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CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: IMPERSONATING OFFICER

No person shall falsely pretend to be a peace officer or perform any act in that pretended capacity. (Neb. Rev. Stat. §28-610)

SECTION 3-102: REFUSING TO ASSIST OFFICER

It shall be unlawful for any person to refuse to assist a peace officer when lawfully requested to do so. (Neb. Rev. Stat. §28-903)

SECTION 3-103: RESISTING OFFICER

It shall be unlawful for any person to resist any village police officer who is in the lawful performance of duties. (Neb. Rev. Stat. §28-904)

SECTION 3-104: EXCESSIVE NOISE

It is hereby determined to be unlawful to operate industrial equipment, heavy machinery, jackhammers and other equipment emitting loud noise, or to race automobile engines within the Village between the hours of 10:00 P.M. and 7:00 A.M. in such a manner as to disturb the comfort, repose, peace and quiet of residents of the Village unless such activity has been approved in advance by the Village Board.

SECTION 3-105: 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 as part of religious activities or while participating in licensed or permitted activities, such as parades, shall not be deemed in violation of this section.

SECTION 3-106: ABANDONED APPLIANCES

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure or within any abandoned building, structure or dwelling under his/her control any abandoned, unattended or discarded ice box, refrigerator or other similar appliance or any other container which has a door or lid, snap lock or other locking device which cannot be released from the inside of said appliance or container. Either the door must be removed or a lock affixed thereon so that the

same cannot be opened without the key; and further, the same shall be kept locked when unattended. Such appliances which are left or are permitted to remain under the conditions and circumstances described in this section are hereby declared to be a public nuisance.

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, paintball gun, blow gun, air rifle or other like instrument 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: 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 3-109: PROHIBITED FENCES

It shall be unlawful for any person to erect or cause to be erected and maintain any barbed wire or electric fence within the corporate limits where such fence obstructs a public sidewalk, street or alley.

SECTION 3-110: LITTERING

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

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

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

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

(Neb. Rev. Stat. §17-123.01, 28-523)

(Neb. Rev. Stat. §28-523)

SECTION 3-111: INJURING TREES, SHRUBS OR GARDEN PLANTS

A. It shall be unlawful to willfully and maliciously and without lawful authority to box, bore, bark, girdle, saw, cut down, injure or destroy any fruit, ornamental, shade tree or other tree or trees standing or growing on the property of another.

B. It shall be unlawful to willfully and maliciously and without lawful authority, cut down, root up, sever, carry away, injure or destroy any shrub, bush, or vine or any cultivated root, plant or fruit or other vegetable production standing, growing, or being on or attached to the lands of another.

SECTION 3-112: VANDALISM; LIBRARY, PUBLIC NOTICES, BUILDINGS AND SURROUNDINGS

It shall be unlawful to intentionally deface, obliterate, tear or destroy in whole or in part any document on file in any library belonging to the Village or intentionally deface, obliterate, tear down or destroy, any proclamation, publication, advertisement or notification whatsoever, set up in any public place within the Village for the public information of any citizen. It shall be further unlawful to willfully and maliciously injure or deface any building, its fixtures, appurtenances, enclosed grounds attached thereto, or any enclosure or sidewalk about the same.

SECTION 3-113: MALICIOUS DESTRUCTION OF PROPERTY

It shall be unlawful for any person within the corporate limits to purposely, willfully or maliciously injure in any manner or to destroy any real or personal property of any description belonging to another.

SECTION 3-114: TRESPASSING

It shall be unlawful for any person other than in an emergency purposely or knowingly to enter or be upon the property of another person without being invited, licensed, or privileged to do so.

SECTION 3-115: 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 3-116: STALKING

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. For purposes of this section:

A. "Harass" shall mean to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose;

B. "Course of conduct" shall mean 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;

C. "Family or household member" means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context.
(Neb. Rev. Stat. §28-311.02, 28-311.03)

SECTION 3-117: DISTURBING THE PEACE

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

SECTION 3-118: DISORDERLY CONDUCT

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

SECTION 3-119: LEWD ACTS

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

SECTION 3-120: TOBACCO USE BY MINORS

It shall be unlawful for any minor under the age of 18 years to smoke cigarettes or cigars or use tobacco in any form whatever; provided, however, that any minor so charged with the violation of this section may be free from prosecution when he/she shall have furnished evidence for the conviction of the person or persons selling or

giving him/her the cigarettes, cigars, or tobacco.

SECTION 3-121: SALE OF TOBACCO TO MINORS

It shall be unlawful for any person to sell, give, or furnish, in any way any tobacco in any form whatever, or any cigarettes or cigarette paper to any minor under 18 years of age.

SECTION 3-122: CURFEW (Repealed by Ord. No. 242, 10/3/12)

SECTION 3-123: GAMBLING

It shall be unlawful for any person to bet or wager for money or property in any game of chance whatsoever, including lotteries, not licensed by the State of Nebraska or to permit betting or wagering in any game of chance, including lotteries, not licensed by the State of Nebraska, on one's property or with one's gambling device or gambling machine for money or property. (Neb. Rev. Stat. §28-1101 through 28-117)

Article 2 – Dogs and Cats

SECTION 3-201: OWNER DEFINED

A person who shall harbor or permit any dog or cat to be present for ten days or more or let the same habitually remain and be fed for a period of ten days or more in or about his/her house, store, or enclosure, shall be deemed to be the owner of such dog or cat and shall be liable for the penalties prescribed hereinafter. (Neb. Rev. Stat. §54-606) (Ord. No. 184, 03/06/02)

SECTION 3-202: NUMBER ALLOWED

A limit of not more than five domestic pets, meaning dogs and cats, are allowed within village limits per household or business. A litter of puppies or kittens less than four months of age shall not be included in computing the number of dogs and cats allowed. If a household or business has more than five domestic pets at the time of adoption of this ordinance, the said pets may be kept until they naturally die. (Ord. No. 184, 03/06/02)

SECTION 3-203: RABIES SHOTS; VIOLATION, PENALTY

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

B. Any person who violates this section by failing to have his/her dog or cat vaccinated for rabies shall, upon conviction, be assessed a fine set by the Village Board plus any court costs established by the Merrick County Court.
(Neb. Rev. Stat. §71-4402)

SECTION 3-204: LICENSE; LOST TAG

A. For the purpose of raising revenue, a possessor of a male or female dog or cat over the age of six months in the Village shall pay the village clerk the annual dog and cat tax, which shall be set by the Village Board and filed in the office of the village clerk for public inspection during office hours. No owner of a spayed female dog or cat shall be entitled to pay the tax assessed against male dogs and cats as aforesaid unless he/she shall exhibit to the village clerk a sworn certificate by a veterinary surgeon, duly licensed and practicing in the State of Nebraska, to the effect that said female is properly spayed. The dog and cat tax shall be payable on or before May 1

each year and will become delinquent July 1 each year.

B. The Village shall, in addition to the license tax imposed, collect from the licensee a fee of one dollar. From each one-dollar fee collected, the clerk shall retain three cents 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.

C. No dog or cat shall be licensed as herein provided unless the owner thereof shall first provide satisfactory proof from a veterinarian, duly licensed and practicing in the State, to the effect that said dog or cat has been vaccinated for rabies and that such vaccine is regarded to be effective throughout the full licensing period sought by the applicant. (Neb. Rev. Stat. §71-4412) (Ord. No. 184, 03/06/02)

D. Upon payment of the license fee, the village clerk or Palmer Veterinary Clinic shall issue to the owner of a dog or cat a license certificate and a metallic tag for each dog or cat so licensed. The metallic tag shall be properly attached to the collar or harness of any dog or cat so licensed.

E. Licenses shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog or cat. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his/her address and the name, breed, color and sex of each dog or cat owned and kept by him or her.

F. In the event that a license tag is lost and upon satisfactory evidence that the original tag issued in accordance with the provisions herein, the clerk shall issue a duplicate or new tag for the balance of the year and may charge and collect a fee set by resolution of the Village Board for each such duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the clerk to issue tags of a suitable design that are different in appearance each year.

G. The possessor of any dog or cat brought into or harbored within the corporate limits of the Village subsequent to May 1 in any year shall be liable for the dog and cat tax levied herein within 10 days.
(Neb. Rev. Stat. §17-526, 54-603) (Ord. No. 184, 03/06/02)

SECTION 3-205: DUTIES OF CLERK

The clerk shall keep a record of such tags issued, containing the date, when and to whom delivered, and a description of each dog or cat licensed. On the first day of each month, the said clerk shall turn over the dog and cat taxes collected to the village treasurer, who shall credit the money so received to the General Fund. (Neb. Rev. Stat. §17-526)

SECTION 3-206: FAILURE TO LICENSE; VIOLATION, PENALTY

Any person who violates this article by failing to license his/her dog or cat shall, upon conviction, be assessed a fine in an amount set by the Village Board plus any court costs established by the Merrick County Court.

SECTION 3-207: RUNNING AT LARGE; UNLAWFUL

It shall be unlawful for the owner of any dog or cat to allow such animal to run at large at any time within the corporate limits of the Village. Any dog or cat found to be running at large may be impounded by the Village, the animal control agency, its officers, agents or employees. A dog or cat found to be "running at large" shall mean any dog or cat found off the premises of the owner and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. All stray dogs and cats or dogs running at large shall be taken into custody in a humane manner and impounded at the Palmer Veterinary Clinic. The dogs or cats so impounded shall be treated in a humane manner. (Ord. No. 184, 03/06/02)

SECTION 3-208: RUNNING AT LARGE; VIOLATION, PENALTY

A. Any person who violates this section by allowing his/her dog or cat to run at large shall upon conviction be assessed a fine as set by the Village Board plus, if applicable, any court costs established by the Merrick County Court.

B. Any person who violates this article by allowing his/her dog or cat to be at large and which is impounded before the owner recovers possession of it shall pay an impound fee and a per diem charge for each day or fraction thereof that the dog or cat is impounded, as set by the Village Board, plus any court costs established by the Merrick County Court.

C. Any person who violates this article by allowing his/her dog or cat to run at large and which is impounded before the owner recovers possession of it shall pay a transportation fee as set by the Village Board, plus any court costs established by the Merrick County Court.

SECTION 3-209: BARKING DOGS PROHIBITED

A. It shall be unlawful for any person to own, possess, harbor, have the care, custody or control in the corporate limits of the Village any dog which by loud, frequent or habitual barking, yelping or other noise or action disturbs any person or neighborhood.

B. After two written complaints of any person, filed with the village clerk, that any animal owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provision of this section, the chairman of the Village Board shall notify the owner to silence and restrain such animal or to have the owner

resolve the complaint.
(Ord. No. 184, 03/06/02)

SECTION 3-210: FEMALE IN SEASON

It is hereby declared unlawful for any owner, keeper or harbinger of a female dog or cat to permit or allow her, while in season, to run at large within the Village even though she wears the collar and tag as herein provided; and every such female dog or cat found running at large in violation hereof is hereby declared to be a public nuisance and as such may be impounded by the animal control officer or village police.

SECTION 3-211: KILLING AND POISONING

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

SECTION 3-212: DAMAGE BY DOG; LIABILITY OF OWNER

It shall be unlawful for any person to allow a dog or cat owned, kept or harbored by him/her or under his/her charge or control to injure or destroy any real or personal property belonging to another person. The owner of any such animal, in addition to the usual judgment upon conviction, shall be liable to the persons so injured in an amount equal to the value of the damage so sustained.

SECTION 3-213: DANGEROUS OR VICIOUS DOG; DEFINITIONS

"Dangerous dog" shall mean any dog which displays or has a tendency, disposition, or propensity to bear its teeth or approach in a menacing manner a person or domestic animal which is not provoking, tormenting, abusing or assaulting the dog or attacks, chases, or bites a human or domestic animal in a menacing manner or attempts to do so.

- A. Notwithstanding the foregoing, a dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was sustained by a person who:
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. Who has in the past been observed or reported to have tormented or assaulted the dog;
 4. At the time was committing or attempting to commit a crime; or

- B. If the dog is trained dog assisting a police officer engaged in law enforcement duties.

"Vicious dog" shall mean any dog who according to the records of the Village (A) has killed or inflicted severe injury on a human being on public or private property; or (B) has killed a domestic animal without provocation while the dog was off the owner's property; or (C) has been previously determined to be a potentially dangerous dog by the Village in accordance with procedures established elsewhere in the article and the owner has received notice of such determination and such dog again bites, attacks, or endangers the safety of humans or domestic animals.

"Owner," in addition to the definition given the word elsewhere in this chapter, shall include a person temporarily in possession of the dog at the request of the owner of the dog.

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

(Ord. No. 184, 03/06/02)

SECTION 3-214: DANGEROUS OR VICIOUS DOG; NOTICE; PROCEDURE

A. A determination that a specific dog is a potentially dangerous or vicious dog shall be made by the enforcement officer who is authorized to enforce this section. The owner of the dog shall be given written notice of such determination. Such written notice shall inform the owner that if the dog again bites, attacks or endangers the safety of humans or domestic animals, the Village may determine the dog to be a dangerous dog and require it to be restrained as provided in this section.

B. The Village may in its discretion determine that any dog which satisfies the definition of a dangerous or vicious dog as defined elsewhere in this article or any dog which has been determined to be potentially dangerous and such dog again bites, attacks or endangers the safety of humans or domestic animals is a dangerous dog. Such determination shall be made by the enforcement officer who is authorized to enforce this section. The owner of the dog shall be given notice of such determination in writing, informing the owner:

1. That the dog has been determined to be dangerous or vicious;
2. That such dog is required to be restrained and confined as described in this article;
3. That if the owner disputes the identification of the dog as dangerous or vicious, he/she may submit a written request for a hearing with the Village Board within five working days after receipt of the written notification.

tion;

4. That if no such hearing is requested, the identification of the dog as a dangerous or vicious dog shall be final and not subject to further review.

C. The timely request for a hearing under this section shall stay the determination on the dog as a dangerous or vicious dog until a final decision is made by the Village Board at a hearing. The burden of going forward with the evidence shall be on the Village to demonstrate that the dog meets one of the criteria defined in this section. After such hearing, the Village Board shall have the authority to affirm, reverse or modify the identification of the dog as a dangerous dog. The failure of the owner to request such a hearing shall result in the dog being declared a dangerous dog.
(Ord. No. 184, 03/06/02)

SECTION 3-215: DANGEROUS OR VICIOUS DOG; RESTRAINT REQUIRED

It shall be unlawful for any person to keep within the village limits any dangerous or vicious dog unless such animal is confined indoors or in a securely enclosed and locked kennel or cage. No owner of a dangerous or vicious dog shall permit the dog to go beyond the property of the owner unless dog is restrained by a chain or leash.
(Ord. No. 184, 03/06/02)

SECTION 3-216: DANGEROUS OR VICIOUS DOG; CONFINEMENT REQUIRED; WARNING SIGNS

While unattended on the owner's property, a dangerous or vicious dog shall be securely confined in a humane manner indoors or in a securely enclosed and 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 imbedded into the ground a minimum of 2 feet. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post warning signs on all sides of the property where the dog is kept that are clearly visible and that inform persons that a dangerous dog is kept on the property.

SECTION 3-217: DANGEROUS OR VICIOUS DOG; LIABILITY INSURANCE

The owner of a dangerous or vicious dog shall present the village clerk or enforcement officer proof that the owner has procured liability insurance in the amount of at least \$100,000.00 covering any damage or injury which may be caused by a dangerous dog or a potentially dangerous dog. This policy shall include the Village of Palmer as an additional insured, with minimum limits of coverage of \$100,000.00, and shall have the effect of saving harmless and defending the Village and its officers, agents and employees from all suits, claims, demands or actions at law or in equity arising directly or indirectly as the result of injury to persons or damage to property occasioned by the maintenance of the dangerous dog or potentially dangerous dog by the owner. The policy shall contain a provision requiring the insurance company to

provide written notice to the village clerk or enforcement officer not less than 15 days prior to any cancellation, termination, or expiration of the policy.

SECTION 3-218: DANGEROUS OR VICIOUS DOG; PROHIBITED ACTS

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 attacks upon human beings or domestic animals or (B) possess with intent to sell, offer for sale, breed or buy or attempt to buy any dangerous dog or potentially dangerous dog within the Village.

SECTION 3-219: DANGEROUS OR VICIOUS DOG; CONFISCATION, DESTRUCTION OF DOG

Any vicious dog or dangerous dog may immediately be confiscated by any law enforcement officer or the Village's appointed animal control officer(s). The animal control officer(s) may immediately destroy the dangerous or vicious dog if it poses a threat of harm to said officer or any other person or property. The Village Board may order any vicious dog to be humanly destroyed after reasonable notice to the owner. (Ord. No. 184 03/06/02)

SECTION 3-220: PIT BULLS; PROHIBITED

It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell any pit bull within the Village. This prohibition shall not apply if the provisions of Section 3-222 (Exceptions) are complied with.

SECTION 3-221: PIT BULLS; DEFINITIONS

"Pit bulls" shall include any American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying similar physical traits or characteristics of any one or more of the above breeds or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

"Owner" is defined as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.

"Secure temporary enclosure" is defined as a secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a door for removal of the dog. Such enclosure must be of such material and such door closed and secured in such a manner that the pit bull cannot exit the enclosure on its own.

"Confined area" is defined as a secure enclosure located on the owner's premises, which includes a top and bottom permanently attached to the side except for a door for removal of the pit bull. Such enclosure must be of such material and such door closed and secured in such a manner that the pit bull cannot exit the enclosure on its

own.

SECTION 3-222: PIT BULLS; EXCEPTIONS

The prohibition herein shall not apply in the following enumerated circumstances. Failure by the owner to comply and remain in compliance with all of the terms of any applicable exception shall subject the pit bull to immediate impoundment and disposal pursuant to Section 3-227 and shall operate to prevent the owner from asserting such exception as a defense in any prosecution.

A. The owner of a pit bull who has applied for and received a dog license for such dog from the village office on or before the date of publication of the ordinance enacting this section, who has applied for and received a pit bull license in accordance with Section 3-223 and who maintains the pit bull at all times in compliance with the pit bull license requirements of said section and all other applicable requirements of this article may keep a pit bull within the Village.

B. The Village's municipal animal shelter may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this section.

C. Any humane society operating an animal shelter which is registered and licensed by the Village may temporarily hold any pit bull that it has received or otherwise recovered but only for so long as it takes to contact the Village's municipal animal shelter employees or to receive permission to destroy or have destroyed the pit bull pursuant to the provisions of Section 3-228 (Petitions).

D. A person may temporarily transport into and hold in the Village a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the animal control officer or village clerk, must obtain any other permits or licenses required by village ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the Village to and from the place of exhibition, contest, or show, keep the pit bull confined in a secure temporary enclosure as defined in Section 3-221.

E. Except as provided in subsection (D) above, the owner of a pit bull may temporarily transport a pit bull through the Village only if such owner has obtained a valid transport permit from the animal control officer or village clerk. Upon request, the village clerk or police officer shall issue such permit only upon a showing by the owner that the pit bull is being transported either from a point outside the Village to a destination outside the Village or from a point outside the Village to an airport, train station or bus station within the Village. In the latter case, such owner must provide evidence of an intent to send or take the pit bull outside of the Village by producing an airline, train or bus ticket or other equivalent document showing a departure time

within six hours of the time of the transport. At all times when the pit bull is being transported within the Village, it must be kept confined in a secure temporary enclosure as defined in Section 3-221. In all cases before issuing a transport permit, the village clerk or police officer must find that the transport would not constitute an unnecessary or undue danger to the public health, welfare or safety and shall not issue the permit when the village clerk or police officer cannot so find. All transport permits issued shall only be valid for the time, date and pit bull specified on the permit and shall not be construed to permit any activity otherwise prohibited.

SECTION 3-223: PIT BULLS; LICENSING

The owner of any pit bull which had been licensed by the Village on or before the date of publication of the ordinance enacting these pit bull provisions shall be allowed to keep such pit bull within the Village upon compliance with the terms of the exceptions contained in Section 3-222(A) only if the owner applied for and received an annual pit bull license on or before August 1, 1994. As a condition of issuance of a pit bull license, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the following regulations:

A. The owner of the pit bull shall, at his/her own expense, have the pit bull spayed or neutered and present to the village clerk and animal control officer documentary proof from a licensed veterinarian that this sterilization has been performed.

B. The owner of the pit bull shall provide proof of rabies vaccination.

C. The owner of the pit bull shall keep current the license for such pit bull through annual renewal. A pit bull license tag will be issued to the owner at the time of issuance of the license and the owner must be at least 21 years of age as of May 1, 1996. Such license tag shall be attached to the pit bull by means of a collar or harness and shall not be attached to any pit bull other than the pit bull for which the license was issued. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such licensee. If the pit bull license tag is lost or destroyed, a duplicate tag may be issued upon the payment of a fee set by resolution of the Village Board.

D. The owner shall present to the village clerk or police officer proof that the owner has procured liability insurance in the amount of at least \$100,000, covering any damage or injury which may be caused by a pit bull during the 12-month period covered by the pit bull license. This policy shall include the Village as an additional insured, with minimum limits of coverage of \$100,000, and shall have the effect of saving harmless and defending the Village and its officers, agents and employees from all suits, claims, demands or actions at law or in equity arising directly or indirectly as the result of injury to persons or damage to property occasioned by the maintenance of the pit bull by the owner. The policy shall contain a provision requiring the insurance company to provide written notice to the village clerk or police of-

ficer not less than 15 days prior to any cancellation, termination, or expiration of the policy.

E. The owner shall bring the pit bull to the village office, where a person authorized by the village clerk or police officer shall cause a registration number assigned by the Village to be tattooed or otherwise marked on the pit bull. The village clerk or police officer shall maintain a file containing the registration numbers and names of the pit bulls and the names and addresses of the owners. The owner shall notify the village clerk or police officer of any change of address.

SECTION 3-224: PIT BULLS; CONFINED OR LEASHED

At all times when a pit bull is on the property of the owner, he/she shall keep the pit bull confined, as that term is defined in Section 3-221. At all times when a pit bull is away from the property of the owner, the owner shall keep the dog either securely leashed and muzzled or in a secure temporary enclosure, as that term is defined in Section 3-221.

SECTION 3-225: PIT BULLS; SALE OR TRANSFER; PUPPIES

The owner shall not sell or otherwise transfer a pit bull to any person except a member of the owner's immediate family who will then become the owner and will be subject to all of the provisions of this section. The owner shall notify the village clerk or police officer within five days in the event that the pit bull is lost, stolen, dies, or has a litter. In the event of a litter, the owner must deliver the puppies to the Village for destruction or permanently remove the puppies from the village limits and provide sufficient evidence of such removal by the time the puppies are weaned; but in no event shall the owner be allowed to keep in the Village a pit bull puppy born after the date of publication of this ordinance and which is more than eight weeks old. Any pit bull puppies kept contrary to the provisions of this subdivision are subject to immediate impoundment and disposal pursuant to Section 3-227.

SECTION 3-226: PIT BULLS; SIGNS

The owner shall have posted at each possible entrance to the owner's property where the pit bull is kept a conspicuous and clearly legible sign, which must be at least 8 inches by 10 inches in dimension and shall contain only the words "PIT BULL DOGS" in lettering not less than 2 inches in height.

SECTION 3-227: PIT BULLS; IMPOUNDMENT

The animal control officer or village clerk is authorized to immediately impound any pit bull found in the Village which does not fall within the exceptions listed in Section 3-222 and the municipal animal shelter may house or dispose of such pit bull in such manner as the village clerk or police officer may deem appropriate, except as the pro-

cedures in Section 3-228 below otherwise require. Further provisions regarding impoundment shall be as stated in Section 3-233.

SECTION 3-228: PIT BULLS; PETITIONS

A. When the animal control officer or village clerk has impounded any pit bull dog pursuant to Section 3-227 above and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with the village clerk or police officer for a hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address of the petitioner, including mailing address. The village clerk or police officer will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten days prior to the date of the hearing. Where no written request from the owner for a hearing is received by the village clerk or police officer within five days of impoundment, the pit bull shall be destroyed.

B. The hearing, if any, will be held before the village clerk or police officer or a hearing officer designated by the village clerk or police officer. Any facts which the petitioner wishes to be considered shall be submitted under oath or affirmation either in writing or orally at the hearing. The petitioner shall bear the risk of non-persuasion. The village clerk or police officer or hearing officer shall make a final determination whether the dog is a pit bull as defined in Section 3-221.

C. If the dog is found to be a pit bull, it shall be destroyed unless the owner produces evidence deemed sufficient by the animal control officer or police officer that the pit bull is to be permanently taken out of the Village and the owner pays the cost of impoundment. If the dog is found not to be a pit bull, the dog shall be released to the owner. The procedures in this section shall not apply and the owner is not entitled to such a hearing with respect to any dog which was impounded as the immediate result of an attack or bite. In those instances, the dog shall be handled and the procedures governed by the provisions of Sections 4-213 through 4-219 in regard to dangerous dogs.

SECTION 3-229: PIT BULLS; PENALTIES

A. Any person who violates Sections 3-221 and 3-224 by allowing his/her dog to be at large shall upon conviction be assessed a fine set by the Village Board and any court costs established by the Merrick County Court.

B. Any person who violates Sections 3-221 and 3-224 by allowing his/her dog to be at large and whose dog is impounded before the owner recovers possession of the dog shall pay an impound fee and a per diem charge for each day or fraction thereof that the dog is impounded, as set by the Village Board, plus any court costs established by the Merrick County Court. Said fee will be paid through the Court.

C. Any person who violates Sections 3-221 and 3-224 by allowing his/her dog

to be at large and whose dog is impounded before the owner recovers possession of the dog shall pay a transportation fee to the Village, as set by resolution of the Village Board, plus any court costs established by Merrick County Court. Said fee will be paid through the Court.

D. Any person who violates Section 3-223 by failing to license his/her dog shall upon conviction be assessed a fine in the amount of twice the original license fee plus any court costs established by the Merrick County Court.

E. Any person who violates Section 3-223(D) by allowing his/her liability insurance covering his/her dog to lapse shall, upon conviction, be assessed a fine as set by resolution of the Village Board plus any court costs established by the Merrick County Court.

F. Any person who violates Section 3-226 by failing to keep his/her dog signs completely visible and in good repair shall upon conviction be assessed a fine as set by resolution of the Village Board plus any court costs established by Merrick County Court.

G. Any person who violates Section 3-224 by failing to keep a proper confined area for his/her dog shall upon conviction be assessed a fine as set by resolution of the Village Board plus any court costs established by Merrick County Court.

SECTION 3-230: RABIES; PROCLAMATION

It shall be the duty of the Village Board, whenever in its opinion the danger to the public safety from rabies is great or imminent, to issue a proclamation ordering all persons owning, keeping or harboring any dog or cat to confine the animal for a period of not less than 30 days or more than 90 days from the date of such proclamation or until such danger is past. Such dogs or cats 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 or cat to confine the same as herein provided.

SECTION 3-231: RABIES SUSPECTED; IMPOUNDMENT

Any dog, cat or other animal suspected of being afflicted with rabies or any dog or cat not vaccinated in accordance with the provisions set forth herein which has bitten any person or has caused an abrasion of the skin of any person shall be seized by a police officer or animal control officer of this village and shall be impounded under the supervision of a licensed veterinarian or public health authority for not less than ten days. If, upon examination by a veterinarian, the dog or other animal has no clinical signs of rabies at the end of such impoundment, it shall be released to the owner upon payment of the costs of said impoundment by said owner or, in the case of a stray, shall be disposed of in whatever manner deemed best by the animal control officer. (Neb. Rev. Stat. §71-4406) (Ord. No. 184, 03/06/02)

SECTION 3-232: RABID ANIMALS; CAPTURE IMPOSSIBLE

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

SECTION 3-233: IMPOUNDING; FEES, NOTICE

Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the village clerk and posted in public view in the downtown area of the Village within 24 hours after impoundment as public notification of such impoundment. If owners can be identified, they will be notified and may obtain the return of such dog or cat after payment for impoundment fees. Any impounded dog or cat will be kept no more than 72 hours. If unclaimed after 72 hours, the said dog or cat shall be humanely destroyed. (Ord. No. 184, 03/06/02)

SECTION 3-234: 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/her by the provisions of this article or to break open or in any manner directly or indirectly aid, counsel or advise the breaking open of the village animal shelter or any vehicle used for the collecting or conveying of dogs or cats to the shelter. (Neb. Rev. Stat. §28-906)

Article 3 – Animals Generally

SECTION 3-301: FOWLS; RUNNING AT LARGE PROHIBITED

No person owning or having the possession or control of any chickens, ducks, geese, turkeys, guineas, or other domestic fowl shall permit the same to run at large within the Village or pen, raise, breed, or keep the same at any street, avenue, park, public place or private grounds within the Village. All such animals found running at large within the Village or picketed, herded, pastured on any street, avenue, park, public place or private grounds are hereby declared a nuisance.

SECTION 3-302: ANIMALS; RUNNING AT LARGE PROHIBITED; EXCEPTION

A. No person owning or having the possession or control of any horse, mule, goat, sheep, hogs, or cattle shall permit the same to run at large within the Village or picket, herd, or pasture the same on any street, avenue, park, public place or private grounds within the Village. All such animals found running at large within the Village or picketed, herded, pastured on any street, avenue, park, public place or private grounds are hereby declared a nuisance.

B. This section shall not apply to domesticated potbellied pigs.

SECTION 3-303: IMPOUNDMENT; EXCEPTION

A. When any horses, mules, goats, sheep, hogs, or cattle running at large within the Village or picketed, herded or pastured on any street, avenue, park, private or public place in the Village, they shall be subject to being impounded. Any animal so impounded shall be delivered to the owner or person entitled to possession on payment by him/her of the fees and costs incurred to the date of the payment.

B. This section shall not apply to domesticated potbellied pigs.

SECTION 3-304: RELEASING IMPOUNDED ANIMALS

It shall be unlawful for any person to set at liberty any domestic animal or animals impounded in a lawful manner by any other person or the Village. (Neb. Rev. Stat. §28-520)

SECTION 3-305: LIVESTOCK SHELTERS AND PENS; UNLAWFUL

It shall hereafter be unlawful for any person within the corporate limits of the Village to lease, use or operate, erect, construct or cause to be constructed or allow to remain any building or premises now or hereafter erected or existing to be used to house or keep cattle, hogs, sheep, or to maintain an animal pen or feed lot. (Neb. Rev. Stat. §17-207, 17-208, 117-556, 17-567, 18-1720)

SECTION 3-306: ENCLOSURES; MAINTENANCE

All pens, cages, sheds, yards or any other area or enclosure 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 3-307: SLAUGHTERING OF ANIMALS; PROHIBITED; FISH OR GAME

It shall be unlawful for any person within the village limits to kill, slaughter or butcher any animal including but not limited to horses, mules, goats, sheep, hogs, cattle, chickens, domestic ducks, domestic geese, turkeys, guineas, and any other domestic fowl. Nothing in this section shall prohibit the cleaning and processing of fish or wild game taken in accordance with state game laws and regulations promulgated by the State Department of Game and Parks under which said fish or wild game was obtained. The cleaning and processing of fish and wild game shall not be done in such a manner as to create a nuisance. All byproducts and discarded materials from the cleaning and processing of fish or wild game shall be securely sealed in plastic bags or otherwise contained before being deposited in trash receptacles.

SECTION 3-308: WILD ANIMALS; PROHIBITED

It shall be unlawful for any person or persons to possess or keep any wild animals including but not limited to snakes, coyotes, raccoons, skunks, possums, and wolves. All such animals located within the limits of the Village are hereby declared to be a nuisance.

SECTION 3-309: 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 4 – Nuisances

SECTION 3-401: 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 described in Section 3-402. 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. Grass, leaves and worthless vegetation;
4. Offal and dead animals;
5. 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;
6. Any motor vehicle without a current license and not housed in storage or other building.
7. Any wood or tree limbs not cut and stacked in neat rows on an area not exceeding 10 feet by 16 feet.

SECTION 3-402: WEEDS OR GRASSES; PUBLIC NUISANCE

It is hereby declared to be a public nuisance to permit grasses to grow in excess of 12 inches or to permit weeds of any height to be grown 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 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 3-403: 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 Village.

SECTION 3-404: NOTICE OF NONCOMPLIANCE

It shall be the duty of every owner, occupant or lessee, of any lot or piece of ground

and the adjoining streets and alleys thereto in the Village to keep such real estate free of public nuisances as set forth herein. Upon determination by the Board of Trustees that said owner, occupant, or lessee has failed to keep such real estate free of public nuisances, the board shall thereupon cause notice to abate and remove such nuisance to be served upon the owner, occupant, or lessee or agent thereof by personal service or by certified mail. Such notice shall describe the condition as found by the board and state that said condition has been declared a public nuisance and must be remedied at once. Within 15 days after receipt of such notice, if the owner, occupant, or lessee of the real estate does not request a hearing with the Board of Trustees or fails to comply with the order to abate and remove the nuisance, the board 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 board may either (A) levy and assess the costs and expenses of the work upon the real estate so benefited in the same manner as other special taxes for improvements are levied and assessed or (B) recover in a civil action the costs and expenses of the work upon the real estate. (Ord. No. 171, 05/03/00)

SECTION 3-405: 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/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 ten business days' notice shall be a separate offense.

SECTION 3-406: 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 hereafter.

SECTION 3-407: 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 the County Health Department or a professional engineer appointed by the Village which are, after inspection, deemed to be in violation of any provision of the Health Department rules and regulations or which are structurally unsafe or unsound as found by the inspection of the professional engineer;

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

SECTION 3-408: 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 and at a cost less than the value of the building prior to the work, 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.

SECTION 3-409: 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 3-410: BUILDING INSPECTOR

To assist the Village Board, the members may appoint a special building inspector, a general building contractor, or professional engineer who shall:

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 3-411: DANGEROUS BUILDINGS; PROCEDURE

If the Village Board or its designated representative 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.

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 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.

D. Ten days after the notice has been delivered as set forth above, disconnect all utility service to the building.

SECTION 3-412: 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 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 file a complaint against such party for violation of this ordinance or 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 3-413: 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 to abate, 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 10 days of mailing of the notice. If written notice is received by the village clerk within 10 days, a hearing shall be held before the Village Board 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 Village Board shall be 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 Village regarding the inspection and notice. The Village Board need not make a written finding of fact and may make its pronouncement orally at the hearing. The decision of the Village Board shall be final unless appealed. Failure of the person to attend the hearing shall relieve the board of any further procedures before action is taken as set forth in a notice.

SECTION 3-414: APPEAL

Any person aggrieved by the decision of the Village Board may appeal the decision to the District Court of Merrick County. This appeal shall and must be taken within 30 days of the pronouncement of the board's decision. The record and evidence made before the Village Board shall become the record for purposes of appeal. All appeals

shall be made on the record and not a trial de novo.

SECTION 3-415: 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 Village Board 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, as a special assessment against the property upon which the building is situated.

Article 5 – Sexual Predators Residency Restrictions

(Ord. No. 213, 07/12/06; Am. by Ord. No. 240, 10/5/11)

SECTION 3-501: DEFINITIONS

For purposes of this ordinance:

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

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

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

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

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

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

SECTION 3-502: RESIDENCY RESTRICTIONS

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

SECTION 3-503: EXCEPTIONS

This ordinance shall not apply to a sexual predator who:

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

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

C. Established a residence after July 1, 2006, and the school or child care 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 6 – Penal Provision

SECTION 3-601: VIOLATION; PENALTY

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.