chief of police or code enforcement officer appointed by the village chair determines that any weeds or grasses in excess of 12 inches or weeds, grasses or worthless vegetation 8 inches or more in height, as described in Section 3-502, are growing on property within the village or other nuisance as defined in this article, except dangerous buildings, is found on any property, the village clerk shall give notice to mow, abate and remove such nuisance as follows:

1. Notice to abate and remove a nuisance, if other than a nuisance involving weeds and/or stagnant water, shall be given by the village clerk by personal service or certified mail, or as set forth in subsection (C) hereof.

2. In the case of a nuisance involving weeds or stagnant water, service shall be completed by first-class mail (envelope conspicuously marked for its importance), personal service, or certified mail, or as set forth in subsection (C) hereof.
3. In all nuisance abatement actions, if notice by first-class mail (envelope conspicuously marked for its importance), personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the village or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated or removed.
4. Service of notice to the last-known address of the parties as disclosed by the current tax rolls (on file with the county assessor), to an address on file with the village clerk if different from the tax rolls), or to the property address if no tax roll address is available shall be sufficient. The failure of any person to receive such notice shall not affect the validity of the proceedings hereunder.

B. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the village to appeal the order to mow, abate or remove the nuisance by filing a written appeal with the office of the village clerk. A hearing on the appeal shall be held within 14 days after the filing of the appeal and shall be conducted by the village chairman as hearing officer, who shall render a decision on the appeal within five business days after the conclusion of the hearing. If the appeal fails, the village may have such work done unless such decision is appealed to the District Court. The hearing shall be conducted according to the provisions set forth in Section 3-513(B) hereafter, except that the hearing shall be conducted by the village chair instead of the Village Board.

C. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the village or fails to comply with the order to mow, or abate and remove the nuisance, the village may have such work done. The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the village may either (1) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (2) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(Neb. Rev. Stat. §17-563) (Am. Ord. No. 2016-1, 2/16/16)

SECTION 3-506: WEEDS, GRASSES AND LITTER; FAILURE TO CORRECT; FINE

In the event that the owner or occupant of said premises fails to correct and eliminate said nuisance pursuant to the notice to correct, he or she shall be guilty of a misdemeanor and fined in a sum of not more than \$500.00. Each day's violation after the expiration of the five business days' notice shall be a separate offense.

SECTION 3-507: WEEDS, GRASSES AND LITTER; COST ASSESSED TO PROPERTY

In addition to filing a complaint for violation of this article, the village may cause the work to be done to abate the nuisance and assess the cost of the same against the property. In this event, however, the village shall comply with the notice and hearing requirements set forth in Sections 3-512, 3-513 and 3-514 set forth hereafter.

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SECTION 3-508: DANGEROUS BUILDINGS; DEFINITIONS

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

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

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

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

D. Those damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants of the people of the village;

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

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

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

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

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

J. Those having been inspected by a specially appointed building inspector or a professional engineer appointed by the village which are, after inspection, deemed to be structurally unsafe or unsound as found by the inspection of such building inspector or professional engineer;

K. Those existing in violation of any provision of this article, any provision of the Fire Prevention Code, any provision of the county health rules and regulations or other applicable provisions of the ordinances of the village.

SECTION 3-509: DANGEROUS BUILDINGS; STANDARDS

The following standards shall be followed in substance in determining whether the structure or building should be repaired, vacated, or demolished:

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

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

C. In any case where an unsafe or dangerous building or structure cannot be repaired so that it will no longer exist in violation of the terms or provisions of this article,

it shall be demolished. In all cases where the unsafe or dangerous building is a fire hazard existing or erected in violation of the applicable fire codes and regulations, or any other provision of an ordinance of this village , or statute of the state, it shall be demolished.

SECTION 3-510: DANGEROUS BUILDINGS; PUBLIC NUISANCE

All unsafe or dangerous buildings or structures within the terms of this article are hereby declared to be nuisances and shall be repaired, vacated, or demolished as provided above.

SECTION 3-511: DANGEROUS BUILDINGS; BUILDING INSPECTOR

The Village Board may direct the village building inspector to be the official who will be responsible for carrying out the procedures herein, or the board may appoint a special building inspector or professional engineer for said duties. The designated building inspector shall, at the direction of the board:

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

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

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

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

SECTION 3-512: DANGEROUS BUILDINGS; NUISANCE; PROCEDURE

If the building inspector finds that a building or structure is unsafe or dangerous and a nuisance, the board shall:

A. Notify the owner, occupant, lessee, mortgagee, agent or other persons having an interest in the building or structure that it has been found to be an unsafe or dangerous building. The notice will indicate whether the owner must vacate, repair or demolish the building or structure and shall be delivered to the persons as heretofore described by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the village or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated or removed. In any case, notice shall be posted upon such premises as a procedural step herein, as described in subsection (C) below.

B. Set forth in the notice a description of the building or structure deemed unsafe or dangerous, accompanied by a statement of the particulars which make the building or structure unsafe or dangerous and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable;

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

SECTION 3-513: DANGEROUS BUILDINGS; DISPUTES

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

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

SECTION 3-514: DANGEROUS BUILDINGS; APPEAL

Any person aggrieved by the decision of the Village Board may appeal the decision to the District Court. This appeal shall and must be taken within 30 days of the pronouncement of the board's decision.

SECTION 3-515: DANGEROUS BUILDINGS; FAILURE TO COMPLY

In case any owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure shall fail, neglect, or refuse to comply with the notice

by or on behalf of the village to repair, rehabilitate or demolish and remove a building or structure which is unsafe or dangerous and a public nuisance, or shall fail to comply with the notice to abate grasses, weeds or litter, the village may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Village Board, which is authorized to levy the cost as a special assessment against the property. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments under Nebraska statutes. In addition the village may bring a civil action against the offending party to recover the cost of the work.

SECTION 3-516: DANGEROUS BUILDINGS; IMMEDIATE HAZARD

In the event the building constitutes an immediate hazard to the life or safety of any persons and must be demolished to protect their health or safety, the designated building inspector shall report such facts to the board, which shall follow the procedures set forth in state statutes. The village, by and through the Village Board, may immediately contract for the immediate demolition of the unsafe or dangerous building without requiring bids. The cost of such emergency vacation and demolition of unsafe or dangerous buildings or structures shall be levied, equalized, and assessed, as are other special assessments. (Ord. No. 2005-3, 5/16/05)

SECTION 3-517: AIR POLLUTION

It shall be unlawful for any person, firm, or corporation to permit the emission of smoke from any source that is injurious or offensive to the residents of the village in the judgment of the Board of Health. Air shall be considered to be polluted when the discharge into the open air of dust, fumes, gases, mist, odors, smoke, or any combination thereof is of such character and in a quantity which to any group of persons interferes with their health, repose, or safety, or causes severe annoyance or discomfort or is offensive and objectionable to normal persons and causes injury to real and personal property of any kind. The standards for air pollution established or adopted by the State of Nebraska shall be presumptive evidence as to when the air is deemed to be polluted under this section. It is hereby unlawful for any such person, firm, or corporation to permit or cause the escape of the aforesaid nuisances and the escape of the said dust, fumes, gases, mists, odors, and smoke is hereby declared to be a nuisance and shall be summarily abated upon written notice by the Board of Health to the violator. Such abatement may be in addition to the penalty for air pollution in the village. (Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 3-518: WATER POLLUTION

It shall be unlawful for any person, firm, or corporation to obstruct or impede without legal authority any river or collection of water or to corrupt and render unwholesome or impure any watercourse, stream, or other water. The standards for water quality established or adopted by the State of Nebraska shall be presumptive evidence as to when the water is deemed to be polluted under this section. Such a corruption of the water in or about the village shall constitute a nuisance and shall be summarily abated upon

written notice to the violator by the Board of Health. The said abatement may be in addition to the penalty for water pollution. (Neb. Rev. Stat. §18-1720, 281321)

SECTION 3-519: NOXIOUS USE OF BUILDING OR PREMISES

It shall be unlawful for any person to use a building or premises in any part of the village for any trade, industry, or other purpose that is detrimental to the public health, safety, and welfare. Such a noxious or offensive use is hereby declared to constitute a public nuisance. (Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 3-520: RODENTS AND INSECTS; EXTERMINATION

It shall be the duty of the owner, lessee, or occupant of any dwelling or building to be responsible for the active and continued extermination of any insects, rodents, or other pests therein or on the premises. In the event that the owner, lessee, or occupant of any said dwelling or building neglects, fails, or otherwise refuses to control and actively exterminate the insects, rodents, and other pests in and about his or her premises, the Board of Health shall issue notice to do so. If the said owner, lessee, or occupant has not made a good faith effort to exterminate the said pests within five days, the premises shall be deemed to be a nuisance and a health hazard. (Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 3-521: RODENTS AND INSECTS; OCCUPANT

It shall be the responsibility of the occupant in a single dwelling unit, whether or not the dwelling unit is located in a multiple unit structure, to exterminate the rodents and insects infesting the premises when it is found by the Board of Health that only the occupant's dwelling is so infested. (Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 3-522: RODENTS AND INSECTS; OWNER

The owner of a multiple dwelling unit shall have the duty to exterminate therein for rodents and insects when infestation exists in two or more units, when infestation exists in shared or public areas of a multiple unit structure when the infestation is due to failure by the owner to maintain the dwelling in an insect and rodent proof condition. The owner of a single dwelling unit shall have the duty to exterminate therein notwithstanding the occupancy of a renter or lessee when the infestation of insects or rodents is due to the said owner's failure to construct or maintain the premises in such a manner as to make it reasonably resistant to the entrance and habitability of such pests. (Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 3-523: NUISANCE ANIMAL; DEFINED

A. The maintaining, using, placing, depositing, leaving, or permitting, by the owner of any animal located within the corporate limits of the village, of any of the following general acts, omissions, places, conditions, and things which:

1. Tend to injure or endanger the comfort repose, health and safety of children, citizens and other pets;
2. Render other citizens insecure in life and the use of property;
3. Interfere with the comfortable enjoyment of life and property and tend to depreciate the value of the property of others

are hereby declared to be public nuisances.

B. The following specific acts, omissions, places, conditions and things by the owner of any animal within the corporate limits of the village, are hereby declared to be public nuisances, to wit:

1. Permitting any animal to defecate on any publicly or privately owned or occupied property other than that of the owner of the animal having control of the animal without immediately removing the excrement;
2. Permitting any animal to engage in menacing behavior including but not limited to the chasing of vehicles or frightening passersby or neighbors;
3. Permitting unsanitary conditions to exist on any premise where an animal is kept which would cause foul or obnoxious odors attract vermin or otherwise threaten the public health and safety; or
4. Permitting any animal to repeatedly be at large.

(Ord. No. 2006-4, 5/16/06; 2021-6, 12/1/21)

SECTION 3-524: NUISANCE ANIMAL; OWNER DEFINED

An "owner" is defined as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports, or sells an animal within the village which has been determined by the Village Board to be a nuisance. (Ord. Nos. 2006-4, 5/16/06; 2021-6, 12/1/21)

SECTION 3-525: NUISANCE ANIMAL; UNLAWFUL

It shall be unlawful for any person, firm, partnership, corporation, or association to own an animal which has been determined by the Village Board to be a nuisance within the village. (Ord. Nos. 2006-4, 5/16/06; 2021-6, 12/1/21)

SECTION 3-526: NUISANCE ANIMAL; IMPOUNDMENT

Notwithstanding any provisions to the contrary, the village clerk is authorized to immediately impound any animal found in the village which has been deemed a nuisance. The clerk may house or dispose of such animal in such manner as he or she may deem appropriate. (Ord. Nos. 2006-4, 5/16/06; 2021-6, 12/1/21)

SECTION 3-527: NUISANCE ANIMAL; HEARING/APPEAL

A. When the village clerk has impounded any animal pursuant to this chapter and article and the owner of such animal disputes the classification of such animal as a nuisance, the owner of such animal may file a written petition with the village clerk for a hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The village clerk will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than 10 days prior to the date of the hearing. When no written request from the owner for a hearing is received by the clerk within seven days of impoundment, the animal shall be humanely destroyed.

B. The hearing, if any, will be held before the chairman and Board of Trustees. The owner of such animal shall bear the burden of proof. Any facts that the petitioner wishes to be considered shall be submitted under oath or affirmation, either in writing or orally at the hearing. The board shall make a final determination whether the animal is a nuisance as defined in Section 3-526 (Defined) hereof. Such final determination shall be considered a final order of the village.

C. If the animal is found to be a nuisance, it shall be humanely destroyed unless the owner produces evidence deemed sufficient by the village clerk that the animal is to be permanently taken out of the village and the owner will pay the costs of impoundment. If the animal is found not to be a nuisance, it shall be released to the owner.

D. The procedures in this subsection shall not apply and the owner is not entitled to such a hearing with respect to any animal that was impounded as the immediate result of an attack or bite, provided the animal was not being tormented, abused, or assaulted at the time of the attack or bite. In those instances, the animal shall be impounded and thereafter shall be humanely destroyed.

(Ord. Nos. 2006-4, 5/16/06; 2021-6, 12/1/21)

SECTION 3-528: DUTY TO KEEP VILLAGE FREE OF NUISANCES

It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the village to keep such real estate free of public nuisances. (Neb. Rev. Stat. §17-207, 18-1720) (Ord. No. 132-77, 11/14/77) (Am. by Ord. Nos. 2003-17, 11/18/03; 2010-1, 4/20/10)

SECTION 3-529: JURISDICTION

The village chair and police chief are directed to enforce this village code against all nuisances. The jurisdiction of the chair, police chief, and court shall extend to, and the territorial application of this chapter shall include, all territory adjacent to the limits of the village within one mile thereof and all territory within the corporate limits. (Neb. Rev. Stat. §18-1720) (Ord. No. 132-77, 11/14/77)

SECTION 3-530: PROCEDURES IN CASE OF EMERGENCY

When the conditions which constitute the nuisance pose an immediate threat to the public peace, health, or safety, the chair of the Board of Trustees or the village police may order the nuisance abated immediately. (Am. by Ord. No. 2010-1, 4/20/10)

Article 6 – Sexual Predators

SECTION 3-601: DEFINITIONS

For purposes of this ordinance:

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

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

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

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

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

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

SECTION 3-602: RESIDENCY RESTRICTIONS

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

SECTION 3-603: 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 7 – Penal Provisions

SECTION 3-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Am. by Ord. No. 2002-13, 10/15/02)

SECTION 3-702: ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in this chapter, the village may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. 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 a part of the judgment in the case. (Neb. Rev. Stat. §18-1720, 18-1722) (Ord. No. 132-77, 11/14/77) (Am. by Ord. Nos. 2003-17, 11/18/03; 2010-1, 4/20/10)