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CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: OBSTRUCTION OF PUBLIC WAYS

It shall be unlawful for any person to erect, maintain, or suffer to remain on any street or public sidewalk a stand, wagon, display, or other obstruction inconvenient to or inconsistent with the public use of the same.

SECTION 3-102: OBSTRUCTION OF 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 3-103: POSTING

It shall be unlawful for any person to post, paste, or paint any sign, advertisement, or other writing of any nature upon a fence, pole, building, or other property without the written permission of the owner of the said property.

SECTION 3-104: REMOVAL OF 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 the same is rightfully and lawfully posted and remains of value.

Article 2 – Curfew

(Ord. No. 276, 9/15/80)

SECTION 3-201: MINORS; UNLAWFUL ACTS

It shall be unlawful for any person under the age of 18 years to loiter, idle, wander, stroll, or play in or upon the public streets, sidewalks, highways, roads, alleys, parks, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places or to ride in or upon, drive, or otherwise operate any automobile, bicycle, or other vehicle in, upon, over, or through the streets, alleys, or other public places of the City between the hours of 10:30 P.M. and 5:00 A.M. of the following day on all the days of the week except on Friday and Saturday, when the curfew hours shall be from 12:00 midnight to 5:00 A.M., and except during the months of June, July and August, when the curfew shall begin one-half hour later, unless such person is accompanied by a parent, guardian, or other adult person having the legal care and custody of such minor person or unless said minor person is upon an emergency errand or legitimate business directed by his or her parents, guardian, or legal custodian.

SECTION 3-202: PARENT, GUARDIAN; DUTY

It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of 18 years to allow or permit such minor person to do any of the things or acts prohibited by this article unless said minor is upon an emergency errand or legitimate business directed by his or her parents, guardian, or legal custodian.

SECTION 3-203: PROCEDURE

It is further ordained that no minor person arrested under the provisions of this article shall be confined in jail until he or she has been taken home or the parent, guardian or legal custodian notified and the arresting officer has ascertained whether or not such minor person is within the control of his or her parent, guardian or legal custodian; and if such parent, guardian or legal custodian shall state that such minor cannot be controlled by him or her, then such minor shall be proceeded against, otherwise the parents, guardian or custodian shall be proceeded against.

SECTION 3-204: SEPARATE OFFENSES

Each violation of any of the provisions of this article shall constitute a separate offense.

SECTION 3-205: PENALTY

Any persons violating any of the provisions of this article shall upon conviction be

fined as follows: For the first offense, not less than \$10.00 nor more than \$100.00; for the second and subsequent offenses, not less than \$25.00 nor more than \$100.00. All persons convicted and fined shall stand committed until such fine and costs are paid.

Article 3 – Dogs

SECTION 3-301: OWNER DEFINED

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 shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed. (Neb. Rev. Stat. §54-606, 71-4401)

SECTION 3-302: RABIES VACCINATION

A. Every person owning, keeping or harboring a dog over the age of four months shall immunize the same against rabies; retain the immunization certificate; and affix upon the collar of the animal an immunization tag. All immunizations pursuant to this article shall be done by a licensed veterinarian. All veterinarians immunizing dogs whose owners reside and/or whose dogs are kept within the corporate limits of the City shall maintain a list of immunized dogs kept in the City.

B. Dogs shall be immunized with an approved rabies vaccine and shall be re-immunized every three years. It shall be unlawful to not have a current vaccination for an animal under this article.

C. All animals found running at large without a collar or harness having the metal immunization tag affixed thereto may be impounded.
(Neb. Rev. Stat. §71-4402, 17-526, 54-603, 71-4412) (Ord. No. 486, 11/7/11)

SECTION 3-303: 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 City. The city animal control officer may cause any dog found to be running at large to be taken up and impounded. "Running at large" shall mean any dog found off the premises of the owner and not under control of the owner or a responsible person either by leash, cord, chain, wire, rope, cage or other suitable means of restraint. (Am. by Ord. Nos. 386, 10/18/93; 423, 3/1/99)

SECTION 3-304: DESTRUCTION OF PROPERTY; 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. §54-601, 54-602)

SECTION 3-305: 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 City. The provisions of this section shall not be construed to apply to the city dog shelter. (Neb. Rev. Stat. §17-526)

SECTION 3-306: IMPOUNDING

The city animal control officer shall have the authority to capture, secure, and remove in a humane manner to the city animal shelter any dog violating any of the provisions of this article. Any person convicted of any violation of this article shall also be ordered to pay, as part of the costs of the action, all fees charged to the City for lodging, harboring, or processing the animal by the animal shelter. (Neb. Rev. Stat. §17-548, 71-4408) (Am. by Ord. Nos. 251, 11/7/77; 257, 5/8/78; 283, 12/15/80; 301, 9/8/81; 423, 3/1/99)

SECTION 3-307: 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 animal shelter, any ambulance wagon, or other vehicle used for the collecting or conveying of dogs to the shelter. (Neb. Rev. Stat. §28-906) (Am. by Ord. No. 423, 3/1/99)

SECTION 3-308: RABIES SUSPECTED

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 not less 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 3-309: RABIES; PROCLAMATION

It shall be the duty of the City Council, whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog to muzzle the same or to confine it for a period of not less than 30 days or more than 90 days from the date of such procla-

mation or until such danger is past. The dog 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. (Neb. Rev. Stat. §17-526)

SECTION 3-310: DANGEROUS DOGS

It shall be unlawful for any person to own, keep, or harbor any dog of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to bite. If any vicious or dangerous dog is otherwise held, confined, or allowed to run at large, the animal control officer shall have the authority to euthanize the dog.

SECTION 3-311: DANGEROUS DOGS; OFF OWNER'S PROPERTY

No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length. (Neb. Rev. Stat. §54-618, 54-624)

SECTION 3-312: DANGEROUS DOGS; RESTRICTIONS

No person shall (A) own or harbor any dog for the purpose of dogfighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging that dog to unprovoked attacks upon human beings or domestic animals; or (B) possess any dangerous dog with intent to sell, offer for sale, breed, or buy or attempt to buy within the City.

SECTION 3-313: DANGEROUS DOGS; FAILURE TO COMPLY

Any dangerous dog may be immediately confiscated by any law enforcement officer or any animal control authority providing services to the City if the owner is in violation of this article. Any dangerous dog may also be confiscated if, within two weeks immediately preceding the date of confiscation, it was observed in a condition when it was not properly confined or restrained as provided in this article. The owner shall be responsible for the reasonable costs incurred by the City for the care of a dangerous dog confiscated by an animal control officer or other law enforcement officer and shall also be liable for the costs of destruction of any dangerous dog if the action by the City is pursuant to law and if the owner violated this article. Any dangerous dog shall be retained by the City pending the order of an appropriate court. (Neb. Rev. Stat. §54-620)

SECTION 3-314: DANGEROUS DOGS; VIOLATION; PENALTIES

Any person violating any provision of this article in reference to dangerous dogs shall upon conviction be fined in any sum not more than \$250.00 and shall pay the costs of prosecution. In addition to any other penalty, a court may order the City to dispose of

a dangerous dog in an expeditious and humane manner.

Article 4 – Animals Generally

SECTION 3-401: ENCLOSURES

All pens, cages, sheds, yards, or any other area or enclosure for the confinement of animals and fowl 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 3-402: PROHIBITED ANIMALS

A. Prohibited animals shall include all livestock, which shall mean swine, cattle, mules, sheep, horses, goats, hogs, llamas, or any other animal which is normally and historically kept and raised on farms in the United States and used or intended for use as food, fiber, or farm work, except household pets as provided in Section 3-403. Hen chickens shall be allowed but roosters are prohibited.

B. It shall be unlawful for any person or persons to own, keep, or harbor any prohibited animal within the corporate limits of the City.

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

(Neb. Rev. Stat. §17-123) (Am. Ord. Nos. 499, 11/7/16; 520, 12/19/22)

SECTION 3-403: CHICKENS

A. Definitions.

1. "Brooding" shall mean the period of chicken growth when supplemental heat must be provided due to the birds' inability to generate enough body heat.
2. "Chicken" shall mean a domesticated bird that serves as a source of eggs and meat.
3. "Coop" shall mean a structure for the keeping or housing of chickens permitted by the ordinance.
4. "Fowl/poultry" shall mean other members of the Galliformes family, including turkeys, ducks, geese, pheasants, partridge, and quail.

B. Purpose. It is the purpose and intent of this ordinance to permit the keeping and maintenance of fowl or eggs and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety and welfare of the community.

C. Permit. No person shall own, keep, harbor, or have custody of any live chickens without first obtaining a permit from the City, subject to the following conditions:

1. Roosters are prohibited.
2. Fowl shall be allowed only on single family home lots.
3. Not more than six fowl shall be housed or kept on any one residential lot in any area of the City zoned residential.
4. Outdoor slaughtering of chickens in city limits is prohibited.
5. Fowl fighting shall not be allowed within city limits.
6. Fowl shall not be housed in a residential house or an attached or detached garage.
7. Fowl must be confined at all times in a chicken coop or chicken run which shall comply with the following:
 - a. Chicken coops must not exceed 60 square feet (calculated by outside dimensions) or 6 feet in height and must provide at least 2 square feet per chicken. Every coop must be elevated, with a clear open space of at least 24 inches between the ground and the floor or framing of the coop. The coop floor, foundation, and footings must be constructed so as to make the coop rodent resistant.
 - b. Chicken coop or run must be located in the side or rear yard.
 - c. Chicken coop or run must meet a setback requirement of at least 25 feet from any residential dwelling on any adjacent lot and at least 10 feet from the property lines.
 - d. Construction shall be adequate to prevent access by rodents.
 - e. Chicken runs must not exceed 120 square feet or 6 feet in height and may be enclosed with wood or woven wire.
 - f. Every chicken coop and run shall be screened with a solid fence or landscaped buffer with a minimum height of 4 feet.
8. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an

unsanitary condition or causes odors detectible on another property;

9. All food shall be stored in an enclosed, rodent proof container; and

10. Dead chickens shall be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

D. Violation. Possession of prohibited fowl is prohibited within areas zoned residential.

(Ord. No. 521, 12/19/22)

SECTION 3-404: CAPTURE IMPOSSIBLE

The city animal control officer shall have the authority to kill any animals showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Neb. Rev. Stat. §17-526) (Am. by Ord. No. 423, 3/1/99)

**SECTION 3-405: ANIMALS PROHIBITED ON FLOOD CONTROL DIKE;
EXCEPTION**

No person shall ride, drive, lead or tether any horse or other animal upon the flood control dike located along the east bank of Coon Creek, except in conjunction with activities at the city sports field.

SECTION 3-406: CRUELTY

No person shall cruelly or unnecessarily beat, overwork, or insufficiently shelter or feed any animal within the Village. (Neb. Rev. Stat. §28-1008)

Article 5 – Nuisances

SECTION 3-501: WEEDS AND GRASSES, JUNK, 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 provided 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. 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.

SECTION 3-502: WEEDS OR GRASSES; PUBLIC NUISANCE

It is hereby declared to be a public nuisance to permit grasses to grow in excess of 12 inches, weeds of any height, or growth of 8 inches or more in height of weeds, grasses or worthless vegetation on any lot or piece of ground located within the corporate limits 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 of the City.

SECTION 3-504: NOTICE OF NONCOMPLIANCE; HEARING; ABATEMENT

A. Whenever the City Council determines that any grasses in excess of 12 inches, weeds of any height, or weeds, grasses, or worthless vegetation in excess of 8 inches as provided to Section 3-502 are growing on property within the City or litter is found on any property, the designated code enforcement officer shall cause written notice to be served upon the owner of the property on which grass, weeds or litter is located and further, upon the occupant thereof by registered mail or by personal service. Such notice shall describe the nature of the nuisance and state the action that must be taken to remove or remedy the problem. Such notice shall state that such nuisance must be abated or removed within ten business days of receipt of notice.

B. The accused violator (owner/agent/occupant) may request in writing a hearing before the City Council within five days after notice of violation is served or published. If a hearing is requested, the city clerk shall fix the date of said hearing to be no later than 15 days from receipt of the request for the hearing. Notice of said hearing with the date and time thereof shall be served upon the agent, occupant, or owner of the nuisance property by certified and regular mail.

C. The hearing shall be a "show cause" hearing in which the agent, owner, or occupant of the nuisance property (objecting party) shall provide evidence why the alleged condition should not be found to be public nuisance and remedied. Such hearing shall be held before a quorum of the City Council. The presiding official of the council may conduct the hearing or said presiding official may appoint another person as the hearing officer to conduct the hearing. Said hearing officer may be the city attorney or the enforcement officer. At the hearing, the hearing officer shall mark and receive evidence which was presented when the finding of a nuisance was made, relevant evidence of the nuisance since that time, and evidence that the notices were property given. The objecting party shall then provide its evidence. The rules of evidence are not required at said hearing but all evidence must be relevant to the particular nuisance being heard. Testimony shall be under oath as administered by the hearing officer or any person so designated by the hearing officer, and the person providing the testimony is subject to the laws of perjury. Evidence may be submitted in writing by affidavit.

D. No later than 14 days after the hearing and consideration of the evidence, the City Council may by majority vote rescind the resolution of violation. If the resolution of violation is not rescinded, it shall stand. Furthermore, if the objector or his or her designated agent fails to appear at the hearing or does not provide evidence, the nuisance shall stand. If the resolution is not rescinded, the City Council may, by resolution extend the date that owner, occupant, lessee, or mortgagee shall abate and

remedy the said public nuisance; but in no case shall this time exceed 60 days. The finding of the City Council shall be made no later than 14 days after the hearing, and notice of this finding shall be served upon the objecting party by regular U.S. mail within five days of the finding. The finding of this hearing is final, provided that an interested party or parties may appeal such decision to the appropriate court for adjudication.

E. If the City Council determined the nuisance is not remedied and abated within the time period designated, it shall cause the abatement of the nuisance. Agent, owner, and occupant will be notified by a five-day abatement notice, mailed by U.S. certified mail with return receipt, and the notice will be published once in the newspaper of record. If an interested party properly appeals to an appropriate court the findings and orders of the City Council, the actions of the council shall be stayed until such time that the legal proceedings are completed or dismissed. In cases of appeal from an action of the council condemning real property as a nuisance or as dangerous under the police powers of the City, the owners of the adjoining property may intervene in the action at any time before trial.

(Neb. Rev. Stat. §17-563) (Am. Ord. No. 511, 3/2/20)

SECTION 3-505: FAILURE TO CORRECT; FINE

If the declared public nuisance is not abated within ten days of when the notice is served upon the owner and/or occupant, and the city clerk has not received a request for hearing, the City Council may cause one of the following:

A. Issuance of citation for the city code violation as follows:

1. A citation shall be prosecuted to the appropriate court by the city attorney or other designated prosecutor for the City.
2. A person or persons found guilty of such violations shall be guilty of a misdemeanor and fined up to \$500.00 per each offense.
3. Each day that the nuisance, as identified in the nuisance resolution and notice, is not abated shall be a separate offense and subject to a separate fine.

B. The City Council may instruct by resolution of the city attorney to file a civil action for the abatement of a nuisance. Said civil suit may commence after 15 days' notice has been served upon the owner or occupant and may be filed and prosecuted at the same time any other enforcement procedure has commenced, terminated or is in progress.

(Am. Ord. No. 512, 3/2/20)

SECTION 3-506: COST ASSESSED TO PROPERTY

In addition to filing a complaint for violation of this article, the City 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 City shall comply with the notice and hearing requirements set forth in Sections 3-512, 3-513 and 3-514 set forth hereafter.

SECTION 3-507: 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 or the people of the City;

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 City because of their condition;

J. Those having been inspected by the Board of Health, County Health Department or a professional engineer appointed by the City which, after inspection, are deemed to be in violation of any provisions of the Health Department rules and regu-

lations or which are structurally unsafe or unsound as found by the inspection of the Board of Health, County Health Department or professional engineer;

K. Those existing in violation of any provisions of this article or any provisions of city ordinances, including but not limited to the Building Code adopted by the City. (Am. Ord. No. 507, 4/15/19)

SECTION 3-508: 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 by the City Council, after inspection by an appropriately licensed professional.

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 and repaired by the City Council, after inspection by an appropriately licensed professional.

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 a city ordinance or state statute, it shall be demolished by determination of the City Council.

SECTION 3-509: 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 herein.

SECTION 3-510: BUILDING INSPECTOR

The building inspector, his/her authorized representatives, a general building contractor, county health official, or professional engineer shall, at the direction of the City Council:

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 City 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 City Council 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 3-511: DANGEROUS BUILDINGS; PROCEDURE

If the Board of Health or building inspector finds that a building or structure is unsafe or dangerous and a nuisance, the City Council shall:

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

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

C. Direct the Board of Health, building inspector, or other designated official to place a sign on the building or structure found to be unsafe or dangerous on its exterior near the main entrance which shall state that the building or structure is unsafe or dangerous for occupancy and use.

(Am. Ord. No. 508, 4/15/19)

SECTION 3-512: FAILURE TO COMPLY

In case any owner, occupant, lessee, mortgagee, agent or other person having an interest in the property, building or structure shall fail, neglect, or refuse to comply with the notice by or on behalf of the City 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 City 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 City Council, 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 City may bring a civil action against the offending party to recover the cost of the work.

SECTION 3-513: 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, disa-

grees with or disputes the information contained in the notice to abate, such person shall notify the city 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 10 days of mailing of the notice. If written notice is received by the city clerk within 10 days, a hearing shall be held before the City Council at a 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 City Council 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/her own expense, and not less than three business days before the hearing, the records of the City regarding the inspection and notice. The City Council need not make a written finding of fact and may make its pronouncement orally at the hearing. The decision of the City Council shall be final unless appealed. Failure of the person to attend the hearing shall relieve the council of any further procedures before action is taken as set forth in the notice.

SECTION 3-514: APPEAL

Any person aggrieved by the decision of the City Council may appeal the decision to the District Court of Red Willow County. This appeal shall and must be taken within 30 days of the pronouncement of the council's decision. The record and evidence made before the City Council shall become the record for purposes of appeal. All appeals shall be made on the record and not a trial de novo.

SECTION 3-515: 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 building inspector or a professional engineer designated by the City Council shall report such facts to the council, which shall follow the procedures set forth in state statutes. The City, by and through the City Council, 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.

Article 6 – Sexual Predators

SECTION 3-601: DEFINITIONS

For purposes of the Sexual Predator Residency Restriction Act:

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

“Political subdivision” means a village, a city, a county, a school district, a public power district, or any other unit of local government;

“School” means a public, private, denominational, or parochial school which meets the requirements for accreditation or approval prescribed in Neb. Rev. Stat. Chapter 79;

“Sex offender” means an individual who has been convicted of a crime listed in Neb. 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 who is 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 hereby determined unlawful for any sexual predator to reside within 500 feet of a school or child care facility. For the purpose of determining the minimum distance separation, the distance shall be measured at a straight line from the closest point of the sexual predator's place of residence property line to the property line of the school or child care facility. (Neb. Rev. Stat. §29-4017)

SECTION 3-603: EXCEPTIONS

These restrictions shall not apply to any sexual predator who (A) resides in a prison or correctional or treatment facility operated by the state or a political subdivision; (B) established a residence within such minimum distance before July 1, 2006, and has not moved from that residence; or (C) established a residence after July 1, 2006, but a 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. 424, 3/1/99)

SECTION 3-702: ABATEMENT OF NUISANCE

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

B. Whenever in any action it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case. Good faith actions by the City and its agents, to abate nuisances, including destruction, removal or discarding real or personal property, shall be immune from civil liability to the owner or claimant.

(Neb. Rev. Stat. §18-1720, 18-1722) (Am. by Ord. No. 463, 9/19/05)