CITY OF KIMBALL, NEBRASKA

CODE OF ORDINANCES
## TABLE OF CONTENTS

**Chapter**

**TITLE I: GENERAL PROVISIONS**

11. City Standards

**TITLE III: ADMINISTRATION**

30. Elected Officials; Ordinances  
31. Appointed City Officials  
32. Departments, Boards, and Commissions  
33. General Provisions  
34. Elections  
35. Finance and Revenue

**TITLE V: PUBLIC WORKS**

50. General Provisions  
51. Water  
52. Sewers  
53. Electrical Department  
54. Garbage

**TITLE VII: TRAFFIC CODE**

70. General Provisions  
71. Traffic Regulations  
72. Bicycles, Snowmobiles, and All-Terrain Vehicles  
73. Parking Regulations  
74. Traffic Schedules  
75. Parking Schedules

**TITLE IX: GENERAL REGULATIONS**

90. Leisure and Recreation  
91. Cemetery  
92. Fire Regulations  
93. Health and Safety  
94. Public Ways and Property
TITLE IX: GENERAL REGULATIONS (Cont'd)

95. Animals
96. Tree Board; Trees
97. Fair Housing
98. Abandoned and Wrecked Vehicles

TITLE XI: BUSINESS REGULATIONS

110. Business Licensing
111. Alcoholic Beverages
112. Peddlers and Solicitors
113. Amusements
114. Lottery
115. Railroad Companies
116. Food Service

TITLE XIII: GENERAL OFFENSES

130. Property Offenses
131. Offenses Against Public Order
132. Offenses Against Public Justice and Administration
133. Offenses Against Public Health and Safety
134. Offenses Against Public Morals

TITLE XV: LAND USAGE

150. Building Regulations
151. Trailers and Trailer Courts
152. Signs and Billboards
153. Oil and Gas Wells
154. Zoning and Subdivision Regulations
155. Wellhead Protection
156. Floodplain Management
Table of Contents

PARALLEL REFERENCES

References to Nebraska Revised Statutes
  References to 1992 Code
  References to Ordinances

INDEX
TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

11. CITY STANDARDS
CHAPTER 10: GENERAL PROVISIONS

Section

10.01 Title of code
10.02 Interpretation
10.03 Application to future ordinances
10.04 Captions
10.05 Definitions
10.06 Rules of interpretation
10.07 Severability
10.08 Reference to other sections
10.09 Reference to offices
10.10 Errors and omissions
10.11 Official time
10.12 Reasonable time
10.13 Ordinances repealed
10.14 Ordinances unaffected
10.15 Repeal or modification of ordinance
10.16 Section histories; statutory references
10.17 Supplementation of code of ordinances
10.99 General penalty

§10.01 TITLE OF CODE.

This codification of ordinances by and for the City of Kimball, Nebraska, shall be designated as the Code of Kimball and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.
§10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§10.05 DEFINITIONS.

(A) General rule. Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) Definitions. For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY, MUNICIPAL CORPORATION, or MUNICIPALITY. The City of Kimball, Nebraska.

CITY COUNCIL, COUNCIL, or GOVERNING BODY. The legislative body of the City of Kimball, Nebraska.

CODE, THIS CODE, or THIS CODE OF ORDINANCES. This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Kimball County, Nebraska.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words SWEAR and SWORN shall be equivalent to the words AFFIRM and AFFIRMED.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

PERSON. Includes bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, and associations. (Neb. RS 49-801(16))
PRECEDING or FOLLOWING. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or SUBSCRIPTION. Includes a mark when the person cannot write.

STATE. The State of Nebraska.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have SUBCHAPTERS.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the Mayor and City Council or of the context of the same ordinance.

(A) AND or OR. Either conjunction shall include the other as if written, and/or, if the sense requires it.

(B) Acts by assistants. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(C) Gender; singular and plural; tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.
§10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state or federal laws, shall be the official time within this city for the transaction of all city business.

§10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is Sunday, it shall be excluded.

§10.13 ORDINANCES REPEALED.

This code contains all of the provisions of a general nature pertaining to the subjects enumerated and embraced in this code. All prior ordinances pertaining to the subjects treated by this code are repealed, except that nothing shall affect any rights acquired under, actions involving, or fines,
penalties, forfeitures, or liabilities incurred pursuant to those ordinances prior to repeal.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code, including ordinances specified in this section, shall remain in full force and effect unless repealed expressly or by necessary implication:

(A) Vacating or setting the boundaries of streets, alleys, or other public places;

(B) Annexing or detaching territory;

(C) Granting or accepting easements, plats, or dedication of land to public use;

(D) Providing for the acquisition or conveyance of real or personal property;

(E) Authorizing or directing public improvements to be made;

(F) Levying taxes or special assessments;

(G) Appropriating money;

(H) Granting franchises or special licenses; or

(I) Providing for the issuance of bonds or other instruments of indebtedness.

§10.15 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it to give effect thereto.

(B) No suit, proceedings, right, liability, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force, unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision is itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.
§10.16 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Am. Ord. 15, passed 1-1-1970; Am. Ord. 20, passed 1-1-1980; Am. Ord. 25, passed 1-1-1985)

(B) (1) A statutory cite included in the history indicates that the text of the section reads substantially the same as the statute. Example: (Neb. RS 17-100)

(2) A statutory cite set forth as a “statutory reference” following the text of the section indicates that the reader should refer to that statute for further information. Example:

§39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:
Inspection of public records, see Neb. RS 84-712 et seq.

(C) If a section of this code was derived from the previous code of ordinances of the city published in 1992, as subsequently amended, the 1992 code section number shall be indicated in the history by “(1992 Code, §__).”

§10.17 SUPPLEMENTATION OF CODE OF ORDINANCES.

(A) Discretion. When preparing a supplement to this municipal code, the codifier (that is, the person, agency, or organization authorized to prepare the supplement) may make formal nonsubstantive changes in ordinances and parts of ordinances included in the supplement as necessary to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate sections and divisions;

(2) Provide appropriate catchlines, headings, and titles for sections and other subdivisions of the ordinance printed in the supplement and make changes in such catchlines, headings, and titles;

(3) Assign appropriate numbers to sections and other divisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other division numbers;

(4) Change the words “this ordinance” or words of the same meaning to “this chapter” “this subchapter,” “this section,” and the like, as may be appropriate, or to “§__ through __” (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code);

(5) Insert appropriate section numbers in references to code sections such as “§__” or “§__ through __” which are not filled in prior to adoption of an ordinance;
General Provisions

(6) Correct the spelling of words, correct obvious typographical errors, correct erroneous division and hyphenation of words, capitalize or decapitalize words, and make other similar changes in accordance with accepted usage or for consistency with other provisions of the code;

(7) Change terminology for consistency with terminology used in other provisions of the code; and

(8) Make other nonsubstantive changes necessary to incorporate ordinance material into the code while preserving the original meaning of the ordinance sections.

(B) Prohibition. In no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code and not repealed by any ordinance.

§10.99 GENERAL PENALTY.

(A) Any person who violates any of the provisions of this municipal code, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding $500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this code.

(B) (1) Whenever a nuisance exists as defined in §93.15, the city may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

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

Statutory reference:
Authority to abate nuisances, see Neb. RS 18-1720 and 18-1722
Ordinance enforcement powers, see Neb. RS 17-505
CHAPTER 11: CITY STANDARDS

Section

11.01 Official corporate seal

§ 11.01 OFFICIAL CORPORATE SEAL.

(A) There shall be owned by the city and kept in the office the City Clerk a common seal of the corporation having engraved thereon the words “City of Kimball, Nebraska.”

(B) The City Clerk shall affix an impression of the official seal to all warrants, licenses, ordinances, and other papers issued by order of the Mayor and City Council to be signed by the Mayor and countersigned by the Clerk.

(1992 Code, §1-401)
TITLE III: ADMINISTRATION

Chapter

30. ELECTED OFFICIALS; ORDINANCES
31. APPOINTED CITY OFFICIALS
32. DEPARTMENTS, BOARDS, AND COMMISSIONS
33. GENERAL PROVISIONS
34. ELECTIONS
35. FINANCE AND REVENUE
CHAPTER 30: ELECTED OFFICIALS; ORDINANCES

Section

Mayor

30.01 Election; qualifications; term
30.02 Powers and duties
30.03 Vacancy

City Council

30.15 Election; qualifications; terms
30.16 President; Acting President
30.17 Standing committees
30.18 Vacancy; general provisions
30.19 Vacancy due to unexcused absences
30.31 Council; organizational meeting

Ordinances, Resolutions, and Motions

30.45 Grant of power
30.46 Introduction of ordinances
30.47 Procedure for resolutions and motions
30.48 Ordinances; style, title
30.49 Reading and passage of ordinances, resolutions, orders, bylaws
30.50 Publication or posting
30.51 Certificate of publication or posting
30.52 Effective date; emergency ordinances
30.53 Amendments and revisions
Elected Officials; Ordinances

MAYOR

§ 30.01 ELECTION; QUALIFICATIONS; TERM.

(A) The Mayor shall be elected as provided in the Election Act. The Mayor shall take office on the date of the first regular meeting of the City Council held in December following the statewide general election. The Mayor shall be a resident and registered voter of the city.  
(Neb. RS 17-107)

(B) The Mayor shall serve for a term of 4 years or until his or her successor is elected and qualified. 
(Neb. RS 32-533)  
(1992 Code, §1-101)

§ 30.02 POWERS AND DUTIES.

(A) The Mayor shall preside at all meetings of the City Council, and may vote when his or her vote shall be decisive and the Council is equally divided on any pending matter, legislation, or transaction, and the mayor shall, for the purpose of such vote, be deemed to be a member of the Council. He or she shall have superintendence and control of all the officers and affairs of the city, and shall take care that the ordinances of the city and all laws governing the city are complied with.  
(Neb. RS 17-110)

(B) The Mayor shall have the power to veto or sign any ordinance passed by the City Council. Any ordinance vetoed by the Mayor may be passed over the veto by a vote of two-thirds of the members of the Council. If the Mayor neglects or refuses to sign any ordinance, and return the same with his or her objections in writing at the next regular meeting of the Council, the same shall become a law without his or her signature.  
(Neb. RS 17-111)

(C) The Mayor shall, from time to time, communicate to the City Council such information and recommend such measures as, in his or her opinion, may tend to the improvement of the finances, the police, health, security, ornament, comfort, and general prosperity of the city.  
(Neb. RS 17-112)

(D) The Mayor shall have the power, when he or she deems it necessary, to require any officer of the city to exhibit his or her accounts or other papers, and to make reports to the Council, in writing, touching any subject or matter pertaining to his or her office.  
(Neb. RS 17-113)
(E) The Mayor shall have such jurisdiction as may be vested in him or her by ordinance, over all places within 5 miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him or her by ordinance, excepting taxation, within 2 mile of the corporate limits of the city.
(Neb. RS 17-114)

(F) The Mayor shall have the power to remit fines and forfeitures, and to grant reprieves and pardons for all offenses arising under the ordinances of the city.
(Neb. RS 17-117)

(G) The Mayor shall hold no other elective or appointive office or employment with the city.

(H) The Mayor shall sign the City Clerk's minutes of all meetings of the City Council, and he or she shall sign all resolutions that have been passed and warrants for the payment of money when ordered by the Council.

(I) The Mayor shall have such other duties as are reposed in the Mayor by the laws of the State of Nebraska or as the Council may by resolution confer upon the Mayor.

Statutory reference:
Restrictions on holding other office or employment, see Neb. RS 17-108.02, 32-109, 32-603, and 32-604

§ 30.03 VACANCY.

(A) The office of Mayor shall be vacant upon the happening of any of the events specified in Neb. RS 32-560 except as provided in Neb. RS 32-561.

(B) (1) In case of any vacancy in the office of Mayor, or in case of his or her disability or absence, the President of the City Council shall exercise the office of Mayor for the unexpired term, until such disability is removed, or in case of temporary absence, until the Mayor returns.
(Neb. RS 32-568)

(2) If the President of the Council assumes the office of Mayor for the unexpired term, there shall be a vacancy on the Council.
(Neb. RS 17-107, 32-568)
(1992 Code, §1-106)

Statutory reference:
Additional and similar provisions, see Neb. RS 32-560 through 32-572
Ineligibility of person subjected to recall, see Neb. RS 32-1308
§30.15 ELECTION; QUALIFICATIONS; TERMS.

(A) The City Council shall consist of not less than 4 nor more than 12 residents of the city who are registered voters.
(Neb. RS 17-103)

(B) All Council members shall be nominated and elected on a nonpartisan ballot unless the city provides for a partisan ballot by ordinance.
(Neb. RS 32-557)

(C) If members of the Council are not elected at large:

(1) The city shall be divided into not less than 2 nor more than 6 wards, as may be provided by ordinance of the City Council, and each ward shall contain, as nearly as practicable, an equal portion of the population;
(Neb. RS 17-102)

(2) Each ward of the city shall have at least 2 Council members elected in the manner provided in the Election Act. No person shall be eligible to the office of Council member who is not at the time of the election an actual resident of the ward for which he or she is elected and a registered voter; and
(Neb. RS 17-104)

(3) Such wards shall be substantially equal in population as determined by the most recent federal decennial census.
(Neb. RS 32-553)

(D) The term of office shall begin on the first regular meeting of the Council in December following the statewide general election.
(Neb. RS 17-104)

(E) Members of the Council shall serve for terms of 4 years or until their successors are elected and qualified.
(Neb. RS 32-533)
(1992 Code, §1-103)

Statutory reference:
Restrictions on holding other office or employment, see Neb. RS 17-108.02, 32-109, 32-603, 32-604

Election Act, see Neb. RS 32-101
Other requirements for wards, see Neb. RS 32-552 and 32-553
Ability to elect council members at large or by ward, see Neb. RS 32-554
§30.16 PRESIDENT; ACTING PRESIDENT.

(A) The City Council shall elect one of its own body who shall be styled the President of the Council and who shall preside at all meetings of the Council in the absence of the Mayor.

(B) In the absence of the President, the Council shall elect one of its own body to occupy his or her place temporarily, who shall be styled Acting President of the Council.

(C) The President, and Acting President, when occupying the place of the Mayor, shall have the same privileges as other members of the Council; and all acts of the President or Acting President, while so acting, shall be as binding upon the Council and upon the city as if done by the Mayor.


§ 30.17 STANDING COMMITTEES.

At the organizational meeting of the City Council, the Mayor shall appoint members of such standing committees as the Council may create by ordinance or resolution. The membership of such standing committees may be changed at any time by the Mayor. The Mayor shall be an ex officio member of each standing committee. The members of the standing committees shall serve a term of office of one year, unless reappointed.

§30.18 VACANCY; GENERAL PROVISIONS.

(A) The office of member of the City Council shall be vacant upon the happening of any of the events specified in Neb. RS 32-560 except as provided in Neb. RS 32-561.

(B) Any vacancy on the City Council shall be filled as provided in division (C) of this section.

(Neb. RS 32-568)

(C) (1) (a) Except as otherwise provided in division (C)(2) or (3) or §30.03, vacancies in city elective offices shall be filled by the Mayor and Council for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Council at a regular or special meeting and shall appear as a part of the minutes of such meeting. The Council shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the city or by posting in 3 public places in the city the office vacated and the length of the unexpired term.

(b) The Mayor shall call a special meeting of the Council or place the issue of filling such vacancy on the agenda at the next regular meeting at which time the Mayor shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur upon the death of the incumbent or within 4 weeks after the meeting at which such notice of vacancy has been presented. The Council shall vote upon the nominee, and if a majority votes in favor of the nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the Mayor shall, at the next regular
or special meeting, submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the Mayor shall continue at that meeting to submit the names of qualified registered voters in nomination and the Council shall continue to vote upon the nominations at such meeting until the vacancy is filled. The Mayor shall cast his or her vote for or against the nominee in case of a tie vote of the Council. All Council members present shall cast a ballot for or against the nominee. Any member of the Council who has been appointed to fill a vacancy on the Council shall have the same rights, including voting, as if that person were elected.

(2) The Mayor and Council may, in lieu of filling a vacancy in a city elected office as provided in division (C)(1), call a special city election to fill such vacancy.

(3) If vacancies exist in the offices of a majority of the members of the City Council, the Secretary of State shall conduct a special city election to fill such vacancies. (Neb. RS 32-569)

(1992 Code, §1-105)

Statutory reference:
Additional and similar provisions, see Neb. RS 32-560 through 32-572
Ineligibility of person subjected to recall, see Neb. RS 32-1308

§30.19 VACANCY DUE TO UNEXCUSED ABSENCES.

(A) In addition to the events listed in Neb. RS 32-560 and any other reasons for a vacancy provided by law, after notice and a hearing, a vacancy on the City Council shall exist if a member is absent from more than 5 consecutive regular meetings of the Council unless the absences are excused by a majority vote of the remaining members. (Neb. RS 19-3101)

(B) The City Council shall take a vote on whether to excuse a member's absence from a meeting upon either:

(1) A written request from the member submitted to the City Clerk; or

(2) A motion of any other Councilmember.

(C) If a Councilmember has been absent from 6 consecutive regular meetings and none of the absences have been excused by a majority vote of the remaining members, the City Clerk shall include this as an item on the agenda for the next regular meeting. At that meeting, the Council shall set a date for a hearing and direct the City Clerk to give the member notice of the hearing by personal service or first class mail to the member's last known address.

(D) At the hearing, the Councilmember shall have the right to present information on why 1 or more of the absences should be excused. If the Council does not excuse 1 or more of the member's absences by a majority vote at the conclusion of the hearing, there shall be a vacancy on the Council.
§ 30.20  COUNCIL; ORGANIZATIONAL MEETING.

The elected Council shall convene at the regular place of meeting in the city on the first regular meeting in December of each year in which a municipal election is held immediately after the prior Council adjourns and proceed to organize themselves for the ensuing year. The Mayor elected for the new municipal year shall call the meeting to order. The Council shall then proceed to examine the credentials of the members and other elected officials of the city to see that each has been duly and properly elected, and to see that such oaths and bonds has been given as are required. After ascertaining that all members are duly qualified, the Council shall then elect one of its own body who shall be styled as President of the Council. The Mayor shall then nominate his or her candidates for appointed offices. The Mayor shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Council, or his or her successor in office, and of each official elected to any office, to qualify prior to the first regular meeting in December following their election. All appointed officials shall qualify within 2 weeks following their appointment. Qualification for each official who is not required to give bond shall consist in his or her subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska, the laws of the municipality, and to perform faithfully and impartially the duties of their office, the oath to be filed with the office of the City Clerk. Each official who is required to give a bond shall file the required bond in the office of the City Clerk with sufficient sureties, conditioned on the faithful discharge of the duties of their office, with the oath endorsed thereon.


Cross-reference:
Councilmembers elected at large, see §34.07
Wards; polling places, see §34.08

Statutory reference:
Councilmember qualifications, see Neb. RS 17-104

ORDINANCES, RESOLUTIONS, AND MOTIONS

§30.45  GRANT OF POWER.

In addition to its special powers, the city shall have the power to make all ordinances, bylaws, rules, regulations, and resolutions, not inconsistent with the laws of the state, as may be expedient for maintaining the peace, good government, and welfare of the city and its trade, commerce, and manufactories, and to enforce all ordinances by inflicting fines or penalties for the breach thereof, not exceeding $500 for any one offense, recoverable with costs.


Statutory reference:
Adoption of standard codes, see Neb. RS 18-132 and 19-922
Prosecution in county court, see Neb. RS 25-2703
§30.46  INTRODUCTION OF ORDINANCES.

Unless the City Council provides otherwise, ordinances shall be introduced by members of the City Council in 1 of the following ways:

(A) With the recognition of the Mayor, a member may, in the presence and hearing of a majority of the members elected to the City Council, read aloud the substance of the proposed ordinance and file a copy with the City Clerk for future consideration; or

(B) With the recognition of the Mayor, a member may present the proposed ordinance to the Clerk, who, in the presence and hearing of a majority of the members elected to the City Council, shall read aloud the substance of the ordinance and file it for future consideration.

(Ord 539, passed 3-17-1998)

§30.47  PROCEDURE FOR RESOLUTIONS AND MOTIONS.

Unless the City Council provides otherwise, resolutions and motions shall be introduced in 1 of the methods prescribed in §30.46 for the introduction of ordinances. The issue raised by the resolution or motion shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the City Council. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote.

§30.48  ORDINANCES; STYLE, TITLE.

(A) Style. The style of all city ordinances shall be: “Be it ordained by the Mayor and Council of the City of __________, Nebraska:"

(Neb. RS 17-613) (1992 Code, §1-602)

(B) Title. No ordinance shall contain a subject which is not clearly expressed in the title.

(Neb. RS 17-614) (1992 Code, §1-603)

§30.49  READING AND PASSAGE OF ORDINANCES, RESOLUTIONS, ORDERS, BYLAWS.

(A) All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the City Council. Ordinances of a general or permanent nature shall be read by title on 3 different days unless 3/4 of the City Council vote to suspend this requirement, except that this requirement shall not be suspended for any ordinance for the annexation of territory. In case this requirement is suspended, the ordinance shall be read by title and then moved for final passage. Three-fourths of the City Council may require a reading of any such ordinance in full before enactment under either procedure set out in this section.

(Neb. RS 17-614)
(B) On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract by the City Council, the yeas and nays shall be called and recorded. To pass or adopt any bylaw, ordinance, or any such resolution or order, a concurrence of a majority of the whole number of members elected to the City Council shall be required. All appointments of the officers by the City Council shall be made viva voce, and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment, shall be recorded. The requirements of a roll call or viva voce vote shall be satisfied by a city which utilizes an electronic voting device which allows the yeas and nays of each member of the City Council to be readily seen by the public.
(Neb. RS 17-616)

§30.50 PUBLICATION OR POSTING.

All ordinances of a general nature shall, before they take effect, be published 1 time, within 15 days after they are passed:

(A) In some newspaper published in the city or, if no paper is published in the city, then by posting a written or printed copy in each of 3 public places in the city; or

(B) In book or pamphlet form.

Statutory reference:
Additional provisions, see Neb. RS 18-131

§30.51 CERTIFICATE OF PUBLICATION OR POSTING.

The passage, approval, and publication or posting of an ordinance shall be sufficiently proved by a certificate under the seal of the city from the City Clerk showing that the ordinance was passed and approved, and when and in what paper the ordinance was published, or when and by whom and where the ordinance was posted.
(Neb. RS 17-613) (1992 Code, §1-606)

Statutory reference:
Passage; rules and regulations, see Neb. RS 17-615

§30.52 EFFECTIVE DATE; EMERGENCY ORDINANCES.

(A) Except as provided in §30.50 and division (B) of this section, an ordinance for the government of the city which has been adopted by the City Council without submission to the voters of the city shall not go into effect until 15 days after the passage of the ordinance.
(Neb. RS 19-3701)
(B) In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or any other emergency requiring its immediate operation, an ordinance shall take effect upon the proclamation of the Mayor and the posting thereof in at least 3 of the most public places in the city. The emergency ordinance shall recite the emergency, be passed by a 3/4 vote of the City Council, and be entered of record on the City Clerk’s minutes.

(Neb. RS 17-613)

§30.53 AMENDMENTS AND REVISIONS.

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended and the ordinance or section so amended is repealed, except that an ordinance revising all the ordinances of the city and modifications to zoning or building districts may be adopted as otherwise provided by law.


Statutory reference:

Modifications to zoning or building districts, see Neb. RS 19-915
Ordinances revising all the ordinances of the city, see Neb. RS 17-614
CHAPTER 31: APPOINTED CITY OFFICIALS

Section

31.01 Appointment; removal
31.02 Merger of offices
31.03 City Administrator
31.04 Merger of City Administrator with other offices
31.05 Clerk/Treasurer position created
31.06 City Clerk
31.07 City Treasurer
31.08 City Attorney
31.09 Police Chief
31.10 City police officers
31.11 City Fire Chief
31.12 City Engineer; Special Engineer
31.13 City Physician
31.14 City Street Superintendent
31.15 City Water and Wastewater Superintendent
31.16 Electric System Distribution Superintendent
31.17 Building/Zoning Inspector

§31.01 APPOINTMENT; REMOVAL.

(A) The Mayor, by and with the consent of the City Council, may appoint such officials as shall be required by ordinance or otherwise required by law. The officials may be removed from office by the Mayor. The Mayor, by and with the consent of the City Council, shall appoint: City Administrator, City Clerk, City Engineer, City Treasurer, City Attorney, Police Chief, regular police officers, City Physician and such other officials as may be necessary. The officials, except regular police officers, appointed by the Mayor and confirmed by the City Council, shall hold office for one year unless sooner removed.

(B) The Mayor, by and with the consent of Council, shall appoint such a number of regular police officers as may be necessary, including the Police Chief. All police officers and Police Chief appointed by the Mayor and Council may be removed, demoted or suspended at any time by the Mayor. A police officer, including the Chief of Police, may appeal to the City Council such removal, demotion or suspension with our without pay. After a hearing, the City Council may uphold, reverse or modify the action.

(C) The following rules and regulations governing the removal, demotion or suspension with or
without pay of any police officer, including the Police Chief are adopted. Removal, demotion or suspension action may be taken against any police officer, including the Chief of Police, upon the written accusation of the Mayor, any citizen or taxpayer or the Police Chief. The police officer or Police Chief shall be given notice of the written accusation within 5 days of its receipt. The Police Chief or police officer shall have the right to have an attorney or representative retained by the police officer or Police Chief present with him or her at all hearings or proceedings regarding the written accusation. The Police Chief, police officer and any individual imposing the action, or their respective attorneys or representatives shall have the right to record all the hearings of the proceeding regarding the written accusation. The hearing shall be conducted informally.

(D) After any action taken to remove, demote or suspend a Police Chief or police officer following a written accusation, the police officer or Police Chief may appeal the action, by written appeal filed within 5 days from the date the action is taken. The written appeal shall be delivered to the City Administrator within that time limit.

(E) In the event a written appeal is received by the City Administrator within 5 days from the date the action is taken, an informal hearing at the City Council’s next regularly scheduled meeting, or at a special meeting called for that purpose, shall be held. The police officer, Police Chief, and the individual imposing the action, or their respective attorneys or representatives, shall have the right at the hearing to be heard and to present evidence to the City Council for its consideration. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse or modify the action. The failure of the City Council to act within 30 days or the failure of a majority of the elected Council members to vote to reverse or modify the action shall be construed a vote to uphold the action. The decision of the City Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the action was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the statutes of the State of Nebraska.

(F) Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of a police officer or Police Chief by the appropriate authority pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or of disobedience of orders.

(G) This section does not apply to a police officer or a Police Chief during his or her probationary period.


Statutory reference:
- Appointments generally, see Neb. RS 17-107
- Law enforcement reserve force, see Neb. RS 81-1438
- Water Commissioner, see Neb. RS 17-541
§31.02 MERGER OF OFFICES.

(A) The City Council may at its discretion by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except Mayor and Councilmember, with any other elective or appointive office or employment so that 1 or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time.

(B) The offices or employments so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only.

(C) The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined.

(D) For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers.
(Neb. RS 17-108.02) (1992 Code, §1-202)
Cross-reference:
For local provisions regarding particular merged offices, see Title XVII

§31.03 CITY ADMINISTRATOR.

(A) The City Administrator shall be appointed by the Mayor by and with the consent of a majority of the City Council. He or she shall be the administrative head of the city government under the direction and control of the Mayor and City Council and shall be responsible to the Mayor and City Council for the efficient conduct of his or her office.

(B) The duties of the City Administrator shall be as follows:

(1) He or she shall make and keep up to date an inventory of all property, real and personal, owned by the city;

(2) He or she shall act as purchasing agent for the purchase of all supplies, goods, wares and merchandise, equipment, and material which may be required for the various departments, divisions, or services of the city;

(3) He or she shall keep the Mayor and Council fully advised as to the financial conditions and needs of the city and shall be responsible for and prepare the annual estimate of expenditures for presentation to the Mayor and Council prior to the passage of the annual appropriation ordinance;
Appointed City Officials

(4) He or she shall serve as public relations officer of the city government, and in that capacity shall endeavor to investigate and adjust all complaints filed against any employee, department, division, or service thereof and cooperate with all community organizations whose aim and purpose is to advance the best interests of the city and its people and to attend meetings of those organizations if in the judgment of the Administrator that attendance is necessary and desirable;

(5) He or she shall attend all meetings of the Council with the duty of reporting any matter concerning city affairs under his or her supervision or direction and shall attend such other meetings of the city departments and officials as his or her duties may require;

(6) He or she shall analyze the functions, duties, and activities of the various departments, divisions, and services of the city government and of all employees thereof, and shall make his or her recommendations regarding the same to the Mayor and Council;

(7) He or she shall carry out the Mayor and Council’s recommendations in coordinating the administrative functions and operations of the various departments;

(8) He or she shall procure facts and submit long-range improvements to the Mayor and Council;

(9) The City Administrator, with approval of the Mayor, may appoint and dismiss department heads and all subordinate employees of the city, as well as provide for the transfer of such employees from one department to another;

(10) He or she shall administer and be responsible for all departments and divisions of the city government which are under the Mayor’s and Council’s direction, including the Board of Public Works and any public utilities hereafter acquired by the city, and including Fire and Police Departments. The office of the City Attorney and City Physician shall not come under the administration and responsibility of the City Administrator; the Administrator, however, shall be available to assist these offices in any administrative matter that may arise, and those officers in turn shall be available to assist the City Administrator in the discharge of his or her duties;

(11) He or she shall recommend to the Mayor and Council for adoption such measures and ordinances as are deemed necessary or expedient;

(12) He or she shall prepare and recommend to the Compensation Committee a classification and compensation plan;

(13) He or she shall make investigations into the affairs of the city and any department or division thereof, and any contract, or the proper performance of any obligation pertaining to the city;

(14) He or she shall exercise general supervision over all public buildings, streets, and other public property which are under the control and jurisdiction of the Mayor and Council;

(15) He or she shall prepare and submit to the Mayor and Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year;
(16) He or she shall keep the insurable property of the city appropriately insured;

(17) He or she shall serve in any appointed office or head of department within the city government if the need arises and when appointed thereto by the Mayor and Council, and shall hold and perform the duties thereof at the pleasure of the Mayor and Council;

(18) The City Administrator shall have the duty to keep open his or her office for public affairs during days and hours set by the Mayor and Council; and

(19) He or she shall perform those other duties and exercise those other powers as may be delegated to him or her from time to time by ordinances or resolutions of the Mayor and Council.

(C) The salary of the City Administrator shall be fixed by resolution of the Council, payable monthly.

(D) The City Administrator, in the discharge of his or her duties, shall have the right to expend an amount not to exceed the limits set forth in the applicable state law, pertaining to cities of the second class, entering into contracts for municipal work and improvements or purchase of equipment without advertising for bids and within that dollar limitation to make any contract on behalf of the municipality for general purchases, maintenance, and improvements; the expenditure limitations herein to apply to all departments of the city.

(E) The City Administrator may be removed by a vote of a majority of all the members of the Council with the approval of the Mayor.

(1992 Code, §1-205)

§31.04 MERGER OF CITY ADMINISTRATOR WITH OTHER OFFICES.

The appointed offices of City Administrator, Public Works Director, Street Superintendent, Electric System Distribution Superintendent, Zoning Administrator, and City Engineer are hereby combined and merged.

(1992 Code, §1-207)

§31.05 CLERK/TREASURER POSITION CREATED.

The appointive offices of City Clerk and City Treasurer are hereby combined and merged, in accordance with the authority granted to the City Council by §31.02.

(1992 Code, §1-206)
§31.06 CITY CLERK.

(A) (1) The City Clerk shall have the custody of all laws and ordinances and shall keep a correct journal of the proceedings of the City Council, provided that after the period of time specified by the State Records Administrator pursuant to Neb. RS 84-1201 to 84-1220, the Clerk may transfer the journal of the proceedings of the City Council to the State Archives of the Nebraska State Historical Society for permanent preservation.

(2) The Clerk shall also keep a record of all outstanding bonds against the city, showing the number and amount of each, for and to whom the bonds were issued, and when any bonds are purchased or paid or canceled, the record shall show the fact. In his or her annual report, the Clerk shall describe particularly the bonds issued and sold during the year and the terms of sale, with every item of expense thereof.

(3) The Clerk shall also perform such other duties as may be required by the ordinances of the city.

(Neb. RS 17-605)

(B) (1) It shall be the duty of the Clerk to prepare and publish the official proceedings of the City Council within 30 days after any meeting of the Council. The publication shall be in a newspaper of general circulation in the city, shall set forth a statement of the proceedings of the meeting, and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for the publication shall not exceed the rates provided for in Neb. RS 23-122.

(Neb. RS 19-1102)

(2) Publication under division (B)(1) shall be made in one legal newspaper of general circulation in the city. If no legal newspaper is published in the city, then the publication shall be made in one legal newspaper published or of general circulation within the county in which the city is located. The cost of publication shall be paid out of the general funds of the city.

(Neb. RS 19-1103)

(C) The Clerk shall dispose of or destroy city public records when the records have been determined to be of no further legal, administrative, fiscal, or historical value by the State Records Administrator pursuant to Neb. RS 84-1201 through 84-1220, provided the provisions of this division shall not apply to the minutes of the Clerk and the permanent ordinance and resolution books, or any other record classified as permanent by the State Records Administrator.

(Neb. RS 18-1701)

(D) (1) The Clerk shall permit any person to examine and copy the public records in the Clerk's custody, and may charge a fee for providing copies of a public record, as provided in Neb. RS 84-712 through 84-712.09.

(2) The Clerk may charge a reasonable fee for certified copies of any record in his or her
office as set by resolution of the City Council.

(E) The Clerk shall permit no records, public papers, or other documents of the city kept and preserved in his or her office to be taken therefrom, except by such officers of the city as may be entitled to the use of the same, but only upon their leaving a receipt therefor, and except pursuant to Neb. RS 84-712(2). He or she shall keep all the records of his or her office, including a record of all licenses issued by him or her, in a blank book with a proper index. He or she shall include as part of his or her records all petitions under which the City Council shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. Included in his or her records shall be all standard codes, amendments thereto, and other documents incorporated by reference. He or she shall keep an accurate and complete account of the appropriation of the several funds and draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he or she shall then make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon.

(F) The Clerk shall deliver all warrants, ordinances, and resolutions under his or her charge to the Mayor for his or her signature. He or she shall also deliver to officers, employees, and committees all resolutions and communications which are directed at such officers, employees, or committees. With the seal of the city, he or she shall duly attest the Mayor's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the City Council.

(G) The Clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the city ordinances. He or she shall collect all occupation taxes and license money, except where some other city officer is specifically charged with that duty. He or she shall keep a register of all licenses granted in the city and the purpose for which they have been issued.

(H) The Clerk shall keep in a book with a proper index, copies of all notices required to be published or posted by the Clerk by order of the City Council or under the ordinances of the city. To each of the file copies of the notices shall be attached the printer's affidavit of publication, if the notices are required to be published, or the Clerk’s certificate under seal where the same are required to be posted only.

(I) The Clerk shall receive all objections to creation of paving districts and other street improvements. He or she shall receive the claims of any person against the city, and in the event that the claim is disallowed in part or in whole, the Clerk shall notify the claimant or his or her agent or attorney by letter within 5 days after the disallowance, and the Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases. (1992 Code, §1-203) (Am. Ord. 471, passed 12-7-1993)
§31.07 CITY TREASURER.

(A) The City Treasurer shall be the custodian of all money belonging to the city. He or she shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He or she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. He or she shall also file copies of such receipts with his or her monthly reports. The Treasurer shall, at the end of every month, and as often as may be required, render an account to the City Council, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. He or she shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with any and all vouchers held by him or her, shall be filed with his or her account in the City Clerk's office. If the Treasurer fails to render his or her account within 20 days after the end of the month, or by a later date established by the City Council, the Mayor may use this failure as cause to remove the Treasurer from office.

(Neb. RS 17-606)

(B) (1) The Treasurer shall prepare and publish annually within 60 days following the close of the city fiscal year a statement of the receipts and expenditures by funds of the city for the preceding fiscal year.

(Neb. RS 19-1101)

(2) Publication shall be made in 1 legal newspaper of general circulation in the city. If no legal newspaper is published in the city, then such publication shall be made in 1 legal newspaper published or of general circulation within the county in which the city is located.

(Neb. RS 19-1103)

(C) (1) All warrants upon the Treasurer shall be paid in the order of their presentation therefor and as otherwise provided in Neb. RS 77-2201 through 77-2215.

(Neb. RS 77-2201)

(2) The Treasurer shall keep a warrant register, which register shall show in columns arranged for that purpose the number, the date, and the amount of each warrant presented and registered, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the warrant is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when notice to the person in whose name such warrant is registered is mailed.

(Neb. RS 77-2202)

(3) The Treasurer shall make duplicate receipts for all sums which shall be paid into his or her office, which receipts shall show the source from which such funds are derived, and shall, by distinct lines and columns, show the amount received to the credit of each separate fund, and whether the same was paid in cash, in warrants, or otherwise. The Treasurer shall deliver one of the duplicates to the person making the payment and retain the other in his or her office.

(Neb. RS 77-2209)

(4) The Treasurer shall daily, as money is received, foot the several columns of the cash book
and of the register, and carry the amounts forward, and at the close of each year, in case the amount of
money received by the Treasurer is insufficient to pay the warrants registered, he or she shall close the
account for that year in the register and shall carry forward the excess.
(Neb. RS. 77-2210)

(5) The cash book, register, and retained receipts of the Treasurer shall at all times be open to
the inspection of any person in whose name any warrants are registered and unpaid.
(Neb. RS 77-2212)

(D) The Treasurer shall permit any person to examine and copy the public records in the
Treasurer's custody, and may charge a fee for providing copies of a public record, as provided in Neb.
RS 84-712 through 84-712.09.

(E) The Treasurer shall keep all money belonging to the city separate and distinct from his or her
own money. He or she shall cancel all bonds, coupons, warrants, and other evidences of debt against
the city, whenever paid by him or her, by writing or stamping on the face thereof, "Paid by the City
Treasurer," with the date of payment written or stamped thereon. He or she shall collect all special
taxes, allocate special assessments to the several owners, and obtain from the County Treasurer a
monthly report as to the collection of delinquent taxes.
(1992 Code, §1-204, 1-208, and 1-209)

§31.08 CITY ATTORNEY.

(A) The City Attorney shall be the legal advisor of the City Council. He or she shall commence,
prosecute, and defend all suits and actions necessary to be commenced, prosecuted, or defended on
behalf of the city, or that may be ordered by the Council. When requested, he or she shall attend
meetings of the Council and give them his or her opinion upon any matters submitted to him or her,
either orally or in writing, as may be required. He or she shall draft or review for legal correctness
ordinances, contracts, franchises, and other instruments as may be required, and he or she shall perform
such other duties as may be imposed upon him or her by general law or ordinance. The Council shall
have the right to pay the City Attorney compensation for legal services performed by him or her for it
on such terms as the Council and Attorney may agree, and to employ additional legal assistance and to
pay for such legal assistance out of the funds of the city.
(Neb. RS 17-610)

(B) The City Attorney shall also examine, when requested to do so by the City Council, the
ordinance records and advise and assist the City Clerk as much as may be necessary to the end that
each procedural step will be taken in the passage of each ordinance to insure that it will be a valid and
subsisting local law in so far as its passage and approval are concerned.
(1992 Code, §1-210)

Statutory reference:
   Authorizing and similar provisions, see Neb. RS 17-610
§31.09 POLICE CHIEF.

(A) The Police Chief shall direct the police work of the city and shall be responsible for the maintenance of law and order. Unless the Mayor and City Council provide otherwise, he or she shall act as Health Inspector and Building Inspector, except in the event the city appoints another person.

(B) If the city has an agreement with the County Sheriff for law enforcement purposes, the County Sheriff shall have all the powers and duties of the Police Chief and city police officers as specified in the agreement.
(Neb. RS 17-107 and 17-121) (1992 Code, §1-212)

§31.10 CITY POLICE OFFICERS.

(A) (1) The Mayor, by and with the consent of the Council, shall appoint such a number of regular police officers as may be necessary. All police officers appointed by the Mayor and Council may be removed, demoted, or suspended at any time by the Mayor as provided in division (A)(2) of this section. A police officer, including the Chief of Police, may appeal to the City Council such removal, demotion, or suspension with or without pay. After a hearing, the City Council may uphold, reverse, or modify the action.

(2) The City Council shall by ordinance adopt rules and regulations governing the removal, demotion, or suspension with or without pay of any police officer, including the Chief of Police. The ordinance shall include a procedure for such removal, demotion, or suspension with or without pay of any police officer, including the Chief of Police, upon the written accusation of the Police Chief, the Mayor, or any citizen or taxpayer. The City Council shall establish by ordinance procedures for acting upon such written accusation, in accordance with Neb. RS 17-107. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.

(3) This section does not apply to a police officer during his or her probationary period.
(Neb. RS 17-107)

(B) The City Council may establish a law enforcement reserve force. Members of such force shall be appointed at the discretion of the Council. The Council may limit the size of such reserve force.
(Neb. RS 81-1438) (1992 Code, §1-213) Penalty, see §10.99

Statutory reference:
Other provisions on law enforcement reserve force, see Neb. RS 81-1439 through 81-1446
§31.11 CITY FIRE CHIEF.

The Fire Chief shall be elected by the members of the Fire Department. He or she shall enforce all laws and ordinances covering the prevention of fires, the storage and use of explosives and flammable substances, the installation of fire alarm systems, the maintenance of fire extinguishing equipment, the regulation of fire escapes, and the inspection of all premises requiring adequate fire escapes.

Cross-reference:
Fire department provisions, see §32.35 et seq.
(1992 Code, §1-214) Penalty, see §10.99

§31.12 CITY ENGINEER; SPECIAL ENGINEER.

(A) (1) The City Engineer shall, when requested by the Mayor or City Council, make estimates of the cost of labor and material which may be done or furnished by contract with the city and make all surveys, estimates, and calculations necessary to be made for the establishment of grades, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, bridges, curbing, and gutters, the improvement of streets, and the erection and repair of buildings and shall perform such other duties as the City Council may require.

(2) When the city has appointed a Board of Public Works and the Mayor and City Council have by ordinance so authorized, the Board may utilize its own engineering staff and may hire consulting engineers for the design and installation of extensions and improvements of the works under the jurisdiction of the Board.
(Neb. RS 17-568.01)

(B) The Mayor and City Council may, when they deem it expedient, employ a special engineer to make, or assist in making, any estimate necessary or to perform any other duty provided for in Neb. RS 17-568.01. Any work executed by such special engineer shall have the same validity and serve in all respects as though executed by the City Engineer.
(Neb. RS 17-568)

(C) The City Engineer shall make a record of the minutes of his or her surveys and of all work done for the city and, when directed by the Mayor and City Council, shall accurately make such plats, sections, profiles, and maps as may be necessary in the prosecution of any public work, which shall be public records and belong to the city and be turned over to his or her successor.
(1992 Code, §1-215 and 1-216)

Statutory reference:
Duties related to areas to be annexed, see Neb. RS 17-405
Duties related to sewerage systems, see Neb. RS 17-150 and 17-919
§31.13 CITY PHYSICIAN.

The City Physician shall be a member of the Board of Health of the city and perform the duties devolving upon the position as the medical advisor of that Board. The City Physician shall receive as compensation for services that sum as the City Council may from time to time set. He or she shall receive no compensation for services as a member of the City Board of Health.

(1992 Code, §1-211)
Statutory reference:
Board of Health created, see Neb. RS 17-121

§31.14 CITY STREET SUPERINTENDENT.

(A) The City Street Superintendent shall, subject to the order of the Mayor and Council, have general charge, direction, and control of all works on the streets, sidewalks, culverts, and bridges of the city, and shall perform such other duties as the Council may require.

(Neb. RS 17-119)

(B) It shall be his or her responsibility to see that gutters and drains in the city function properly and that they are kept in good repair.

(C) He or she shall, at the request of the City Council make a detailed report to the Council on the condition of the streets, sidewalks, culverts, alleys, and bridges of the city and shall direct their attention to such improvements, repairs, and extension thereof as he or she may think proper.

(D) The City Street Superintendent shall issue such permits and perform such other duties as may be prescribed by ordinance.

(1992 Code, §1-217)
Statutory reference:
Incentive payments to street superintendents, see Neb. RS 39-2512

§31.15 CITY WATER AND WASTEWATER SUPERINTENDENT.

(A) The Water and Wastewater Superintendent shall have immediate control over the Water Department, the Sewer Department, and such other duties and posts as the City Council shall deem necessary.

(B) The Water and Wastewater Superintendent’s duties over the following departments shall be as stated herein.

(1) Water Department. He or she shall have general supervision and control over the city water system, and shall be primarily responsible for its economic operation and prudent management. Included in that water system shall be the water plant, the pump house, all machinery, and appliances used in connection with producing and distributing water to inhabitants of the city. All actions, decisions, and procedures of the Water and Wastewater Superintendent shall be subject to the general
directives and control of the Board of Public Works. The Water and Wastewater Superintendent shall have the general control and supervisory authority over all employees of the water system which the Board of Public Works may from time to time hire to operate and maintain the system. The Utility Clerk shall collect all money received by the city on account of the system of waterworks, and shall faithfully account for and pay over to the city all such money collected in the name of the city and receive a receipt from the City Treasurer for the depository evidence of his or her faithful discharge of this duty. This receipt shall then be filed with the City Clerk, and the second copy shall be kept by the Superintendent. He or she shall make a detailed report to the City Council at least once every 6 months of the condition of the water system, of all mains, pipes, hydrants, reservoirs, and machinery, and such improvements, repairs, and extensions thereof as he or she may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding 6 months. No money shall be expended for improvements, repairs, or extensions of the waterworks system except upon the recommendation of the Superintendent. The Water and Wastewater Superintendent shall provide a bond conditioned upon the faithful discharge of his or her duties which shall amount to not less than the amount set by resolution of the City Council and on file in the office of the City Clerk. He or she shall perform such additional duties as may be prescribed by the City Council.

(2) Sewer Department. The Water and Wastewater Superintendent shall have the immediate control and supervision over all the employees and property that make up the city sewer system, subject to the general control and directives of the Board of Public Works. He or she shall at least every 6 months make a detailed report to the City Council on the condition of the sewer system and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he or she may believe are needed along with an estimate of the cost thereof. He or she shall have such other duties as the Board of Public Works may delegate to him or her. He or she shall issue permits for all connections to the city sewer system, and inspect and supervise all repairs made to that system.

(1992 Code, §1-218)

§31.16 ELECTRIC SYSTEM DISTRIBUTION SUPERINTENDENT.

The City Electric System Distribution Superintendent shall have the immediate control and supervision over all employees and property that make up the city electric system, subject to the general control and directives of the Board of Public Works. He or she shall have such other duties as the Board of Public Works may delegate to him or her.

(Neb. RS 17-107) (1992 Code, §1-220)

§31.17 BUILDING/ZONING INSPECTOR.

The City Building Inspector may conduct surveys and make inspections in any area of the city to determine whether buildings and structures are in compliance with the city ordinances. He or she shall investigate all complaints, whether they are verbal, written, or in the form of a petition, alleging and charging that a violation of the city ordinances exists, or that a building or structure is unfit or unsafe for human habitation. He or she shall keep records of all complaints received, inspection reports, orders, and complaints issued. The records shall be available for public inspection.

(1992 Code, §1-219)
CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS

Section

Boards and Commissions

32.001 Library Board
32.002 Planning Commission
32.003 Board of Adjustment
32.004 Board of Health
32.005 Board of Public Works
32.006 Cemetery Board
32.007 Housing Agency Board
32.008 Airport Authority Board
32.009 Community Development Agency

Economic Development Program; Citizen Advisory Review Committee

32.020 Findings
32.021 Program adoption; amendment; duration
32.022 Committee established; organization
32.023 Economic Development Fund
32.024 Bonds
32.025 Sales and real estate tax
32.026 State law applies

Utility Departments

32.040 Water Department; operation and funding
32.041 Sewer Department; operation and funding
32.042 Electrical Department; operation

Fire Department

32.055 Organization
32.056 Fire Chief; appointment and removal
32.057 Officers; duties
32.058 Department apparatus and equipment; control and care
32.059 Membership; vacancies
32.060 Control of Department
32.061 Inspection of premises; correction of violations
§32.001  LIBRARY BOARD.

(A) When the City Council has decided by ordinance to establish and maintain a public library and reading room under Neb. RS 51-201 to 51-219, and except as otherwise provided by the Council pursuant to Neb. RS 51-202, the Library Board shall have 5 appointed members who shall be residents of the city and who shall serve terms of 4 years. The Board members shall be appointed by a majority vote of the members of the City Council. Neither the Mayor nor any member of the City Council shall be a member of the Library Board. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and any successors to those members shall be appointed as the terms of those members expire. In cases of vacancies by resignation, removal, or otherwise, the City Council shall fill the vacancy for the unexpired term. No member shall receive any pay or compensation for any services rendered as a member of the Library Board.
(Neb. RS 51-202)

(B) (1) The members of the Library Board shall immediately after their appointment meet and organize by electing from their number a president, a secretary, and such other officers as may be necessary. A majority of the members of the Library Board shall constitute a quorum for the transaction of business.
(Neb. RS 51-204)
(2) No member of the Board shall serve in the capacity of both the president and secretary of the Board. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the City Clerk where they shall be available for public inspection at any reasonable time.

(3) The Board shall meet at such times as the Board may designate. Special meetings may be held upon the call of the president or a majority of the members of the Board.

(1992 Code, §2-101)

Cross-reference:
City Library, see §90.01 et seq.

§32.002 PLANNING COMMISSION.

(A) (1) If the City Council adopts zoning or other regulations pursuant to Neb. RS 19-901 et seq., the Planning Commission shall consist of 5, 7, or 9 regular members, as specified by the City Council by ordinance, who shall represent, insofar as is possible, the different professions or occupations in the city and shall be appointed by the Mayor, by and with the approval of a majority vote of the members elected to the City Council. Two of the regular members may be residents of the area over which the city is authorized to exercise extraterritorial zoning and subdivision regulation. When there are 500 residents in the area over which the city exercises extraterritorial zoning and subdivision regulation, 1 regular member of the Commission shall be a resident from such area. If it is determined by the City Council that 500 residents reside in the area subject to extraterritorial zoning or subdivision regulation, and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual. A number of commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. All regular members of the Commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. RS 19-908. The term of each regular member shall be 3 years, except that 1/3 or fewer of the regular members of the first commission to be so appointed shall serve for terms of 1 year, 1/3 or fewer for terms of 2 years, and the remaining members for terms of 3 years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the Council, be removed by the Mayor with the consent of a majority vote of the members elected to the Council for inefficiency, neglect of duty, or malfeasance in office or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Mayor.

(2) The Mayor may, with the approval of a majority vote of the elected members of the Council, appoint 1 alternate member to the Planning Commission. The alternate member shall serve without compensation and shall hold no other city office. The term of the alternate member shall be 3 years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Mayor with the approval of a majority vote of the elected members of the Council. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular
Commission members is present and capable of voting.  
(Neb. RS 19-926)

(B) The Commission shall elect its Chairperson from its members and create and fill such other of its offices as it may determine. The term of the Chairperson shall be 1 year, and he or she shall be eligible for reelection. The Commission shall hold at least 1 regular meeting in each calendar quarter, except the City Council may require the Commission to meet more frequently and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record.  
(Neb. RS 19-927)

(C) No member of the Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission. The Secretary shall keep the full and correct minutes and records of all meetings and file them with the City Clerk where they shall be available for public inspection during office hours.  

(D) The City Council may provide the funds, equipment, and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.  
(Neb. RS 19-928)

(E) (1) (a) Except as provided in Neb. RS 19-930 to 19-933, the Planning Commission shall:

(i) Make and adopt plans for the physical development of the city, including any areas outside its boundaries which in the Commission's judgment bear relation to the planning of such city and including a comprehensive development plan as defined by Neb. RS 19-903;

(ii) Prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested city departments; and

(iii) Consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the comprehensive development plan and its implemental programs. The Commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports.
(b) The City Council shall not take final action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Planning Commission, provided that the Planning Commission shall make its recommendation so that it is received by the City Council within 60 days after the Commission begins consideration of a matter or within such other number of days as the City Council has set by ordinance.

(c) A recommendation from the Planning Commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the City Council has designated, by ordinance, an agent pursuant to Neb. RS 19-916.

(2) (a) The Commission may, with the consent of the City Council, in its own name (i) make and enter into contracts with public or private bodies, (ii) receive contributions, bequests, gifts, or grant funds from public or private sources, (iii) expend the funds appropriated to it by the city, (iv) employ agents and employees, and (v) acquire, hold, and dispose of property.

(b) The Commission may on its own authority make arrangements consistent with its program, conduct or sponsor special studies or planning work for any public body or appropriate agency, receive grants, remuneration, or reimbursement for such studies or work, and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

(3) (a) The Commission may grant conditional uses or special exceptions to property owners for the use of their property if the City Council has, through a zoning ordinance or special ordinance, generally authorized the Commission to exercise such powers and has approved the standards and procedures adopted by the Commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized.

(b) The power to grant conditional uses or special exceptions shall be the exclusive authority of the Commission, except that the City Council may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The Council may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest.

(c) An appeal of a decision by the Commission or Council regarding a conditional use or special exception shall be made to the district court.


Statutory reference:

Other provisions on planning commissions, see Neb. RS 19-924 through 19-933
§32.003 BOARD OF ADJUSTMENT.

(A) If the City Council adopts zoning or other regulations pursuant to Neb. RS 19-901 et seq., except as provided in division (B), the Council shall provide for the appointment of a Board of Adjustment. Any actions taken by the Board of Adjustment shall not exceed the powers granted by division (F).
(Neb. RS 19-907)

(B) If the county has adopted a comprehensive development plan, as defined by Neb. RS 23-114.02, and is enforcing zoning regulations based upon such a plan, the zoning board of adjustment of the county shall, upon request of the City Council, serve as the zoning Board of Adjustment for the city. If the city is located in more than one county, it shall be served by request or otherwise only by the county zoning board of adjustment of the county in which the greatest area of the city is located, and the jurisdiction of such county zoning board of adjustment shall include all portions of the city and its area of extraterritorial control, regardless of county lines.
(Neb. RS 19-912.01)

(C) (1) The Board of Adjustment shall consist of 5 regular members, plus 1 additional member designated as an alternate who shall attend and serve only when 1 of the regular members is unable to attend for any reason, each to be appointed for a term of 3 years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. The first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the city at such time as more than 200 persons reside within such area if the Board does not already include such a person. Thereafter, at all times, at least 1 member of the Board of Adjustment shall reside outside of the corporate boundaries of the city but within its extraterritorial zoning jurisdiction.

(2) The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Neb. RS 19-901 to 19-914. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his or her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
(Neb. RS 19-908)

(D) A number of members equal to a majority of the number of regular members appointed to the Board of Adjustment shall constitute a quorum for the transaction of any business. All members of an appointed Board of Adjustment shall serve without compensation and shall hold no other city office except for the member of the Planning Commission appointed to serve on the Board of Adjustment.
member of the Board of Adjustment shall serve in the capacity of both Chairperson and Secretary of the Board. The Secretary shall keep the full and correct minutes and records of all meetings and file them with the City Clerk where they shall be available for public inspection during office hours.

(E) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(Neb. RS 19-909)

(F) (1) The Board of Adjustment shall, subject to such appropriate conditions and safeguards as may be established by the City Council, have only the following powers:

(a) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures, except that the authority to hear and decide appeals shall not apply to decisions made by the City Council or Planning Commission regarding a conditional use or special exception under Neb. RS 19-929(3);

(b) To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map; and

(c) When by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under Neb. RS 19-901 and 19-903 to 19-904.01 and divisions (C) and (F) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

(2) (a) No such variance shall be authorized by the Board unless it finds that:

(i) The strict application of the zoning regulation would produce undue hardship;
(ii) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(iii) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and

(iv) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

(b) No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

(3) In exercising the powers granted in this division (F), the Board may, in conformity with Neb. RS 19-901 to 19-915, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of 4 members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

(G) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the city, may present to the district court a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of such illegality. Such petition must be presented to the court within 15 days after the filing of the decision in the office of the board. Upon the filing of such petition a summons shall be issued and be served upon the Board of Adjustment, together with a copy of the petition. Return of service shall be made within 4 days after the issuance of the summons. Within 10 days after the return day of such summons, the Board of Adjustment shall file an answer to the petition which shall admit or deny the substantial averments of the petition and shall state the contentions of the Board with reference to the matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for the petition. At the expiration of the time for filing answer, the court shall proceed to hear and determine the cause without delay and shall render judgment thereon according to the forms of law. If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. The appeal to the district court shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. Any appeal from such judgment of the district court shall be prosecuted in accordance with the general
laws of the state regulating appeals in actions at law.
(Neb. RS 19-912)
(1992 Code, §2-105)

§32.004 BOARD OF HEALTH.

(A) A Board of Health is created consisting of 4 members: The Mayor, who shall serve as chairperson, the President of the City Council, and 2 other members appointed by the Mayor with the consent of the City Council. One member shall be a physician or health care provider, if 1 can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. If the Mayor has appointed a Chief of Police, the Chief of Police shall serve on the Board as secretary and quarantine officer.

(B) The members of the Board of Health shall serve without compensation and, except for the Mayor, President of the Council, and Chief of Police, shall serve a 1-year term of office, unless reappointed. The Board shall reorganize at the first meeting each year after the annual appointments are made. No member of the Board shall hold more than 1 position on the Board.

(C) The secretary shall keep full and correct minutes and records of all meetings and file the same with the City Clerk where they shall be available for public inspection during office hours. The Board of Health shall be funded by the City Council from time to time out of the general fund. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the chairperson or any 2 members of the Board.

(D) A majority of the Board of Health shall constitute a quorum and shall enact rules and regulations, which shall have the full force and effect of law, to safeguard the health of the people of the city, may enforce them, and may provide fines and punishments for the violation thereof. The Board shall have power to and shall make all needful rules and regulations relating to matters of sanitation of the city. It may regulate, suppress, and prevent the occurrence of nuisances and enforce all laws of the state and ordinances of the city relating to nuisances or to matters of sanitation of the city. The Board shall also have control of hospitals, dispensaries, places for treatment of sick, and matters relating to the same under such restrictions and provisions as may be provided by ordinance of the city.
(Neb. RS 17-121)
(1992 Code, §2-106)

Cross-reference:
Health and Safety, see Chapter 93
§32.005 BOARD OF PUBLIC WORKS.

(A) The Mayor, subject to the approval of the City Council, shall appoint the Board of Public Works. The Board shall consist of 5 members who are residents of the city. The members of the Board shall serve a 4-year term of office, at a salary set by ordinance of the City Council. No member of the Board shall ever be financially interested in a contract entered into by the Board on behalf of the city for more than $10,000 in 1 year. The members of the Board shall be required to take an oath to faithfully perform the duties of their office before entering upon the discharge thereof. At the time of the Board’s first meeting in June of each year, the Board members shall organize by selecting from among their number a chairperson, a vice chairperson, and a secretary. It shall be the duty of the City Clerk to keep the full and correct minutes and records of all meetings and to file the same with the City Clerk where they shall be available for public inspection at any time. The minutes of each meeting shall be published in a legal newspaper of general circulation in the city within 30 days after it is held. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the chairperson, or any 3 members of the Board. A majority of the Board members shall constitute a quorum for the transaction of business. It shall be the duty of the Board to operate any utility owned by the city and to exercise all powers conferred by law upon the city for the operation of utilities to the same extent as the City Council, except that the Board shall not make an expenditure other than ordinary operational expenses exceeding the amount of $25,000 without first obtaining the approval of the City Council. The Board may, in its discretion, employ a commissioner to operate 1 or more of the city utilities and who shall be under the immediate authority of the Board of Public Works. All actions of the Board shall be subject to the review and supervision of the City Council. The Board shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate. No member of the City Council shall serve as a member of the Board of Public Works while serving a term of office as a member of the City Council. No member of the Board of Public Works shall serve in the capacity of both the chairperson and secretary of the Board.

(B) Each member of the Board of Public Works shall receive a salary as determined by the City Council to be paid from funds arising out of the operation of any of the utilities directed and supervised by the Board.

(Neb. RS 17-801 through 17-808 and 17-810) (1992 Code, §2-107)

§32.006 CEMETERY BOARD.

The Mayor, with the consent of the City Council, shall appoint the Cemetery Board which shall consist of 6 members who are residents of the city and who shall serve without compensation for a term of 3 years. Two members shall be appointed each year and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties. The Board shall organize by selecting from its membership a chairperson and secretary. The secretary shall keep the full and correct minutes and records of all meetings and file the same with the City Clerk where they shall be available for public inspection at any reasonable time. A majority of Board members shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the Board may designate. Special meetings may be held upon the call of the chairperson or any 3 members of the Board. The Board shall have the general care, management, and supervision of the City Cemetery with the power and authority to limit and
regulate the number of cemetery lots that may be owned by the same person; to prescribe rules for enclosing, adorning, and erecting monuments and tombstones on cemetery lots; and to prohibit any diverse or improper use thereof; provided, no religious tests shall be made as to the ownership of lots, the burial therein, and the ornamentation of graves. The Board shall pass rules and regulations for the proper use of the Cemetery and prescribe penalties and fines for violations thereof. The Board shall use all revenue received from the sale of lots, gifts, or by devise for the care, management, and administration of the Cemetery. All actions of the Board shall be subject to the review and supervision of the City Council and it shall be responsible for making such reports as the City Council may designate. No member of the City Council shall serve as a member of the Board while serving a term of office as a member of the City Council. No member of the Cemetery Board shall hold more than 1 Cemetery Board office.

(Neb. RS 12-401 through 12-403) (1992 Code, §2-104)

Cross-reference:
   Cemetery, see Chapter 91

§32.007 HOUSING AGENCY BOARD.

(A) The Mayor shall appoint 7 persons who shall constitute the Housing Agency who are residents of the city and such persons shall be called the Commissioners. The appointment shall be referred to the City Council for confirmation or denial, and the City Council shall confirm or deny the appointment or reappointment. Each Commissioner shall serve a term of 5 years or until his or her successor is duly appointed; provided, that all vacancies shall be filled for the unexpired terms. The Commissioners now serving shall continue to serve for their unexpired term. The 2 additional Commissioners shall be appointed, 1 to serve for a term of 4 years and the other additional Commissioner to serve for a term of 5 years from the date of his or her appointment, but thereafter the Commissioners shall be appointed for terms of 5 years. A vacancy shall be filled for in the same manner as the Commissioner whose position has become vacant was appointed. A certificate of the appointment or reappointment of any Commissioner shall be filed with the City Clerk and such certificate shall be conclusive evidence of the proper appointment of such Commissioner. The City Council may appoint 1 of its members to serve as 1 of the Commissioners for such term as the governing body may determine. It shall not be considered a conflict of interest if such person appointed as a Commissioner votes on any matter involving the city. In the event that the City Council intends that a Commissioner’s appointment is made with the intention that such Commissioner represents the city, then his or her certificate of appointment shall so state. In the event that any Commissioner so appointed shall cease to serve as a member of the City Council, then his or her term of office as a Commissioner shall automatically terminate and a successor shall be appointed to fill the vacancy in the same manner as his or her predecessor was appointed. At least 1 Commissioner shall be known as a Resident Commissioner who shall be a member of the governing board of the local housing agency whose eligibility for membership is based upon such person’s status as a resident of a facility operated by the Housing Agency. Thirty days after any vacancy in the office of a Resident Commissioner, the Housing Agency shall notify the Resident Advisory Board or other resident organization and all adult persons residing in a facility that the position of Resident Commissioner is open and that if any person is interested in being considered as a candidate for the position, such person should notify the Housing Agency in writing within 30 days of the notice of his or her willingness to be considered to serve in the position. The names of all persons interested who have notified the Housing
Agency of their interest in so serving shall be forwarded to the Mayor and the Resident Commissioner shall be appointed from the list of names, subject to confirmation by the City Council. If the Housing Agency owns less than 300 housing units and the Housing Agency has received no notification of a resident’s interest in serving as a Resident Commissioner, no Resident Commissioner shall be required to be selected.

(B) A Commissioner may be removed by the Mayor for neglect of duty, misconduct in office or conviction of any felony. A notice of removal shall be sent to such Commissioner, which notice shall set forth the charges against him or her. Unless within 10 days of the receipt of such notice, the Commissioner files with the City Clerk a request for a hearing before City Council, the Commissioner shall be deemed removed from office. If a request for hearing is filed, the City Council shall hold a hearing not sooner than 10 days after the date a hearing is requested, at which hearing the Commissioner shall have the right to appear in person or by counsel and the City Council shall determine whether the removal shall be upheld. If the removal is not upheld by the City Council, the Commissioner shall continue to hold his or her office. All actions taken by the Board of Commissioners shall be presumed valid unless otherwise shown by clear and convincing evidence. The Commissioners shall elect a Chairperson and a Vice Chairperson from among the Commissioners and shall have power to employ an executive director who shall serve as ex-officio secretary of the Housing Agency. The Agency may also employ legal counsel or engage the City Attorney for such legal services as the Agency may require unless such employment or engagement will result in an ethical or legal violation. The Agency may employ accountants, appraisers, technical experts, and such other officers, agents, and employees as the Agency may require and shall determine their qualifications, duties, compensation and terms of office. A local Housing Agency may delegate to 1 or more of its agents or employees such powers and duties as it may deem proper. A Commissioner shall receive no compensation for his or her services but shall be entitled to reimbursement for necessary expenses, including travel expenses, incurred in connection with the discharge of his or her duties. The Housing Agency possesses all powers necessary, convenient or desirable in carrying out the purposes of the Nebraska Housing Agency Act, exercising any power provided in the Act and engaging in any activity related to furthering the purposes of the Act. Such powers shall include, but shall expressly not be limited to, have perpetual existence unless terminated by proper authority as provided by law; to sue and subject to the limitations, privileges and immunities provided by applicable law, be sued; to adopt a seal and to alter such seal from time to time; to adopt, amend, repeal and restate by-laws; to adopt, promulgate, and enforce rules and regulations related to carrying out the purposes of the local Housing Agency and exercising its powers and to amend or repeal such rules and regulations from time to time; to enter into, execute and perform contracts, instruments, and agreements of every kind and description within or without the area of its operations except where otherwise expressly provided in furtherance of the purposes of the Nebraska Housing Agency Act and in connection with the exercise of any of its powers; to issue bonds and other debt instruments as provided by law and to secure the repayment of such bonds and debt instruments as provided by law; to enter into and perform interagency and intergovernmental agreements of every kind and description; to act in consortium with, as agent or manager for, or pursuant to agreement or contract with other housing agencies and all public agencies to carry out the purposes of the Housing Authority Act and to exercise any of its powers; to invest or cause to be invested any funds held as reserves or sinking funds and any sums not required for immediate disbursement in connection with the operations of the Agency, its developments and its programs and property or securities in any manner allowable by law with the funds of the State of Nebraska or any public agency of the state, except that if any funds are pledged as security for a debt
and the debt or security instrument specifies the permitted investments, such debt or security instrument shall control the permitted investment of such funds; to plan, prepare, carry out, develop, construct, acquire, improve, reconstruct, renovate, rehabilitate, enlarge, reduce, alter, manage, own, lease, and operate housing, housing projects, or developments, or any portion of housing projects or other developments, to finance the agency’s developments, operations, and other activities in such manner, utilizing such public or private source or sources of revenue, and employing such financing methods or techniques as the Housing Agency deems appropriate; to maintain, repair and replace all housing developments, or any portions thereof, and any facilities and improvements contained therein or associated therewith; and to perform any acts not prohibited by statute or law. A majority of Commissioners shall constitute a quorum of the Agency for purposes of conducting its business, exercising its powers, and for all other purposes. Actions may be taken by the Agency upon the vote of a majority of the Commissioners present unless in any case the by-laws of the Agency shall require a larger number. During his or her tenure, and for one year thereafter, no Commissioner, officer or employee of the Housing Agency shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any housing project. If any Commissioner, officer or employee involuntarily acquires such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as Commissioner, officer, or employee, he or she shall immediately disclose the interest held in writing to the Agency, and such disclosure shall be entered upon the minutes of the Agency, and he or she shall not participate in any action by the Agency relating to the property or contract in which he or she has an interest; provided, that nothing herein shall apply to the acquisition of any interest in notes or bonds of the Agency issued in conjunction with any housing project, or to the execution of Agreements by banking institutions or deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services, the rates for which are fixed or controlled by a governmental agency.

(C) The Housing Agency shall keep an accurate account of all of its activities and of all its receipts and disbursements and shall make a report to the City Council on all such information not less than annually.


§32.008 AIRPORT AUTHORITY BOARD.

The Airport Authority Board shall have the full and exclusive jurisdiction and control over all facilities owned or hereafter acquired by the city for the purpose of aviation operation, air navigation, and air safety operation. The Board is a body corporate and politic, constituting a public corporation. The Board shall consist of 5 members. Members of the Board shall be nominated and elected in the manner provided by law for the election of other elected officials and shall take office at the same time as the city officers at the first meeting in December of each city election year. Members of the Board shall be residents of the city and shall serve a term of 6 years. Two members of the Board shall be elected in each city election year; provided, that in each third election year, 1 member only shall be elected to the Airport Authority Board. Any vacancy on the Board resulting from any other cause than the expiration of a term of office shall be filled by temporary appointment by the Mayor, with the approval of the City Council, until a successor can be elected at the next general city election to serve.
§32.009 COMMUNITY DEVELOPMENT AGENCY.

(A) There is hereby created a community development agency, which agency shall be known as the City Community Development Agency.

(B) The Agency shall consist of the Mayor and City Council.

(C) The Agency shall function in a manner prescribed in this section, and may exercise all of the power and authority granted to a community redevelopment authority pursuant to Neb. RS 18-2101 through 18-2144 and 18-2147 through 18-2154.

(D) The purposes for which the Agency is formed will be to formulate for the city a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake those of the aforementioned activities or other feasible municipal activities as may be suitably employed to achieve the objectives of that workable program. The workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the city which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard or blighted areas or portions thereof by replanning, removing congestion, and providing parks, playgrounds, and other public improvements; by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof.

(E) No member or employee of the City Community Development Agency shall voluntarily acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned by the Agency to be included in any project or in any contract or proposed contract in connection with any such project. Where the acquisition is not voluntary, the member or employee shall immediately disclose the interest in writing to the Agency and that disclosure shall be entered into the minutes of the Agency. If any member or employee of the Agency presently owns or controls, or owned or controlled within the preceding 2 years, an interest, direct or indirect, in any property, included or planned by the Agency to be included in any redevelopment project, he or she shall immediately disclose that interest in writing to the Agency and that disclosure shall be entered upon the minutes of the Agency. Upon such a disclosure, the member or employee of the Agency shall not participate in any action by the Agency affecting that property.

(Ord. 517, passed 5-7-1996)
§32.020 FINDINGS.

The Mayor and Council of the city hereby find and determine as follows:

(A) There has previously been established an Economic Development Program of the city pursuant to Ordinance 639, passed and approved by the Mayor and City Council of the City of Kimball on October 3, 2007;

(B) By resolution adopted by the Mayor and City Council on February 25, 2010, an amendment to the Economic Development Plan was submitted to the voters of the city and an election was held on May 11, 2010, with notice of such election published in the Western Nebraska Observer, on March 25, April 22, April 29 and May 6, 2010, (the “Amendment Proposition”) which voted amendment provides in part for the levy of an annual real estate tax levy of up to 0.4% of the taxable valuation of the city less other funds appropriated from local tax sources for all economic development programs of the city, such limitation being as provided in Neb. RS 18-2717, and for the addition of indirect assistance to qualifying businesses in the city through one or more grants to the Community Development Agency for its use in constructing and acquiring a railroad spur to be located within an area designated as blighted and substandard by the city to serve qualifying businesses within the city by virtue of leasing the Rail Spur on a nonexclusive basis to the qualifying businesses, and for funding such grant or grants by bonds issued by the city in an amount of not to exceed $3,000,000 payable from the local property sources available for the economic development program of the city;

(C) At such election, according to the report of the County Clerk conducting such election, 430 voters voted in favor of the Amendment Proposition and 355 voters voted against the Amendment Proposition; and

(D) More than a majority of the voters voting on the Amendment Proposition voted in favor of the same and the city is authorized to amend its economic development program in accordance with the Amendment Proposition.

(Ord. 557, passed 7-27-1998; Am. Ord. 639, passed 10-3-2007; Am. Ord. 662, passed 5-19-2010)

§32.021 PROGRAM ADOPTION; AMENDMENT; DURATION.

(A) The Plan, in its final form, is hereby approved and adopted. A copy of the Plan is hereby directed to be annexed to Ord. 557 as Exhibit A and is hereby incorporated in its entirety by reference. The Mayor and Council hereby establish the Economic Development Program of the city, which shall operate under and be governed by the terms of the Plan and this subchapter.
(B) The Economic Development Program is hereby amended by the terms of Resolution 2010-03 and the Amendment Proposition. The Economic Development Program of the city shall operate under and be governed by the terms of the Economic Development Plan and Ordinance 639 as amended by this section.

(C) The duration of this Program shall be from the October 1, 2008 to September 30, 2031.
(Ord. 557, passed 7-27-1998; Am. Ord. 639, passed 10-3-2007; Am. Ord. 662, passed 5-19-2010)

§32.022 COMMITTEE ESTABLISHED; ORGANIZATION.

There is hereby created a Citizens Advisory Committee as set forth in the Amendment Proposition. The Director of Economic Development of the city is hereby designated to have responsibility for administration of the Program and with the responsibility for assisting the committee and providing it with necessary information and advice on the Economic Development Program. The Citizens Advisory Committee shall be governed by the terms of Neb. RS 18-2715 and shall also serve as the Loan Committee.
(Ord. 557, passed 7-27-1998; Am. Ord. 639, passed 10-3-2007; Am. Ord. 662, passed 5-19-2010)

§32.023 ECONOMIC DEVELOPMENT FUND.

There is hereby established with the City Treasurer of the city a separate economic development fund to be designated as the “City Economic Development Fund.” Into this Fund there shall be deposited all funds derived from local sources for the Economic Development Program hereby established, including the 2 cent local option sales tax and the real estate tax described in this subchapter, and all other funds made available for such purposes.
(Ord. 557, passed 7-27-1998; Am. Ord. 639, passed 10-3-2007; Am. Ord. 662, passed 5-19-2010)

§32.024 BONDS.

In accordance with the Amendment Proposition, as approved by the voters, and with applicable law, the city may issue bonds from time to time to provide funds for the Economic Development Program hereby established, including for such purpose as set forth in the Amendment Proposition. Such bonds may be payable from any monies in Economic Development Fund, and the Mayor and Council in issuing such bonds may provide for conditions and terms relating to the priority of payment and payment from specific sources.
(Ord. 557, passed 7-27-1998; Am. Ord. 639, passed 10-3-2007; Am. Ord. 662, passed 5-19-2010)
§32.025 SALES TAX.

(A) In accordance with the Amendment Proposition, Ordinance 639 and with applicable law, the city may collect a 2 cent local option sales tax and levy an annual real estate tax of up to 0.4% of the taxable valuation of the city less other funds appropriated from local tax sources (including such 2 cent local option sales tax) for all economic development programs of the city, such limitation being as provided in Neb. RS 18-2717, to provide funds for the Economic Development Program.

(B) Collection of funds for the Program shall be on all taxable sales beginning on October 1, 2008 and shall end on September 30, 2023; and from a levy of real estate taxes on all the taxable property within the city beginning in the fiscal year 2010-2011 and ending at the expiration of the Program on September 30, 2031.

(Ord. 557, passed 7-27-1998; Am. Ord. 639, passed 10-3-2007; Am. Ord. 662, passed 5-19-2010)

§32.026 STATE LAW APPLIES.

The Program hereby established shall be in accordance with and subject to the terms of the Local Option Municipal Economic Development Act (Neb. RS 18-2701 through 18-2738), as now or hereafter amended.

(Ord. 557, passed 7-27-1998; Am. Ord. 639, passed 10-3-2007)

UTILITY DEPARTMENTS

§32.040 WATER DEPARTMENT; OPERATION AND FUNDING.

The city owns and operates the Water Department through the City Council or its authorized agent. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the taxable value of all taxable property within the corporate limits that is subject to taxation. The revenue from the tax shall be known as the water fund and shall remain in the custody of the City Treasurer. The Water and Wastewater Superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of the office. The Board of Public Works shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the City Council. The Board of Public Works shall set the rates to be charged for services rendered by resolution and shall file a copy of the rates in the office of the City Clerk for public inspection at any reasonable time.

(1992 Code, §3-201)

Cross-reference:
Water, see Chapter 51
Statutory reference:
Bonds, interest, and taxing authority, see Neb. RS 17-534
Public utility extension and improvements, see Neb. RS 19-1305
Waterworks acquisition and construction authorized, see Neb. RS 17-531
§32.041 SEWER DEPARTMENT; OPERATION AND FUNDING.

(A) The city owns and operates the city sewer system through the City Council or its authorized agent.

(B) For the purpose of defraying the cost of the maintenance and repairing of any sewer or water utilities in the city, the City Council may each year levy a tax not exceeding the maximum limit prescribed by state law on the taxable value of all the taxable property in the city. The revenue from the tax shall be known as the Sewer Maintenance Fund and shall be used exclusively for the purpose of maintenance and repairs of the water and sewer system.

(C) The Water and Wastewater Superintendent shall have the direct management and control of the Sewer Department, and shall faithfully carry out the duties of the office. The Board of Public Works shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department, subject to the supervision and review of the City Council. The Board of Public Works shall set the rates to be charged for services rendered and shall file a copy of the rates in the office of the City Clerk for public inspection at any reasonable time.

(1992 Code, §3-301)

Cross-reference:
   Sewers, see Chapter 52

Statutory reference:
   Sewage and drainage districts; authority to regulate, see Neb. RS 17-149
   Taxing authority, see Neb. RS 17-925.01

§32.042 ELECTRICAL DEPARTMENT; OPERATION.

The Electric System Distribution Superintendent shall have the direct management and control of the City Electrical Department and shall faithfully carry out the duties of his or her office. The Board of Public Works shall have the authority to adopt rules and regulations for the safe and efficient management of the Electrical Department, subject to the supervision and review of the City Council.

(Neb. RS 17-902 through 17-904, 17-906, and 17-909) (1992 Code, §3-401)

Cross-reference:
   Electrical Department, see Chapter 53

FIRE DEPARTMENT

§32.055 ORGANIZATION.

All volunteer fire companies which have been, or shall hereafter be, organized according to law in this city shall constitute the City Volunteer Fire Department, hereinafter “Fire Department.”

(1992 Code, §3-801)
§32.056  FIRE CHIEF; APPOINTMENT AND REMOVAL.

The members of the Fire Department shall, at the time of each annual meeting of the Department, recommend some person for the office of Chief of the Fire Department (“Fire Chief”), who, on being confirmed by the Mayor and Council, shall hold office until his or her successor shall be appointed and qualified. The Fire Chief shall be subject to removal by the Mayor at any time.  
(1992 Code, §3-802)

§32.057  OFFICERS; DUTIES.

It shall be the duty of the Chief of the Fire Department, the Assistant Chief, or the Foreperson of any fire company lawfully acting in his or her stead, in all cases of fire, to take and have control of all members of the Fire Department and of all proper means for the extinguishment of fires, the protection of property, the preservation of order at and in the vicinity of fires, and to secure the observance of all regulations respecting fires.  
(1992 Code, §3-803)

§32.058  DEPARTMENT APPARATUS AND EQUIPMENT; CONTROL AND CARE.

(A) All apparatus and appliances for the extinguishment of fire belonging to or used by this city shall be under the direct and immediate control of the Chief of the Fire Department and of the several fire companies to which those appliances have been delivered. No person shall, under any pretense whatsoever, remove any of those appliances from the place or house where it is kept by its respective company, except the members of that company, without the order of 1 of the properly authorized officers of the company, the Chief of the Department, or someone authorized to act in his or her stead. It shall be the duty of the fire companies to keep all apparatus and hose furnished by the city in a serviceable and clean condition and in such a state as to be of immediate use in case of fire.  
(1992 Code, §3-804)

(B) The Chief of the Fire Department shall have the custody of all apparatus and property used in fire protection either belonging to or used by the city. He or she shall have authority to direct how it shall be cared for, and shall be responsible for its safe and proper keeping.  
(1992 Code, §3-807)

§32.059  MEMBERSHIP; VACANCIES.

The Chief of the Fire Department shall have authority to appoint members of the Department as provided by law. The roster of members shall first be submitted to the Mayor and Council, and shall be approved by them. All vacancies that may occur in the membership shall be filled in the same manner.  
(1992 Code, §3-805)
§32.060 CONTROL OF DEPARTMENT.

The exclusive control of the Fire Department, in all matters except expenditures, shall be in the Chief of the Fire Department.
(1992 Code, §3-806)

§32.061 INSPECTION OF PREMISES; CORRECTION OF VIOLATIONS.

It shall be the duty of the Chief of the Fire Department, when directed to do so by the Mayor and Council, to inspect or cause to be inspected by Fire Department officers, members, or some other officer of the city chosen by the Mayor and Council, as often as may be necessary, but not less than twice a year in outlying districts and 4 times a year in the closely built portions of the city, all buildings, premises, and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of this code affecting fire hazards. The Chief of the Fire Department shall report in detail to the State Fire Commissioner the owners or occupants of buildings or premises who shall fail or neglect to correct within 5 days any condition found by him or her upon inspection liable to cause fire.
(1992 Code, §3-808)

§32.062 FIRE INVESTIGATIONS; REPORT.

The Chief of the Fire Department shall investigate the cause, origin, and circumstances of every fire hereafter occurring in the city. The investigation shall be begun within 2 days after the occurrence of the fire. The officer making the investigation shall forthwith notify the State Fire Commissioner and shall within 1 week of the occurrence of the fire furnish to the Fire Commissioner a written report of all facts relating to the cause and origin of the fire and such other information as may be called for by the blank provided by the Fire Commissioner.
(1992 Code, §3-809)

§32.063 DEPARTMENT RECORDS; INVENTORY.

The Chief of the Fire Department shall keep a list of all members of the Fire Department, showing the nativity, age, and occupation of each, the date he or she entered the service, and such other data as the Council may require. He or she shall also keep a record of all fires and fire alarms, of their location, or the class of building or structure damaged or destroyed, of the purpose for which it was used, of the cause of the fire, the amount of loss, the amount of insurance, and such other information as to him or her or the Council seems important. He or she shall include in the report a record of any injury that may have been sustained by any person on account thereof. The record shall at all times be available for the inspection of the Mayor and Council. He or she shall report to the Council, at its first meeting in May of each year, the operation of the Department for the preceding year, and shall include therewith an inventory of the property of the Department. He or she shall file with the Clerk and the Clerk of the District Court of the county, on the first Monday of April and October of each year, a
certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law. The service records of all firefighters shall accompany their applications for honorable discharge when the same are submitted to the Mayor and Council for approval and signature.

(1992 Code, §3-810)

§32.064 AUTHORITY AT FIRES.

The Chief of the Fire Department shall, at fires, have control of the police and all other persons present. He or she may appoint persons to assist in the protection of property, who shall, on his or her recommendation, be compensated by the Council for any services rendered.

(1992 Code, §3-811)

§32.065 EXPENDITURES.

No obligations, except in emergencies and with regard to minor expenditures, shall be incurred on behalf of the Fire Department unless authorized by the Council.

(1992 Code, §3-812)

§32.066 REGULATION OF TRAFFIC AT FIRES.

No person, without the consent of the Chief of the Fire Department or his or her assistant in command, shall drive any vehicle over any unprotected hose of the Fire Department. When the fire alarm shall have been sounded, every vehicle already stationary or parked shall remain so for a period of 5 minutes after the sounding of the alarm. The driver of any moving vehicle, upon the sounding of any fire alarm or the approach of any fire engine or fire apparatus, shall immediately drive that vehicle as near as possible to the right-hand curb and shall bring the vehicle to a standstill until after the fire engines or fire apparatus shall have passed. No vehicle, except by specific direction of the Chief of the Fire Department or his or her assistant, shall follow, approach, or park closer than 150 feet to a fire or fire apparatus. The provisions of this section shall be construed to apply neither to vehicles carrying doctors or members of the Fire Department, nor to drivers of ambulances when emergency calls require the abrogation of the fire traffic rules mentioned herein. Pedestrians shall not remain within the limits of any street after a fire alarm shall have been sounded until the fire engines or fire apparatus shall have completely passed.

(1992 Code, §3-813) Penalty, see §10.99

§32.067 INTERFERENCE WITH EQUIPMENT PROHIBITED.

No person other than the Fire Chief and members of the Fire Department shall, at any time, molest, handle, or interfere with any of the fire apparatus belonging to the city.

(1992 Code, §3-814) Penalty, see §10.99
§32.068  FIRE DRILLS; RIGHT OF WAY; SERVICE OUTSIDE CITY.

    (A) The Fire Department shall hold a fire drill at least 6 times per year at such times as the Fire Department shall by its own rules fix. The Fire Department and its members shall have the right of way upon any street, alley, or highway when going to fires or a drill had under the direction or by order of the Fire Chief. When fires occur, the Chief of the Fire Department, Chief of Police, or any officer authorized by either shall have the power to close to the public any street, highway, or public place adjacent to or in the vicinity of the fire. All fire hose shall be tested at least once during each municipal year.

    (B) The city may by resolution authorize its Fire Department or any portion thereof to provide fire and emergency service outside the limits of the city, either within or without the state.  
(1992 Code, §3-815)

POLICE DEPARTMENT

§32.080  ESTABLISHMENT; DUTIES.

    (A) The Police Department shall consist of the Chief of Police, Captain, Sergeant, and regular police officers.  
(1992 Code, §3-501)

    (B) The Chief of Police shall, subject to the direction of the Mayor, have control and management of all matters relating to the Police Department, its officers and members, and shall have the custody and control of all property and books belonging to the Department. The Chief shall devote his or her whole time to the municipal affairs and interests of the city, and to the preservation of peace, order, safety, and cleanliness thereof. The Department shall execute and enforce all laws and also the orders of the Mayor. It shall be the duty of the Department to protect the rights of persons and property. The Department shall take notice of all nuisances, impediments, obstructions, and defects in the streets, avenues, alleys, business places, and residences of the city. The Department shall execute, or cause to be executed, the processes issued and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The Chief of Police and all regular and special police officers shall become thoroughly conversant with the laws of the city and shall see that the same are strictly enforced and shall make sworn complaints against any person or persons for violation of the same.  

§32.081  ARREST AND ENFORCEMENT JURISDICTION.

    (A) The police officers of the city shall have the power to arrest all offenders against the laws of the state or of the city, by day or by night, in the same manner as the County Sheriff and to keep such offenders in the city prison or other place to prevent their escape until trial can be had before the proper officer.
(B) Every city law enforcement officer has the power and authority to enforce the laws of this state and the city or otherwise perform the functions of that office anywhere within his or her primary jurisdiction.

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LAW ENFORCEMENT OFFICER IN NEED OF ASSISTANCE.**

(a) A law enforcement officer whose life is in danger; or

(b) A law enforcement officer who needs assistance in making an arrest and the suspect:

   (i) Will not be apprehended unless immediately arrested;

   (ii) May cause injury to himself or herself or others or damage to property unless immediately arrested; or

   (iii) May destroy or conceal evidence of the commission of a crime.

**PRIMARY JURISDICTION.** The geographic area within territorial limits of the city.

(D) Any city law enforcement officer who is within this state, but beyond his or her primary jurisdiction, has the power and authority to enforce the laws of this state or any legal ordinance of any city or incorporated village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within his or her primary jurisdiction in the following cases:

(1) Any city law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow that person into any other jurisdiction in this state and there arrest and return that person to the officer’s primary jurisdiction;

(2) Any city law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow that person anywhere in an area within 25 miles of the boundaries of the officer’s primary jurisdiction and there arrest and return that person to the officer’s primary jurisdiction;

(3) Any city law enforcement officer has this enforcement and arrest and detention authority when responding to a call in which a local, state, or federal law enforcement officer is in need of assistance; and

(4) If the city, under the provisions of the Interlocal Cooperation Act or the Joint Public Agency Act, enters into a contract with any other city or county for law enforcement services or joint law enforcement services, law enforcement personnel may have this enforcement authority within the
jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the city shall provide liability insurance coverage for its own law enforcement personnel as provided in Neb. RS 13-1802.

(E) When probable cause exists to believe that a person is operating or in the actual physical control of any motor vehicle, motorboat, personal watercraft, or aircraft while under the influence of alcoholic liquor or of any drug or otherwise in violation of Neb. RS 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02, a city law enforcement officer has the power and authority to do any of the following or any combination thereof:

1. Transport that person to a facility outside of the law enforcement officer’s primary jurisdiction for appropriate chemical testing of the person;

2. Administer outside of the law enforcement officer’s primary jurisdiction any post-arrest test advisement to the person; or

3. With respect to that person, perform other procedures or functions outside of the law enforcement officer’s primary jurisdiction which are directly and solely related to enforcing the laws that concern a person operating or being in the actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any other drug or otherwise in violation of Neb. RS 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02.

(Neb. RS 29-215)

(F) If city law enforcement personnel are rendering aid in their law enforcement capacity outside the limits of the city in the event of disaster, emergency, or civil defense emergency or in connection with any program of practice or training for a disaster, emergency, or civil defense emergency when that program is conducted or participated in by the Nebraska Emergency Management Agency or with any other related training program, the law enforcement personnel have the power and authority to enforce the laws of this state or any legal ordinances or resolutions of the local government where they are rendering aid or otherwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within their primary jurisdiction. The city shall self-insure or contract for insurance against any liability for personal injuries or property damage that may be incurred by it or by its personnel as the result of any movement made pursuant to this division.

(Neb. RS 81-829.65)

(1992 Code, §3-504) (Ord. 506, passed 11-21-1995)
§32.082 POLICE CHIEF AND OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY.

(A) The Mayor shall have the authority to remove, demote or suspend with or without pay any police officer, including the Chief of Police employed by the city when the Mayor receives information, including but not limited to written accusation from any citizen, taxpayer or Police Chief, and has evidence to warrant such action and the Mayor deems such action necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the laws of the state.

(B) The Chief of Police may impose disciplinary action, short of termination of employment, upon any city police officer under his or her supervision, for any violation of the city or Police Department policies or rules.

(C) At the time of imposing removal, demotion or suspension or other disciplinary action of an officer or Chief of Police, the appropriate authority shall inform the officer or Chief of Police orally of the reasons for the action, including the facts which are the basis of the accusation, and the right to appeal the decision of the Mayor or Chief of Police to the City Council. No later than 5 days after the verbal communication, the appropriate authority shall reduce to writing the reasons for the action including the right to appeal the decision of the Mayor or Chief of Police to the City Council, and a copy of the written accusation shall be delivered to the officer or Chief of Police.

(D) The officer or Chief of Police shall have 10 days from the date the written accusation is delivered to the officer or Chief of Police to file a formal written appeal in the office of the City Clerk. The written appeal shall set forth in detail the grounds for challenging the decision of the Mayor or Chief of Police. The 10-day period shall start to run the day after written notice of the discipline or removal is delivered. If the 10th day is a nonworking day, the next working day shall be the final day to file an appeal. Upon receipt of the appeal documents, the City Clerk shall place the matter on the City Council agenda for the next available meeting.

(E) The appeal hearing before the Council shall be in open session unless the officer or Chief of Police requests that the session be closed. At the appeal hearing, strict rules of evidence shall not be followed. The appealing party may be represented by an attorney or representative retained by the appealing party at all hearings or proceedings regarding the written accusation. The appealing party, attorney or representative, shall present all evidence and reasons challenging the decision of the Mayor or Chief of Police, including verbal testimony of witnesses at the hearing. Following the presentation of the appealing party, attorney or representative, the Mayor or other proper authority may present evidence and information supporting the decision of the Mayor or Chief of Police including verbal testimony of witnesses at the hearing. All proceedings before the City Council in the appeal hearing may be recorded by the Mayor, the Chief of Police, the City or the appealing party.

(F) The City Council shall have 30 days following the adjournment of the meeting at which the hearing was held to vote to uphold, reverse, or modify the removal or disciplinary action. If City Council fails to act within 30 days, it will be considered and construed as a vote to uphold the removal or disciplinary action.

(G) The decision of the City Council shall be based upon its determination that, under the facts,
information and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the state statutes. A violation of Police Department or city rules or policies may be a basis for such finding.

(H) Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the Chief of Police or immediate removal from duty of the Chief of Police by the Mayor, pending the hearing authorized herein, in cases of gross misconduct, neglect of duty, or disobedience of orders.
(Neb. RS 17-107) (Am. Ord. 660, passed 1-20-2010)

§32.083 BADGES.

Every member of the police force shall wear a suitable badge, to be furnished by the city.
(1992 Code, §3-503)
CHAPTER 33: GENERAL PROVISIONS

Section

Meetings

33.01 Definitions
33.02 Open to public; notice; agenda
33.03 Notice to news media
33.04 Council meetings; where; when; quorum
33.05 Special meetings
33.06 Emergency meetings
33.07 Videoconferencing
33.08 Teleconferencing
33.09 Attendance other than in person
33.10 Closed sessions
33.11 Prohibited acts; exempt events
33.12 Public participation
33.13 Order of business
33.14 Votes
33.15 Minutes
33.16 Change in office
33.17 City Council; parliamentary procedure

Bonds and Oaths

33.30 Bonds; requirement
33.31 Oath of office; municipal officials

Compensation

33.45 Compensation; how fixed; limitations
33.46 Conflict of interest involving contracts
§33.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MEETING.** All regular, special, or called meetings, formal or informal, of a public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action.

(1992 Code, §1-501)

**PUBLIC BODY.**

(1) (a) The City Council;

(b) All independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, ordinance, or otherwise pursuant to law; and

(c) Advisory committees of the bodies listed above.

(2) **PUBLIC BODY** does not include subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless the subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body.

(Neb. RS 84-1409)

(1992 Code, §1-502)

(Am. Ord. 470, passed 12-7-1993)

§33.02 OPEN TO PUBLIC; NOTICE; AGENDA.

(A) The formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

(Neb. RS 84-1408)

(B) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by the public body and recorded in its minutes. The notice shall be transmitted to all members of the public body and to the public. The notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, is readily available for public inspection at the office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency
nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a meeting of the City Council scheduled outside the corporate limits of the city. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(Neb. RS 84-1411)
(1992 Code, §1-503)

§33.03 NOTICE TO NEWS MEDIA.

The City Clerk, in the case of the City Council, and the secretary or other designee of each other public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(Neb. RS 84-1411) (1992 Code, §1-508)

§33.04 COUNCIL MEETINGS; WHERE; WHEN; QUORUM.

(A) The meetings of the City Council shall be held at city hall in the City of Kimball. Regular meetings shall be held on the first and third Tuesdays of each month at the hour of 6:00 p.m. 7:00 p.m.

(B) At all meetings of the Council, a majority of the Council shall constitute a quorum to do business.


Cross-reference:
Vote requirements for ordinances, orders, appointments, and other matters, see §30.49

§33.05 SPECIAL MEETINGS.

(A) The Mayor or any 3 Councilmembers may call special meetings of the City Council, the object of which shall be submitted to the Council in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the City Clerk.

(Neb. RS 17-106)

(B) On filing the call for a special meeting, the City Clerk shall notify the Mayor and Councilmembers of the special meeting, stating the time and its purpose.

(1992 Code, §1-514)

Statutory reference:
Meeting notice requirements, see Neb. RS 84-1411
§33.06 EMERGENCY MEETINGS.

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in that meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of §33.03 shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.
(Neb. RS 84-1411) (1992 Code, §1-505)

§33.07 VIDEOCONFERENCING.

(A) A meeting of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing if:

1. Reasonable advance publicized notice is given;

2. Reasonable arrangements are made to accommodate the public’s right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing was not used;

3. At least 1 copy of all documents being considered is available to the public at each site of the videoconference;

4. At least 1 member of the governing body or advisory committee is present at each site of the videoconference; and

5. No more than 2 of the governing body’s or advisory committee’s meetings in a calendar year are held by videoconference.

(B) Videoconferencing or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.
(Neb. RS 84-1411)

(C) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.
VIDEOCONFERENCING. Conducting a meeting involving participants at 2 or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.
(Neb. RS 84-1409)
(Ord. 528, passed 3-17-1998)

§33.08 TELECONFERENCING.

(A) A meeting of the governing body of an entity formed under the Interlocal Cooperation Act or the Joint Public Agency Act or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by telephone conference call if:

(1) The territory represented by the member public agencies of the entity or pool covers more than 1 county;

(2) Reasonable advance publicized notice is given which identifies each telephone conference location at which a member of the entity’s or pool’s governing body will be present;

(3) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the entity or pool or at a place which will accommodate the anticipated audience;

(4) Reasonable arrangements are made to accommodate the public’s right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(5) At least 1 copy of all documents being considered is available to the public at each site of the telephone conference call;

(6) At least 1 member of the governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;

(7) The telephone conference call lasts no more than 1 hour; and

(8) No more than 2 of the entity’s or pool’s meetings in a calendar year are held by telephone conference call.

(B) Nothing in this section shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.
(Neb. RS 84-1411) (Ord. 605, passed 6-19-2001)
§33.09 ATTENDANCE OTHER THAN IN PERSON.

A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment. (Neb. RS 84-1411)

§33.10 CLOSED SESSIONS.

(A) (1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if that individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct; or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if that person has not requested a public meeting.

(2) Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(B) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action means a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under division (A)(1)(a) of this section.
(C) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. The challenge and its disposition shall be recorded in the minutes.

(D) Nothing in this section shall be construed to require that any meeting be closed to the public.


§33.11 PROHIBITED ACTS; EXEMPT EVENTS.

(A) No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing this subchapter or the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or electronic communication shall be used for the purpose of circumventing the requirements of this subchapter or the Act.

(B) This subchapter and the Act do not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.


§33.12 PUBLIC PARTICIPATION.

(A) Subject to this subchapter and the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to §33.07, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(B) It shall not be a violation of division (A) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(C) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.
(D) No public body shall, for the purpose of circumventing this subchapter or the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(E) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(F) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if, a member entity of the public body is located outside of this state and the other requirements of Neb. RS 84-1412 are met.

(G) The public body shall, upon request, make a reasonable effort to accommodate the public’s right to hear the discussion and testimony presented at the meeting.

(H) Public bodies shall make available at the meeting, for examination and copying by members of the public, at least 1 copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least 1 current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

§33.13 ORDER OF BUSINESS.

Promptly at the hour set by law on the day of each regular meeting, the members of the City Council, the Mayor, the City Clerk, and such other city officials that may be required shall take their regular stations in the meeting place, and the business of the city shall be taken up for consideration and disposition in the manner prescribed by the official agenda on file at the office of the City Clerk.

§33.14 VOTES.

(A) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a city which utilizes an electronic voting device which allows the yeas and nays of each member of the City Council to be readily seen by the public.

(B) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(Neb. RS 84-1412) (1992 Code, §1-509)
§33.15 MINUTES.

(A) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(B) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(C) Minutes shall be written and available for inspection within 10 working days or prior to the next convened meeting, whichever occurs earlier, except that the city may have an additional 10 working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(Neb. RS 84-1413) (1992 Code, §1-506)

§33.16 CHANGE IN OFFICE.

(A) The Mayor and City Council shall meet at the time and place of the first regular meeting in December in each election year, and the outgoing officers and the outgoing members of the Council shall present their reports. Upon the outgoing Council having completed its business, the outgoing members of the Council shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to their successors in office all property, records, papers, and moneys belonging to the same.

(1992 Code, §1-511)

(B) The newly elected members of the Council and those continuing in office shall convene immediately after the prior Council adjourns and proceed to organize themselves for the ensuing year. The Mayor shall call the meeting to order. The Clerk shall report to the Council the names of all Councilmembers-elect who have qualified for their respective offices. The Council shall examine the credentials of its members and any other elective officers of the city to see that each has been duly and properly elected and to see that such oaths and bonds as are required have been given. The Clerk’s report shall be spread upon the minutes of the meeting preceding the roll call.

(1992 Code, §1-512)

(C) After ascertaining that all Councilmembers and officers are duly qualified and after the Clerk has called the roll, the Council shall elect a President of the Council. The Mayor shall nominate his or her candidates for appointive offices in which the terms of incumbents are expired and call for a vote on approval of the candidates. The Mayor shall then proceed with the regular order of business.

(1992 Code, §1-512)
§33.17 CITY COUNCIL; PARLIAMENTARY PROCEDURE.

Unless the City Council provides otherwise, the rules of parliamentary procedure specified in this section shall apply to meetings of the City Council. The Mayor shall preserve order during meetings of the City Council and shall decide all questions of order, subject to an appeal to the Council. When any person is called to order, he or she shall be seated until the point is decided. When the Mayor is putting the question, no person shall leave the meeting room. Every person present, previous to speaking, shall rise from his or her seat and address the presiding officer and while speaking shall confine his or her comments to the question. When 2 or more persons rise at once, the Mayor shall recognize the one who spoke first. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the City Clerk or any member of the Council. Every member of the Council who is present when a question is voted upon shall cast his or her vote unless excused by a majority of the members of the Council present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the Mayor before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Council making the motion or resolution shall be entered also. After each vote, the “yeas” and “nays” shall be taken and entered in the minutes. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor with the consent of the member of the Council seconding the resolution, motion, or ordinance. When, in the consideration of an ordinance, different times or amounts are proposed, the question shall be put on the largest sum, or the longest time. A question to reconsider shall be in order when made by a member voting with the majority, but the motion to reconsider must be made before the expiration of the third regular meeting after the initial consideration of the question. When any question is under debate, no motion shall be made, entertained, or seconded except the previous question, a motion to table, and to adjourn. Each of those motions shall be decided without debate. Any of the rules of the Council for meetings may be suspended by a 2/3 vote of the members present. In all cases in which provisions are not made by these rules, Robert’s Rules of Order is the authority by which the Council shall decide all procedural disputes that may arise.

BONDS AND OATHS

§33.30 BONDS; REQUIREMENT.

(A) The city may enact ordinances or bylaws to require from all officers and servants, elected or appointed, bonds and security or evidence of equivalent insurance for the faithful performance of their duties. The city may pay the premium for such bonds or insurance coverage. (Neb. RS 17-604)

(B) (1) All official bonds of officers of the city shall be in form joint and several and made payable to the city in such penalty as the City Council may fix.

(2) In place of the individual bonds required to be furnished by municipal officers, a schedule, position, blanket bond or undertaking, or evidence of equivalent insurance may be given by
municipal officers, or a single corporate surety fidelity, schedule, position, or blanket bond or undertaking, or evidence of insurance coverage covering all the officers, including officers required by law to furnish an individual bond or undertaking, may be furnished. The municipality may pay the premium for the bond or insurance coverage. The bond or insurance coverage shall be, at a minimum, an aggregate of the amounts fixed by law or by the City Council, and with such terms and conditions as may be required. (Neb. RS 11-104)

(3) The penalty amount on any bond shall not fall below the legal minimum, when one has been set by the state, for each particular official.

(C) Official bonds, with the oath endorsed thereon, shall be filed in the City Clerk's office within the following time:

(1) Of all appointed officers, within 30 days after their appointment; and

(2) Of elected city officers, within 30 days after the canvass of the votes of the election at which they were chosen. (Neb. RS 11-105)

(D) All official bonds of city officers shall be executed by the principal named in such bonds and by at least 2 sufficient sureties who shall be freeholders of the county in which such bonds are given, or any official bond of a city officer may be executed by the officer as principal and by a guaranty, surety, fidelity, or bonding company as surety, or by 2 or more such companies. Only such companies as are legally authorized to transact business in this state shall be eligible to suretyship on the bond of a city officer. (Neb. RS 11-109)

(E) The City Clerk shall carefully record and preserve the bonds in his or her office and shall give certified copies thereof, when required, under the seal of his or her office, and shall be entitled to receive for the same the usual fee allowed by law for certified copies of records in other cases. (Neb. RS 11-110)

(F) (1) The approval of each official bond shall be endorsed upon such bond by the officer approving the same, and no bond shall be filed and recorded until so approved. (Neb. RS 11-111)

(2) No bond shall be deemed to be given or complete until the approval of the City Council and all sureties are endorsed in writing on the instrument by the Mayor and City Clerk pursuant to the approval of the City Council.

(G) All official bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal and shall inure to the benefit of any persons injured by a breach of the conditions of such bonds. (Neb. RS 11-112)
(H) No official bond shall be rendered void by reason of any informality of irregularity in its execution or approval.
(Neb. RS 11-113)

(I) No city official shall be taken as security on the bond of any administrator, executor, or other officer from whom by law bond is or may be required.
(Neb. RS 11-114)

(J) If any person elected or appointed to any office neglects to have his or her official bond executed and approved as provided by law and filed for record within the time limited by this section, the City Clerk shall immediately issue an order to such person to show cause why he or she has failed to properly file such bond and why his or her office should not be declared vacant. If such person properly files the official bond within 10 days of the issuance of the show cause order for appointed officials or before the date for taking office for elected officials, such filing shall be deemed to be in compliance with this section. If such person does not file the bond within the required time and sufficient cause is not shown within that time, his or her office shall thereupon ipso facto become vacant and such vacancy shall thereupon immediately be filled by election or appointment as the law may direct in other cases of vacancy in the same office.
(Neb. RS 11-115)

(K) Any person appointed to fill a vacancy, before entering upon the duties of the office, must give a bond corresponding in substance and form with the bond required of the officer originally elected or appointed, as herein provided.
(Neb. RS 11-116)

(L) When the incumbent of an office is reelected or reappointed, he or she shall qualify by taking the oath and giving the bond as above directed, but when such officer has had public funds or property in his or her control, his or her bond shall not be approved until he or she has produced and fully accounted for such funds and property. When it is ascertained that the incumbent of an office holds over by reason of the nonelection or nonappointment of a successor or of the neglect or refusal of the successor to qualify, he or she shall qualify anew within 10 days from the time at which his or her successor, if elected, should have qualified.
(Neb. RS 11-117)

(M) No person shall be surety for the same officer for more than 2 successive terms of the same office, but this provision shall not apply to incorporated surety companies.
(Neb. RS 11-118)

(N) If the sureties on the official bond of any appointed officer of the city, in the opinion of the City Council, become insufficient, the Council may, by resolution, fix a reasonable time within which the officer may give a new bond or additional sureties as directed. If the officer fails, refuses, or neglects to give a new bond or additional sureties to the satisfaction and approval of the Council, the office shall, by such failure, refusal, or neglect, become vacant and it shall be the duty of the Council to appoint a competent and qualified person to fill the office.
(1992 Code, §1-301)
§33.31 OATH OF OFFICE; MUNICIPAL OFFICIALS.

(A) All officials of the city, whether elected or appointed, except when a different oath is specifically provided herein, shall before entering upon their respective duties take and subscribe the following oath, which shall be endorsed upon their respective bonds:

“I, ______________________________, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of ____________________, according to law and to the best of my ability. And I do further swear that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.”

(B) If any such officer is not required to give bond, the oath shall be filed with the City Clerk.

COMPENSATION

§33.45 COMPENSATION; HOW FIXED; LIMITATIONS.

(A) The officers and employees of the city shall receive such compensation as the Mayor and Council shall fix by resolution.

(B) The city may enact ordinances or bylaws to regulate and prescribe the compensation of officers not provided for in state law.
(Neb. RS 17-604)

(C) No officer shall receive any pay or perquisites from the city other than his or her salary. The City Council shall not pay or appropriate any money or other valuable thing to any person not an officer for the performance of any act, service, or duty, the doing or performance of which shall come within the proper scope of the duties of any officer of the city.
(Neb. RS 17-611)
(D) The emoluments of any elective officer shall not be increased or diminished during the term for which he or she shall have been elected, except when there has been a combination and merger of offices as provided in §31.03, except that when there are officers elected to the Council, or any other board or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members of such council, board or commission may be increased or diminished at the beginning of the full term of any member thereof. No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he or she was elected if during the same time the emoluments thereof were increased.

(Neb. RS 17-612)
(1992 Code, §1-901)

§33.46 CONFLICT OF INTEREST INVOLVING CONTRACTS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

_Business Association._

(a) A business:

1. In which the individual is a partner, limited liability company member, director, or officer; or

2. In which the individual or a member of the individual’s immediate family is a stockholder of closed corporation stock worth $1,000 or more at fair market value or which represents more than a 5% equity interest or is a stockholder of publicly traded stock worth $10,000 or more at fair market value or which represents more than 10% equity interest.

(b) An individual who occupies a confidential professional relationship protected by law shall be exempt from this definition. This definition shall not apply to publicly traded stock under a trading account if the filer reports the name and address of the stockbroker.

(Neb. RS 49-1408)

_Immediate Family._ A child residing in an individual’s household, a spouse of an individual, or an individual claimed by that individual or that individual’s spouse as a dependent for federal income tax purposes.

(Neb. RS 49-1425)

_Officer._

(a) Includes:

1. A member of any board or commission of the city which spends and administers its own funds, who is dealing with a contract made by such board or commission; or
2. Any elected city official.

(b) OFFICER does not mean volunteer firefighters or ambulance drivers with respect to their duties as firefighters or ambulance drivers.

(B) (1) Except as provided in Neb. RS 49-1499.04 or 70-624.04, no officer may have an interest in any contract to which his or her governing body, or anyone for its benefit, is a party. The existence of such an interest in any contract shall render the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment of the contract with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the County Attorney, the governing body, or any resident within the jurisdiction of the governing body and shall be brought within 1 year after the contract is signed or assigned. The decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the governing body has benefitted thereby.

(2) The prohibition in this division (B) shall apply only when the officer or his or her parent, spouse, or child:

(a) Has a business association with the business involved in the contract; or

(b) Will receive a direct pecuniary fee or commission as a result of the contract.

(C) Division (B) of this section does not apply if the contract is an agenda item approved at a meeting of the governing body and the interested officer:

(1) Makes a declaration on the record to the governing body responsible for approving the contract regarding the nature and extent of his or her interest prior to official consideration of the contract;

(2) Does not vote on the matters of granting the contract, making payments pursuant to the contract, or accepting performance of work under the contract, or similar matters relating to the contract, except that if the number of members of the governing body declaring an interest in the contract would prevent the body with all members present from securing a quorum on the issue, then all members may vote on the matters; and

(3) Does not act for the governing body which is a party to the contract as to inspection or performance under the contract in which he or she has an interest.

(D) An officer who has no business association with the business involved in the contract, or will not receive a direct pecuniary fee or commission as a result of the contract, shall not be deemed to have an interest within the meaning of this section.

(E) The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any such governing body by a financial institution shall not be considered a contract for purposes of this section. The ownership of less than 5% of the outstanding shares of a corporation
shall not constitute an interest within the meaning of this section.

(F) If an officer’s parent, spouse, or child is an employee of the officer’s governing body, the officer may vote on all issues of the contract which are generally applicable to all employees, or all employees within a classification, and do not single out his or her parent, spouse, or child for special action.

(G) Neb. RS 49-14,102 does not apply to contracts covered by this section.

(H) (1) The person charged with keeping records for the governing body shall maintain separately from other records a ledger containing the information listed in divisions (H)(1)(a) through (H)(1)(e) of this section about every contract entered into by the governing body in which an officer of the body has an interest and for which disclosure is made pursuant to division (C) of this section. This information shall be kept in the ledger for 5 years from the date of the officer’s last day in office and shall include:

(a) The names of the contracting parties;

(b) The nature of the interest of the officer in question;

(c) The date that the contract was approved by the governing body;

(d) The amount of the contract; and

(e) The basic terms of the contract.

(2) The information supplied relative to the contract shall be provided no later than 10 days after the contract has been signed by both parties. The ledger kept pursuant to this division (H) shall be available for public inspection during the normal working hours of the office in which it is kept.

(I) An open account established for the benefit of any governing body with a business in which an officer has an interest shall be deemed a contract subject to this section. The statement required to be filed by division (H) of this section shall be filed within 10 days after the account is opened. Thereafter, the person charged with keeping records for the governing body shall maintain a running account of amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to this section.

(J) Notwithstanding divisions (A) through (I) of this section, the governing body may prohibit contracts over a specific dollar amount in which an officer of the governing body may have an interest.
(K) The governing body may exempt from divisions (A) through (I) of this section, contracts involving $100 or less in which an officer of that body may have an interest.
(Neb. RS 49-14,103.06)  (1992 Code, §1-903)

Statutory reference:
Other provisions on conflicts of interest, see Neb. RS 18-305 through 18-312 and 49-1499.03 through 49-14,103
Penalty for violation of restrictions on contracts, see Neb. RS 49-14,103.04
CHAPTER 34: ELECTIONS

Section

34.01 Generally
34.02 Notice
34.03 Registered voters; qualifications
34.04 Special elections
34.05 Election of officers; certifications required
34.06 Partisan ballot; when allowed; requirements
34.07 Candidate filing forms; deadlines; filing officer
34.08 Filing fee
34.09 Petition, write-in, and other candidates for general election ballot; procedures
34.10 Recall procedure
34.11 Exit polls

Statutory reference:
Election Act, see Neb. RS 32-101

§34.01 GENERALLY.

(A) All city issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if city offices or issues can reasonably be combined with the nonpartisan ballot and state law does not require otherwise. All city elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide primary or general election.
(Neb. RS 32-556)

(B) When the city holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act. Any other election held by the city shall be held as provided in the Election Act unless otherwise provided by the charter, code, or bylaws of the city.
(Neb. RS 32-404)

§34.02 NOTICE.

The notice of election required to be published by the Election Commissioner or County Clerk pursuant to Neb. RS 32-802 shall serve as the notice requirement for all city elections which are held in conjunction with the statewide primary or general election
§34.03 REGISTERED VOTERS; QUALIFICATIONS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

REGISTERED VOTER. An elector who has a current voter registration record on file with the Election Commissioner or County Clerk in the county of his or her residence.
(Neb. RS 32-115)

(B) All registered voters residing within the corporate limits of the city on or before election day shall be entitled to vote at all city elections.
(Neb. RS 17-602)

Statutory reference:
Definition of elector, see Neb. RS 32-110

§34.04 SPECIAL ELECTIONS.

(A) (1) Except as provided in Neb. RS 77-3444, any issue to be submitted to the registered voters at a special election by the city shall be certified by the City Clerk to the Election Commissioner or County Clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. RS 32-952 through 32-959. Any other special election under this section shall be subject to division (B) of this section.

(2) In lieu of submitting the issue at a special election, the city may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the City Clerk to the Election Commissioner or County Clerk by March 1 for the primary election and by September 1 for the general election.

(3) After the Election Commissioner or County Clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the City Clerk shall be responsible for the publication or posting of any required special notice of the submission of the issue other than the notice required to be given of the statewide election issues. The Election Commissioner or County Clerk shall prepare the ballots and issue ballots for early voting and shall also conduct the submission of the issue, including the receiving and counting of ballots on the issue. The election returns shall be made to the Election Commissioner or County Clerk. The ballots shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the Election Commissioner or County Clerk shall certify the election results to the City Council. The canvass by the County Canvassing Board shall have the same force and effect as if made by the City Council.
(Neb. RS 32-559)
(B) Any special election under the Election Act shall be held on the first Tuesday following the second Monday of the selected month unless otherwise specifically provided. No special election shall be held under the Election Act in April, May, June, October, November, or December of an even-numbered year unless it is held in conjunction with the statewide primary or general election.  
(Neb. RS 32-405)

§34.05 ELECTION OF OFFICERS; CERTIFICATIONS REQUIRED.

No later than January 5 of each even-numbered year, the City Council shall certify to the Secretary of State, the Election Commissioner, or the County Clerk the name of the city, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office. The Secretary of State, Election Commissioner, and County Clerk shall prescribe the forms to be used for certification to him or her.  
(Neb. RS 32-404)

§34.06 PARTISAN BALLOT; WHEN ALLOWED; REQUIREMENTS.

All elective city officers shall be nominated and elected on a nonpartisan basis unless the city provides for a partisan ballot by ordinance. No ordinance providing for nomination and election on a partisan ballot shall permit affiliation with any party not recognized as a political party for purposes of the Election Act. Such ordinance providing for nomination and election on a partisan ballot shall be adopted and effective not less than 60 days prior to the filing deadline.  
(Neb. RS 32-557)

§34.07 CANDIDATE FILING FORMS; DEADLINES; FILING OFFICER.

(A) Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in division (B). If a candidate is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between December 1 and February 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. All other candidates shall file for office between December 1 and March 1 prior to the date of the general election.  
(Neb. RS 32-606)

(B) Candidate filing forms shall be filed in the office of the Election Commissioner or County Clerk.  
(Neb. RS 32-607)  
Statutory reference:  
Filling of vacancy on ballot, see Neb. RS 32-625 and 32-627  
Withdrawal after filing, see Neb. RS 32-622
§34.08  FILING FEE.

(A) Except as provided in division (D) or (E) of this section, a filing fee shall be paid to the City Treasurer by or on behalf of each candidate for city office prior to filing for office. The fee shall be placed in the general fund of the city. No candidate filing forms shall be filed until the proper payment or the proper receipt showing the payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the City Treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

(B) Except as provided in division (D) or (E) of this section, the filing fee shall be a sum equal to 1% of the annual salary such candidate will receive if he or she is elected and qualifies for the office for which he or she files as a candidate.

(C) All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within 10 days after the canvass of votes by the county canvassing board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

(D) No filing fee shall be required for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than $500 per year.

(E) (1) No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis.

(2) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AVAILABLE RESOURCES.** Includes every type of property or interest in property that an individual owns and may convert into cash except:

(i) Real property used as a home;

(ii) Household goods of a moderate value used in the home; and

(iii) Assets to a maximum value of $3,000 used by a recipient in a planned effort directed towards self-support.

**PAUPER.** A person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own.
(F) If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the City Council prior to the date of the election. Upon approval of the claim by the City Council, the filing fee shall be refunded. (Neb. RS 32-608)

§34.09 PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES.

(A) (1) Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or before March 1 in the calendar year of the general election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in this section and Neb. RS 32-621 or by nomination by political party convention or committee pursuant to Neb. RS 32-627 or 32-710.

(2) Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under Neb. RS 32-625(2) and the candidate files for the office by petition as prescribed in divisions (B) and (C) of this section, files as a write-in candidate as prescribed in Neb. RS 32-615, or is nominated by political party convention or committee pursuant to Neb. RS 32-710.

(Neb. RS 32-616)

(B) Petitions for nomination shall conform to the requirements of Neb. RS 32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. A sample copy of the petition shall be filed with the filing officer prior to circulation. Petitions shall be signed by registered voters residing in the city, if candidates are chosen at large, or in the ward in which the officer is to be elected, if candidates are chosen by ward, and shall be filed with the filing officer in the same manner as provided for candidate filing forms in §34.07. Petition signers and petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required pursuant to Neb. RS 32-608. The petitions shall be filed by September 1 in the year of the general election.

(Neb. RS 32-617)

(C) (1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be at least 10% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the city or in the ward in which the officer is to be elected, not to exceed 2,000.

(2) The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be at least 20% of the total vote for Governor or President of the United States at the immediately preceding general election within the city or in the ward in which the officer is to be elected, as appropriate, not to exceed 2,000.

(Neb. RS 32-618)
§34.10 RECALL PROCEDURE.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**FILING CLERK.** The Election Commissioner or County Clerk.
(Neb. RS 32-1301)

(B) (1) The Mayor, any member of the City Council, and any other elected official of the city may be removed from office by recall pursuant to this section.

(2) The recall procedure and special election provisions of this section shall apply to members of the City Council who are elected by ward. Only registered voters of such member's ward may sign a recall petition or vote at the recall election. The recall election shall be held within the member's ward. When a member of the City Council is nominated by ward in the primary election and elected at large in the general election, the recall provisions shall apply to the registered voters at the general election.
(Neb. RS 32-1302)

(C) (1) A petition demanding that the question of removing the Mayor, a member of the City Council, or any other elected official be submitted to the registered voters shall be signed by registered voters equal in number to at least 35% of the total vote cast for that office in the last general election, except that for City Council office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least 35% of the number of votes cast for the person receiving the most votes for such office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630.

(3) The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the filing clerk by at least 1 registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the official sought to be removed, shall include in typewritten form in concise language of 60 words or less the reason or reasons for which recall is sought, and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall notify the official sought to be removed by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving a copy of the affidavit at the official's usual place of residence and mailing a copy by first-class mail to the official's last-known address. If the official chooses, he or she may submit a defense statement in typewritten form in concise language of 60 words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing clerk within 20 days after the official receives the copy of the affidavit. The principal circulator or circulators shall gather the petition papers within 20 days after the receipt of the official’s defense statement. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within 30 days from the date of issuing the petitions.
(4) The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to persons who may act as circulators of such petitions.

(5) Petition signers shall conform to the requirements of Neb. RS 32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question.

(D) Each petition paper shall conform to the requirements of Neb. RS 32-1304.

(E) (1) The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the filing clerk within 30 days after the filing clerk issues the initial petition papers to the principal circulator or circulators as provided in division (C) of this section.

(2) Within 15 days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be removed before the petitions are filed with the filing clerk for signature verification. If the petition is found to be sufficient, the filing clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

(F) (1) If the recall petition is found to be sufficient, the filing clerk shall notify the official whose removal is sought and the City Council that sufficient signatures have been gathered. Notification of the official sought to be removed may be by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving such notice at the official's usual place of residence and mailing a copy by first-class mail to the official's last-known address.

(2) The City Council shall order an election to be held not less than 30 nor more than 75 days after the notification of the official whose removal is sought under division (F)(1) of this section, except that if any other election is to be held in the city within 90 days after such notification, the City Council shall provide for the holding of the recall election on the same day. All resignations shall be tendered as provided in Neb. RS 32-562. If the official whose removal is sought resigns before the recall election is held, the City Council may cancel the recall election if the City Council notifies the election commissioner or county clerk of the cancellation at least 16 days prior to the election, otherwise the recall election shall be held as scheduled.
(3) If the City Council fails or refuses to order a recall election within the time required, the election may be ordered by the district court having jurisdiction over a county in which the elected official serves. If a filing clerk is subject to a recall election, the Secretary of State shall conduct the recall election.
(Neb. RS 32-1306)

(G) The form of the official ballot at a recall election held pursuant to division (F) of this section shall conform to the requirements of Neb. RS 32-1307.

(H) (1) If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in division (I) of this section.

(2) If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this section and Neb. RS 32-567 to 32-570.

(3) If the election results show a margin of votes equal to 1% or less between the removal or retention of the official in question, the Secretary of State, Election Commissioner, or County Clerk shall order a recount of the votes cast unless the official named on the ballot files a written statement with the filing clerk that he or she does not want a recount.

(4) If there are vacancies in the offices of a majority or more of the members of the City Council or any other governing body at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, Election Commissioner, or County Clerk.

(5) No official who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the same governing body during the remainder of his or her term of office.
(Neb. RS 32-1308)

(I) No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him or her from office or within 6 months after the beginning of his or her term of office or within 6 months prior to the incumbent filing deadline for the office.
(Neb. RS 32-1309)
§34.11 EXIT POLLS.

No person shall conduct an exit poll, a public opinion poll, or any other interview with voters on election day seeking to determine voter preference within 20 feet of the entrance of any polling place or, if inside the polling place or building, within 100 feet of any voting booth.

(Neb. RS 32-1525) Penalty, see §10.99
CHAPTER 35: FINANCE AND REVENUE

Section

General Provisions

35.01 Public funds defined
35.02 Contracts and purchases; bidding and other requirements
35.03 Annual audit; financial statements
35.04 Orders or warrants for money; contracts; expenditures; requirements
35.05 Claims and accounts payable
35.06 Collection of special assessments; procedure
35.07 Special assessment fund
35.08 Sinking funds; gifts of money or property
35.09 Deposit of funds
35.10 Certificates of deposit; time deposits; conditions
35.11 Investment and use of surplus funds
35.12 Bond issues
35.13 Debt collection; authority to contract with collection agency
35.14 Credit cards; authority to accept
35.15 Miscellaneous expenditures; recognition dinners; awards

Annual Budget

35.30 Fiscal year
35.31 Budget procedures
35.32 Expenditures prior to adoption of budget
35.33 Proposed budget statement; contents; availability; correction
35.34 Proposed budget statement; hearing; adoption; certification of tax amount
35.35 Adopted budget statement; filing; certification of tax amount
35.36 Appropriation bill
35.37 Revision of budget
35.38 Proprietary functions; fiscal year; budget statements; filing; hearing; adoption; reconciliation
35.39 General fund
35.40 Transfer of funds
Tax Levies

35.50 Property tax levy for general revenue purposes
35.51 Levies for other taxes and special assessments
35.52 All-purpose levy; allocation; abandonment; extraordinary levies
35.53 Property tax levy; maximum; authority to exceed
35.54 Property tax; certification of amount; collection
35.55 Property tax request; procedure for setting
35.56 Motor vehicle fee

GENERAL PROVISIONS

§35.01 PUBLIC FUNDS DEFINED.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC FUNDS. All money, including non-tax money, used in the operation and functions of governing bodies. If the city has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the city from a licensed lottery operator shall be considered PUBLIC FUNDS, and PUBLIC FUNDS shall not include amounts awarded as prizes.
(Neb. RS 13-503)
(1992 Code, §1-801.01) (Ord. 503, passed 11-21-1995)

§35.02 CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS.

(A) Except as provided in Neb. RS 18-412.01 for a contract with a public power district to operate, renew, replace, or add to the electric distribution, transmission, or generation system of the city, no contract for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of the enlargement or improvement is assessed to the property, costing over $30,000, shall be made unless it is first approved by the City Council.

(B) Except as provided in Neb. RS 18-412.01, before the City Council makes any contract in excess of $30,000 for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of the enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the City Engineer and submitted to the City Council. In advertising for bids as provided in divisions (C) and (E) of this section, the City Council may publish the amount of the estimate.

(C) Advertisements for bids shall be required for any contract costing over $30,000 entered into:
(1) For enlargement or general improvements, such as water extensions, sewers, public
heating system, bridges, work on streets, or any other work or improvement when the cost of the enlargement or improvement is assessed to the property; or

(2) For the purchase of equipment used in the construction of the enlargement or general improvements.

(D) A city electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for the enlargement or improvement without advertising for bids if the price is:

(1) $30,000 or less;

(2) $60,000 or less and the city electric utility has gross annual revenue from retail sales in excess of $1,000,000;

(3) $90,000 or less and the city electric utility has gross annual revenue from retail sales in excess of $5,000,000; or

(4) $120,000 or less and the city electric utility has gross annual revenue from retail sales in excess of $10,000,000.

(E) The advertisement provided for in division (C) of this section shall be published at least 7 days prior to the bid closing in a legal newspaper published in or of general circulation in the city, and if there is no legal newspaper published in or of general circulation in the city, then in some newspaper of general circulation published in the county in which the city is located, and if there is no legal newspaper of general circulation published in the county in which the city is located, then in a newspaper, designated by the County Board, having a general circulation within the county where bids are required, and if no newspaper is published in the city or county, or if no newspaper has general circulation in the county, then by posting a written or printed copy thereof in each of 3 public places in the city at least 7 days prior to the bid closing. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of or serious injury or damage to life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by Neb. RS 17-613 when adopted by a 3/4 vote of the City Council and entered of record.

(F) If, after advertising for bids as provided in this section, the City Council receives fewer than 2 bids on a contract or if the bids received by the City Council contain a price which exceeds the estimated cost, the City Council may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.

(G) If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the City Council or Board of Public Works, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the city, the City Council or Board of Public Works may authorize the manufacture and assemblage of those materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.
(Neb. RS 17-568.01)

(H) Any city bidding procedure may be waived by the City Council or Board of Public Works:

(1) When materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in Neb. RS 81-145 through 81-162;

(2) When the contract is negotiated directly with a sheltered workshop pursuant to Neb. RS 48-1503; or

(3) When required to comply with any federal grant, loan, or program.

(Neb. RS 17-568.02)

(I) (1) Notwithstanding any other provisions of law or a home rule charter, a city which has established, by an interlocal agreement with any county, a joint purchasing division or agency may purchase personal property without competitive bidding if the price for the property has been established by the federal General Services Administration or the materiel division of the Department of Administrative Services.

(2) For the purpose of this division (I), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSONAL PROPERTY. Includes but is not limited to supplies, materials, and equipment used by or furnished to any officer, office, department, institution, board, or other agency.

PURCHASING or PURCHASE. The obtaining of personal property by sale, lease, or other contractual means.

(Neb. RS 18-1756) (1992 Code, §1-814)

Statutory reference: Requirements for public lettings, see Neb. RS 73-101 et seq.

§35.03 ANNUAL AUDIT; FINANCIAL STATEMENTS.

(A) (1) For the purpose of this division (A), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCOUNTANT. A duly licensed public accountant or certified public accountant who otherwise is not an employee of or connected in any way with the city.

ANNUAL AUDIT REPORT. The written report of the accountant and all appended statements and schedules relating thereto presenting or recording the findings of an examination or audit of the financial transactions, affairs, or financial condition of the city and its proprietary functions for the fiscal year immediately prior to the making of the annual report.
**FISCAL YEAR.** The fiscal year for the city or the fiscal year established in Neb. RS 18-2804 for a proprietary function if different than the city fiscal year.
(Neb. RS 19-2902)

(2) The City Council shall cause an audit of the city’s accounts to be made by a recognized independent and qualified accountant as expeditiously as possible following the close of the fiscal year and to cover all financial transactions and affairs of the city for that preceding fiscal year. The audit shall be made on a cash or accrual method at the discretion of the City Council. The audit shall be completed and the annual audit report made by the accountant shall be submitted within 6 months after the close of the fiscal year in any event, unless an extension of time is granted by a written resolution adopted by the City Council. If the city owns or operates any type of public utility or other enterprise which substantially generates its own revenue, that phase of the affairs of the city shall be audited separately from other functions of the city and the result shall appear separately in the annual audit report made by the accountant to the city and such audit shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. For the utilities operated through the Board of Public Works, the City Council may provide for an entirely separate audit, on an accrual basis, of such operations and report and by a different accountant than the one making the general audit.
(Neb. RS 19-2903)

(3) The annual audit report shall set forth, insofar as possible, the financial position and results of financial operations for each fund or group of accounts of the city. When the accrual method is selected for the annual audit report, the report shall be in accordance with generally accepted accounting principles. The annual audit report shall also include the professional opinion of the accountant with respect to the financial statements, or, if an opinion cannot be expressed, a declaration that the accountant is unable to express such an opinion with an explanation of the reasons why he or she cannot do so.
(Neb. RS 19-2904)

(4) At least 3 copies of such annual audit report shall be properly signed and attested by the accountant; 2 copies shall be filed with the City Clerk, and 1 copy shall be filed with the Auditor of Public Accounts. The annual audit report filed, together with any accompanying comment or explanation, shall become a part of the public records of the City Clerk and shall at all times thereafter be open and subject to public inspection.
(Neb. RS 19-2905)

(B) The City Council shall provide and file with the City Clerk, not later than August 1 of each year, financial statements showing the city’s actual and budgeted figures for the most recently completed fiscal year.

**Statutory reference:**
Other provisions on audits, Neb. RS 19-2906 through 19-2909
§35.04 ORDERS OR WARRANTS FOR MONEY; CONTRACTS; EXPENDITURES; REQUIREMENTS.

(A) The Mayor and City Council shall have no power to appropriate, issue, or draw any order or warrant on the City Treasurer for money, unless the same has been appropriated or ordered by ordinance, or the claim for the payment of which such order or warrant is issued has been allowed according to the provisions of §35.05, and funds for the class or object out of which such claim is payable have been included in the adopted budget statement or transferred according to law. (Neb. RS 17-708)

(B) No contract shall be hereafter made by the City Council, or any committee or member thereof, and no expense shall be incurred by any of the officers or departments of the city, whether the object of the expenditures shall have been ordered by the City Council or not, unless an appropriation shall have been previously made concerning such expense, except as otherwise expressly provided in division (A). (Neb. RS 17-709)

(C) All warrants drawn upon the City Treasurer must be signed by the Mayor and countersigned by the City Clerk, stating the particular fund to which the same is chargeable, the person to whom payable, and for what particular object. No money shall be otherwise paid than upon such warrants so drawn. Each warrant shall specify the amount included in the adopted budget statement for such fund upon which it is drawn and the amount already expended of such fund. (Neb. RS 17-711)

(1992 Code, §1-813 and 1-817)

§35.05 CLAIMS AND ACCOUNTS PAYABLE.

(A) (1) All liquidated and unliquidated claims and accounts payable against the city shall:

(a) Be presented in writing;

(b) State the name and address of the claimant and the amount of the claim; and

(c) Fully and accurately identify the items or services for which payment is claimed or the time, place, nature, and circumstances giving rise to the claim.

(2) As a condition precedent to maintaining an action for a claim, other than a tort claim as defined in Neb. RS 13-903, the claimant shall file such claim within 90 days of the accrual of the claim in the office of the City Clerk.

(3) The City Clerk shall notify the claimant or his or her agent or attorney by letter mailed to the claimant's address within 5 days if the claim is disallowed by the City Council.
(4) No costs shall be recovered against the city in any action brought against it for any claim or for any claim allowed in part which has not been presented to the City Council to be audited, unless the recovery is for a greater sum than the amount allowed with the interest due. (Neb. RS 17-714)

(B) Upon the allowance of claims by the City Council, the order for their payment shall specify the particular fund or appropriation out of which they are payable as specified in the adopted budget statement; and no order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn, unless there is sufficient money in the treasury at the credit of the proper fund for its payment; provided that if there exists at the time such warrant is drawn, obligated funds from the federal government or the state, or both from the federal government and the state, for the general purpose or purposes of such warrant, then such warrant may be drawn in excess of 85% of the current levy for the purpose for which it is drawn to the additional extent of 100% of such obligated federal or state funds. No claim shall be audited or allowed unless an order or warrant for the payment thereof may legally be drawn. (Neb. RS 17-715) (1992 Code, §1-816)

§35.06 COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE.

(A) The city shall have authority to collect the special assessments which it levies and to perform all other necessary functions related thereto including foreclosure.

(B) The City Council of any city collecting its own special assessments shall direct that notice that special assessments are due shall be mailed or otherwise delivered to the last known address of the person against whom those special assessments are assessed or to the lending institution or other party responsible for paying those special assessments. Failure to receive the notice shall not relieve the taxpayer from any liability to pay the special assessments and any interest or penalties accrued thereon.

(C) A city collecting its own assessments shall:

(1) File notice of the assessments and the amount of assessment being levied for each lot or tract of land to the Register of Deeds; and

(2) File a release of assessment upon final payment of each assessment with the Register of Deeds.


Statutory reference:
Refunding erroneously paid special assessments, see Neb. RS 17-703
§35.07 SPECIAL ASSESSMENT FUND.

All money received on special assessments shall be held by the City Treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and this money shall be used for no other purpose whatever, unless to reimburse the city for money expended for any such improvement.
(Neb. RS 17-710) (1992 Code, §1-818)

§35.08 SINKING FUNDS; GIFTS OF MONEY OR PROPERTY.

(A) The city is hereby empowered to receive money or property by donation, bequest, gift, devise, or otherwise for the benefit of any one or more of the public purposes for which sinking funds are established by the provisions of this section, as stipulated by the donor. The title to the money or property so donated shall vest in the City Council, or in its successors in office, who shall become the owners thereof in trust to the uses of the sinking fund or funds; provided, if the donation is real estate, the City Council may manage the same as in the case of real estate donated to the city for city library purposes under the provisions of Neb. RS 51-215 and 51-216.
(Neb. RS 19-1301)

(B) The City Council, subject to all the limitations set forth in this section, shall have the power to levy a tax of not to exceed $0.105 on each $100 in any one year upon the taxable value of all the taxable property within the city for a term of not to exceed 10 years, in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the city, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of any one or more of the following public improvements, including acquisition of any land incident to the making thereof: City library; city auditorium or community house for social or recreational purposes; city hall; city public library, auditorium, or community house in a single building; city swimming pool and appurtenances thereto; city jail; city building to house equipment or personnel of a fire department, together with firefighting equipment or apparatus; city park; city cemetery; city medical clinic building, together with furnishings and equipment; or city hospital. The city shall not be authorized to levy the tax or to establish the sinking fund as provided in this division if, having bonded indebtedness, such city has been in default in the payment of interest thereon or principal thereof for a period of 10 years prior to the date of the passage of the resolution providing for the submission of the proposition for establishment of the sinking fund as required in division (C).
(Neb. RS 19-1302)

(C) Before any sinking fund or funds are established or before any annual tax is levied for any such planned city improvement mentioned in division (B) by the city, the City Council shall declare its purpose by resolution to submit to the qualified electors of the city at the next general city election the proposition to provide the city with the specific city improvement planned for consummation under this section. The resolution of submission shall, among other things, set forth a clear description of the improvement planned, the estimated cost according to the prevailing costs, the amount of annual levy over a definite period of years, not exceeding 10 years, required to provide such cost, and the specific name or designation for the sinking fund sought to be established to carry out the planned
improvement, together with a statement of the proposition for placement upon the ballot at the election. Notice of the submission of the proposition, together with a copy of the official ballot containing the same, shall be published in its entirety 3 successive weeks before the day of the election in a legal newspaper published in the city or, if no legal newspaper is published therein, in some legal newspaper published in the county in which the city is located and of general circulation. If no legal newspaper is published in the county, such notice shall be published in some legal newspaper of general circulation in the county in which the city is located. No such sinking fund shall be established unless the same has been authorized by a majority or more of the legal votes of the city cast for or against the proposition. If less than a majority of the legal votes favor the establishment of the sinking fund, the planned improvement shall not be made, no annual tax shall be levied therefor, and no sinking fund or sinking funds shall be established in connection therewith, but such resolution of submission shall immediately be repealed. If the proposition shall carry at such election in the manner prescribed in this division, the City Council and its successors in office shall proceed to do all things authorized under such resolution of submission but never inconsistent with this section. Provisions of the statutes of this state relating to election of officers, voting places, election apparatus and blanks, preparation and form of ballots, information to voters, delivery of ballots, conduct of elections, manner of voting, counting of votes, records and certificates of elections, and recounts of votes, so far as applicable, shall apply to voting on the proposition under this section.
(Neb. RS 19-1303)

(D) All funds received by the City Treasurer, by donation or by tax levy, as hereinbefore provided, shall, as they accumulate, be immediately invested by the Treasurer, with the written approval of the City Council, in the manner provided in §35.11. Whenever investments of such sinking fund or funds are made, as aforesaid, the nature and character of the same shall be reported to the City Council, and the investment report shall be made a matter of record by the City Clerk in the proceedings of the City Council. The sinking fund, or sinking funds, accumulated under the provisions of this section, shall constitute a special fund, or funds, for the purpose or purposes for which the same was authorized and shall not be used for any other purpose unless authorized by 60% of the qualified electors of the city voting at a general election favoring such change in the use of the sinking fund or sinking funds; provided that the question of the change in the use of the sinking fund or sinking funds, when it fails to carry, shall not be resubmitted in substance for a period of 1 year from and after the date of such election.
(Neb. RS 19-1304)
(1992 Code, §1-819)

Statutory reference:
Additional levy limitations, see Neb. RS 17-702
Investment in warrants, see Neb. RS 77-2337
§35.09 DEPOSIT OF FUNDS.

(A) (1) The City Treasurer shall deposit, and at all times keep on deposit, for safekeeping, in banks, capital stock financial institutions, or qualifying mutual financial institutions of approved and responsible standing, all money collected, received, or held by him or her as City Treasurer. These deposits shall be subject to all regulations imposed by law or adopted by the City Council for the receiving and holding thereof. The fact that a stockholder, director, or other officer of the bank, capital stock financial institution, or qualifying mutual financial institution is also serving as Mayor, a member of the City Council, as a member of the Board of Public Works, or as any other officer of the city shall not disqualify the bank, capital stock financial institution, or qualifying mutual financial institution from acting as a depository for the city funds.

(2) The City Council shall require from all banks, capital stock financial institutions, or qualifying mutual financial institutions a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured or guaranteed by the Federal Deposit Insurance Corporation or, in lieu thereof, security given as provided in the Public Funds Deposit Security Act, to secure the payment of all such deposits and accretions. The City Council shall approve this bond or giving of security. The City Treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved.
(Neb. RS 17-607)

(B) The insurance afforded to depositors in banks, capital stock financial institutions, or qualifying mutual financial institutions through the Federal Deposit Insurance Corporation shall be deemed and construed to be a surety bond or bonds to the extent that the deposits are insured or guaranteed by that corporation, and for deposits so insured or guaranteed, no other surety bond or bonds or other security shall be required.
(Neb. RS 77-2362)

(C) Neb. RS 77-2366 shall apply to deposits in capital stock financial institutions. Neb. RS 77-2365.01 shall apply to deposits in qualifying mutual financial institutions.
(Neb. RS 17-607 and 77-2362)
(1992 Code, §1-820)

Statutory reference:
Other provisions on deposits of public funds, see Neb. RS 77-2363 and 77-2364
Public Funds Deposit Security Act, see Neb. RS 77-2386

§35.10 CERTIFICATES OF DEPOSIT; TIME DEPOSITS; CONDITIONS.

The City Treasurer may, upon resolution of the Mayor and City Council authorizing the same, purchase certificates of deposit from and make time deposits in any bank, capital stock financial institution, or qualifying mutual financial institution in the state to the extent that those certificates of deposit or time deposits are insured or guaranteed by the Federal Deposit Insurance Corporation. Deposits may be made in excess of the amounts so secured by the corporation, and the amount of the excess deposit shall be secured by a bond or by security given in the same manner as is provided for cities of the first class in Neb. RS 16-714 through 16-716 as of the time the deposit is made. Neb. RS
77-2366 shall apply to deposits in capital stock financial institutions. Neb. RS 77-2365.01 shall apply to deposits in qualifying mutual financial institutions.
(Neb. RS 17-720)

§35.11 INVESTMENT AND USE OF SURPLUS FUNDS.

(A) When the City Treasurer holds funds of the city in excess of the amount required for maintenance or set aside for betterments and improvements, the Mayor and City Council may, by resolution, direct and authorize the Treasurer to invest the surplus funds in the outstanding bonds or registered warrants of the city, bonds and debentures issued either singly or collectively by any of the 12 federal land banks, the 12 intermediate credit banks, or the 13 banks for cooperatives under the supervision of the Farm Credit Administration, or in interest-bearing bonds or the obligations of the United States. The interest on such bonds or warrants shall be credited to the fund out of which the bonds or warrants were purchased.
(Neb. RS 17-608)

(B) All income received by the city from public utilities and from the payment and collection of water taxes, rents, rates or assessments shall be applied to the payment of running expenses, interest on bonds or money borrowed and the erection and construction of public utilities; should there be any surplus, it shall be annually created into a sinking fund for the payment of public utility bonds or for the improvements of the works, or into the general fund as the Council may direct. The surplus remaining, if any, may, if the Council, be invested in interest-bearing bonds or obligations of the United States.
(Neb. RS 17-540)

(C) The Mayor and City Council may, by resolution, direct and authorize the Treasurer to dispose of the surplus electric light, water, or gas funds, or the funds arising from the sale of electric light, water, or natural gas distribution properties, by the payment of outstanding electric light, water, or gas distribution bonds or water warrants then due. The excess, if any, after such payments, may be transferred to the general fund of the city.
(Neb. RS 17-609)

(D) Any surplus funds arising out of the operation of any system of waterworks, power plant, ice plant, gas plant, sewerage, heating or lighting plant, or distribution system by the Board of Public Works, or by the City Council, where any of such utilities are not being operated by such a Board, may be invested, if not invested pursuant to the provisions of any other law upon the subject, in like manner and subject to the same conditions as the investment of similar funds of cities of the first class, as provided in Neb. RS 16-691.01.
(Neb. RS 17-803)

(E) (1) Whenever the city has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the City Council may invest any such surplus in excess of current needs or such excess in its sinking fund in certificates of deposit, in time deposits, and in any securities in which the State Investment Officer is authorized to invest pursuant to the Nebraska Capital Expansion Act and
the Nebraska State Funds Investment Act and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. The State Investment Officer shall upon request furnish a copy of current authorized investment guidelines of the Nebraska Investment Council.

(2) Nothing in division (E)(1) shall be construed to authorize investments in venture capital.

(Neb. RS 77-2341)
(1992 Code, §1-821)

§35.12 BOND ISSUES.

The City Council may, after meeting all the requirements of state law, issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by state law. The City Council shall have the authority to levy special assessments for the payment of interest and principal on these bonds and may spread the payments up to the maximum number of years permitted by state law.

(1992 Code, §1-822)

Statutory reference:
Bonds in general, see Neb. RS 18-1801 through 18-1805
Funding and refunding bonds, see Neb. RS 10-606 through 10-612
General provisions, see Neb. RS 10-101 through 10-143

§35.13 DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY.

(A) The city may contract to retain a collection agency licensed pursuant to Neb. RS 45-601 through 45-622, within or without this state, for the purpose of collecting public debts owed by any person to the city.

(B) No debt owed pursuant to division (A) of this section may be assigned to a collection agency unless:

(1) There has been an attempt to advise the debtor by first-class mail, postage prepaid, at the last known address of the debtor:

(a) Of the existence of the debt; and

(b) That the debt may be assigned to a collection agency for collection if the debt is not paid; and

(2) At least 30 days have elapsed from the time the notice was sent.

(C) A collection agency which is assigned a debt under this section shall have only those remedies and powers which would be available to it as an assignee of a private creditor.
(D) For purposes of this section, debt shall include all delinquent fees or payments except delinquent property taxes on real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be $25 or 4.5% of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service. (Neb. RS 45-623)

§35.14 CREDIT CARDS; AUTHORITY TO ACCEPT.

(A) If authorized by the City Council, any city official may accept credit cards, charge cards, or debit cards, whether presented in person or electronically, or electronic funds transfers as a method of cash payment of any tax, levy, excise, duty, custom, toll, interest, penalty, fine, license, fee, or assessment of whatever kind or nature, whether general or special, as provided by Neb. RS 77-1702.

(B) The total amount of the taxes, levies, excises, duties, customs, tolls, interest, penalties, fines, licenses, fees, or assessments of whatever kind or nature, whether general or special, paid for by credit card, charge card, debit card, or electronic funds transfer shall be collected by the city official.

(C) The city official shall obtain, for each transaction, authorization for use of any credit card, charge card, or debit card used pursuant to this section from the financial institution, vending service company, credit card or charge card company, or third-party merchant bank providing that service.

(D) The types of credit cards, charge cards, or debit cards accepted and the payment services provided shall be determined by the State Treasurer and the Director of Administrative Services with the advice of a committee convened by the State Treasurer and the director. The committee shall consist of the State Treasurer, the Tax Commissioner, the director, and representatives from counties, cities, and other political subdivisions as may be appropriate. The committee shall develop recommendations for the contracting of such services. The State Treasurer and the director shall contract with one or more credit card, charge card, or debit card companies or third-party merchant banks for services on behalf of the state and those counties, cities, and political subdivisions that choose to participate in the state contract for such services. The State Treasurer and the director shall consider, for purposes of this section, any negotiated discount, processing, or transaction fee imposed by a credit card, charge card, or debit card company or third-party merchant bank as an administrative expense. If the City Council chooses not to participate in the state contract, it may choose types of credit cards, charge cards, and debit cards and may negotiate and contract independently or collectively as a governmental entity with 1 or more financial institutions, vending service companies, credit card, charge card, or debit card companies, or third-party merchant banks for the provision of these services.
(E) Subject to the direction of the City Council, a city official authorizing acceptance of credit card or charge card payments shall be authorized but not required to impose a surcharge or convenience fee upon the person making a payment by credit card or charge card so as to wholly or partially offset the amount of any discount or administrative fees charged to the city, but the surcharge or convenience fee shall not exceed the surcharge or convenience fee imposed by the credit card or charge card companies or third-party merchant banks which have contracted under division (E) of this section. The surcharge or convenience fee shall be applied only when allowed by the operating rules and regulations of the credit card or charge card involved or when authorized in writing by the credit card or charge card company involved. When a person elects to make a payment to the city by credit card or charge card and such a surcharge or convenience fee is imposed, the payment of the surcharge or convenience fee shall be deemed voluntary by that person and shall be in no case refundable. If a payment is made electronically by credit card, charge card, debit card, or electronic funds transfer as part of a system for providing or retrieving information electronically, the city official shall be authorized but not required to impose an additional surcharge or convenience fee upon the person making a payment.

(F) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**ELECTRONIC FUNDS TRANSFER.** The movement of funds by nonpaper means, usually through a payment system, including, but not limited to, an automated clearinghouse or the Federal Reserve’s Fedwire system.

(Neb. RS 13-609)

§35.15 MISCELLANEOUS EXPENDITURES; RECOGNITION DINNER; AWARDS.

(A) The city may hold 1 recognition dinner each year for elected and appointed officials, employees, or volunteers of the city. The maximum cost per person for this dinner shall not exceed $25 per person. The city may not pay the cost of the elected or appointed official’s, employee’s, or volunteer’s spouse unless the spouse is also an official, employee, or volunteer of the city. Annual recognition dinners may be held separately for employees of each department or separately for volunteers or any of them in combination.

(B) Public funds may be expended for plaques, certificates of achievement, or items of value awarded to elected or appointed officials, employees, or volunteers, including persons serving on local government boards or commissions. The dollar limit of the value of any such plaque, certificate of achievement, or item of value shall not exceed $200.

(1992 Code, §1-824) (Ord. 467, passed 11-16-1993)
§35.30 FISCAL YEAR.

The fiscal year of the city and any public utility of the city commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act.
(Neb. RS 17-701) (1992 Code, §1-801)

§35.31 BUDGET PROCEDURES.

The budget instruction manual prepared by the Auditor of Public Accounts is incorporated by reference for the purpose of proper budget preparation.
(1992 Code, §1-805)

§35.32 EXPENDITURES PRIOR TO ADOPTION OF BUDGET.

(A) On and after the first day of its fiscal year in 1993 and of each succeeding year and until the adoption of the budget by the City Council in September, the City Council may expend any balance of cash on hand for the current expenses of the city. Except as provided in division (B) of this section, these expenditures shall not exceed an amount equivalent to the total amount expended under the last budget in the equivalent period of the prior budget year. These expenditures shall be charged against the appropriations for each individual fund or purpose as provided in the budget when adopted.
(Neb. RS 13-509.01)

(B) The restriction on expenditures in division (A) of this section may be exceeded upon the express finding of the City Council that expenditures beyond the amount authorized are necessary to enable the city to meet its statutory duties and responsibilities. The finding and approval of the expenditures in excess of the statutory authorization shall be adopted by the City Council in open public session. Expenditures authorized by this section shall be charged against appropriations for each individual fund or purpose as provided in the budget when adopted, and nothing in this section shall be construed to authorize expenditures by the city in excess of that authorized by any other statutory provision.
(Neb. RS 13-509.02)
(1992 Code, §1-804.01) (Ord. 504, passed 11-21-1995)

§35.33 PROPOSED BUDGET STATEMENT; CONTENTS; AVAILABILITY; CORRECTION.

(A) The City Council shall annually prepare a proposed budget statement on forms prescribed and furnished by the Auditor of Public Accounts. The proposed budget statement shall be made available to the public prior to publication of the notice of the hearing on the proposed budget statement pursuant to §35.34. A proposed budget statement shall contain the following information, except as provided by state law:
(1) For the immediately preceding fiscal year, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to the funds and separately stated as to each such source: the unencumbered cash balance at the beginning and end of the year; the amount received by taxation of personal and real property; and the amount of actual expenditures;

(2) For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to the funds and separately stated as to each such source: the actual unencumbered cash balance available at the beginning of the year; the amount received from personal and real property taxation; and the amount of actual and estimated expenditures, whichever is applicable. This statement shall contain the cash reserve for each fiscal year and shall note whether or not the reserve is encumbered. The cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;

(3) For the immediately ensuing fiscal year, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source: the actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;

(4) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property:

(a) For the purpose of paying the principal or interest on bonds issued by the City Council; and

(b) For all other purposes.

(5) A uniform summary of the proposed budget statement, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the City Council; and

(6) A list of the proprietary functions which are not included in the budget statement. These proprietary functions shall have a separate budget statement which is approved by the City Council as provided in the Municipal Proprietary Function Act.

(B) The actual or estimated unencumbered cash balance required to be included in the budget statement by this section shall include deposits and investments of the city as well as any funds held by the County Treasurer for the city and shall be accurately stated on the proposed budget statement.

(C) The city shall correct any material errors in the budget statement detected by the Auditor of Public Accounts or by other sources.
(Neb. RS 13-504)
(D) The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property shall equal the amount to be received from taxes, and that amount shall be shown on the proposed budget statement pursuant to this section. The amount to be raised from taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year.

(Neb. RS 13-505)


§35.34 PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF TAX AMOUNT.

(A) The City Council shall each year conduct a public hearing on its proposed budget statement. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published at least 5 days prior to the date set for hearing in a newspaper of general circulation within the city’s jurisdiction.

(B) After the hearing, the proposed budget statement shall be adopted, or amended and adopted as amended, and a written record shall be kept of the hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately the amount to be applied to the payment of principal or interest on bonds issued by the City Council and the amount to be received for all other purposes.

(C) If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of the changes shall be published within 20 days after its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for the changes.

(D) Upon approval by City Council, the budget shall be filed with the Auditor of Public Accounts. The Auditor may review the budget for errors in mathematics, improper accounting, and noncompliance with the provisions of the Nebraska Budget Act or Neb. RS 13-518 to 13-522. If the Auditor detects such errors, he or she shall immediately notify the Council of such errors. The Council shall correct any such error as provided in §35.34. Warrants for the payment of expenditures provided in the budget adopted under this section shall be valid notwithstanding any errors or noncompliance for which the Auditor has notified the Council.

(Neb. RS 13-506)
(E) When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase.
(Neb. RS 13-507)  
(1992 Code, §1-803)

§35.35 ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF TAX AMOUNT.

(A) (1) After publication and hearing on the proposed budget statement and within the time prescribed by law, the City Council shall file with and certify to the levying board or boards on or before September 20 of each year and file with the Auditor of Public Accounts a copy of the adopted budget statement which complies with Neb. RS 13-518 to 13-522, together with the amount of the tax required to fund the adopted budget, setting out separately:

(a) The amount to be levied for the payment of principal or interest on bonds issued by the City Council; and

(b) The amount to be levied for all other purposes.

(2) Proof of publication shall be attached to the statements.

(B) The City Council, in certifying the amount required, may make allowance for delinquent taxes not exceeding 5% of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year which is still pending. Except for such allowances, the City Council shall not certify an amount of tax more than 1% greater or lesser than the amount determined under §35.28.

(C) The City Council shall use the certified taxable values as provided by the County Assessor pursuant to Neb. RS 13-509 for the current year in setting or certifying the levy. The City Council may designate 1 of its members to perform any duty or responsibility required of the Council by this section.

§35.36 APPROPRIATION BILL.

The City Council shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed, “The Annual Appropriation Bill,” in which the Council may appropriate those sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the city.
§35.37 REVISION OF BUDGET.

(A) Unless otherwise provided by law, the City Council may propose to revise the previously adopted budget statement and shall conduct a public hearing on that proposal whenever during the current fiscal year it becomes apparent to the City Council that:

1. There are circumstances which could not reasonably have been anticipated at the time the budget for the current year was adopted;

2. The budget adopted violated Neb. RS 13-518 through 13-522, such that the revenue of the current fiscal year for any fund thereof will be insufficient, additional expenses will be necessarily incurred, or there is a need to reduce the budget requirements to comply with Neb. RS 13-518 through 13-522; or

3. The City Council has been notified by the Auditor of Public Accounts of a mathematical or accounting error or noncompliance with the Nebraska Budget Act.

(B) Notice of the time and place of the hearing shall be published at least 5 days prior to the date set for hearing in a newspaper of general circulation within the Council’s jurisdiction. This published notice shall set forth:

1. The time and place of the hearing;

2. The amount in dollars of additional or reduced money required and for what purpose;

3. A statement setting forth the nature of the unanticipated circumstances and, if the budget requirements are to be increased, the reasons why the previously adopted budget of expenditures cannot be reduced during the remainder of the current year to meet the need for additional money in that manner;

4. A copy of the summary of the originally adopted budget previously published; and

5. A copy of the summary of the proposed revised budget.

(C) At the hearing any taxpayer may appear or file a written statement protesting any application for additional money. A written record shall be kept of all such hearings.

(D) Upon conclusion of the public hearing on the proposed revised budget and approval of the proposed revised budget by the City Council, the Council shall file with the County Clerk of the county or counties in which the City Council is located, and with the Auditor of Public Accounts, a copy of the revised budget, as adopted. The City Council may then issue warrants in payment for expenditures authorized by the adopted revised budget. These warrants shall be referred to as registered warrants and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.
(E) Within 30 days after the adoption of the budget under §35.29, the City Council may, or within 30 days after notification of an error by the Auditor of Public Accounts, the Council shall correct an adopted budget which contains a clerical, mathematical, or accounting error which does not affect the total amount budgeted by more than 1% or increase the amount required from property taxes. No public hearing shall be required for such a correction. After correction, the City Council shall file a copy of the corrected budget with the County Clerk of the county or counties in which the City Council is located and with the Auditor of Public Accounts. The City Council may then issue warrants in payment for expenditures authorized by the budget.  
(Neb. RS 13-511)

§35.38 PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PROPRIETARY FUNCTION. A water supply or distribution utility, a wastewater collection or treatment utility, an electric generation, transmission, or distribution utility, a gas supply, transmission, or distribution utility, an integrated solid waste management collection, disposal, or handling utility, or a hospital or a nursing home owned by the city.  
(Neb. RS 18-2803)

SUBSIDIZATION. The costs of operation of a proprietary function are regularly financed by appropriations from the city’s general fund in excess of the amount paid by the city to the proprietary function for actual service or services received.  
(Neb. RS 18-2804)

(B) The City Council may establish a separate fiscal year for each proprietary function, except that any proprietary function which is subsidized by appropriations from the city’s general fund shall have the same fiscal year as the city.

(C) (1) At least 30 days prior to the start of the fiscal year of each proprietary function, a proposed proprietary budget statement shall be prepared in writing and filed with the City Clerk containing the following information:

(a) For the immediately preceding fiscal year, the revenue from all sources, the unencumbered cash balance at the beginning and end of the year, the amount received by taxation, and the amount of actual expenditure;

(b) For the current fiscal year, actual and estimated revenue from all sources separately stated as to each such source, the actual unencumbered cash balance available at the beginning of the year, the amount received from taxation, and the amount of actual and estimated expenditure, whichever is applicable;
(c) For the immediately ensuing fiscal year, an estimate of revenue from all sources separately stated as to each such source, the actual or estimated unencumbered cash balance, whichever is applicable, to be available at the beginning of the year, the amounts proposed to be expended during the fiscal year, and the amount of cash reserve based on actual experience of prior years; and

(d) A uniform summary of the proposed budget statement which shall include a total of all funds maintained for the proprietary function.

(2) The statement shall contain the estimated cash reserve for each fiscal year and shall note whether or not the reserve is encumbered. The cash reserve projections shall be based upon the actual experience of prior years.

(3) Each proprietary budget statement shall be filed on forms prescribed and furnished by the Auditor of Public Accounts following consultation with representatives of such governing bodies as operate proprietary functions subject to the provisions of the Municipal Proprietary Function Act. (Neb. RS 18-2805)

(D) (1) After a proposed proprietary budget statement is filed with the City Clerk, the City Council shall conduct a public hearing on the statement. Notice of the time and place of the hearing, a summary of the proposed proprietary budget statement, and notice that the full proposed proprietary budget statement is available for public review with the City Clerk during normal business hours shall be published 1 time at least 5 days prior to the hearing in a newspaper of general circulation within the City Council’s jurisdiction or by mailing to each resident within the City Council’s jurisdiction.

(2) After the hearing, the proposed proprietary budget statement shall be adopted or amended and adopted as amended, and a written record shall be kept of the hearing. If the adopted proprietary budget statement reflects a change from the proposed proprietary statement presented at the hearing, a copy of the adopted proprietary budget statement shall be filed with the City Clerk within 20 days after its adoption and published in a newspaper of general circulation within the City Council’s jurisdiction or by mailing to each resident within the City Council’s jurisdiction. (Neb. RS 18-2806)

(E) If the actual expenditures for a proprietary function exceed the estimated expenditures in the proprietary budget statement during its fiscal year, the City Council shall adopt a proprietary function reconciliation statement within 90 days after the end of the fiscal year which reflects any difference between the adopted proprietary budget statement for the previous fiscal year and the actual expenditures and revenue for that fiscal year. After the adoption of a proprietary function reconciliation statement, it shall be filed with the City Clerk and published in a newspaper of general circulation within the City Council’s jurisdiction or by mailing to each resident within the City Council’s jurisdiction. If the difference between the adopted proprietary budget for the previous fiscal year and the actual expenditures and revenues for that fiscal year is greater than 10%, the proprietary function reconciliation statement shall only be adopted following a public hearing. (Neb. RS 18-2807)
(F) If the budget of a proprietary function is included in the city budget statement created pursuant to the Nebraska Budget Act, the Municipal Proprietary Function Act need not be followed for that proprietary function. Any income from a proprietary function which is transferred to the general fund of the city shall be shown as a source of revenue in the city budget statement created pursuant to the Nebraska Budget Act.
(Neb. RS 18-2808)

§35.39 GENERAL FUND.

If the city has not decided to follow the all-purpose levy method of financing for the fiscal year, all money not specifically appropriated in the annual appropriation bill shall be deposited in and known as the General Fund.

§35.40 TRANSFER OF FUNDS.

(A) Whenever during the current fiscal year it becomes apparent to the City Council that due to unforeseen emergencies there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the Council may by a majority vote, unless otherwise provided by state law, transfer money from other funds to such fund.

(B) No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement, except as authorized in §35.34 or by state law.

(C) Any officer or officers of the City Council who obligate funds contrary to the provisions of this section shall be guilty of an offense.
(Neb. RS 13-510) Penalty, see §10.99

TAX LEVIES

§35.50 PROPERTY TAX LEVY FOR GENERAL REVENUE PURPOSES.

The city shall have power to levy taxes for general revenue purposes in any 1 year not to exceed $0.35 on each $100 upon the taxable value of all the taxable property in the city. The valuation of such property shall be ascertained from the books or assessment rolls of the County Assessor.
(Neb. RS 17-506)

§35.51 LEVIES FOR OTHER TAXES AND SPECIAL ASSESSMENTS.

The city shall have power to levy any other tax or special assessment authorized by law.
(Neb. RS 17-507)
§35.52 ALL-PURPOSE LEVY; ALLOCATION; ABANDONMENT; EXTRAORDINARY LEVIES.

(A) Notwithstanding provisions in the statutes of Nebraska and this code to the contrary, for any fiscal year the City Council may decide to certify to the County Clerk for collection an all-purpose levy required to be raised by taxation for all city purposes instead of certifying a schedule of levies for specific purposes added together. Subject to the limits in §35.48, the all-purpose levy shall not exceed an annual levy of $1.05 on each $100 upon the taxable valuation of all the taxable property in the city. Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the city may be made by the city in addition to such all-purpose levy.

(B) If the method provided in division (A) is followed in city financing, the city shall allocate the amount so raised to the several departments of the city in its annual budget and appropriation ordinance, or in other legal manner, as the City Council deems wisest and best.
(Neb. RS 19-1310) (1992 Code, §1-810)

(C) If the city elects to follow the method provided in division (A), it shall be bound by that election during the ensuing fiscal year but may abandon such method in succeeding fiscal years.

(D) If it is necessary to certify the amount to county officers for collection, the same shall be certified as a single amount for general fund purposes.
(Neb. RS 19-1312)

§35.53 PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED.

(A) Property tax levies for the support of the city for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this division (A), except as provided in division (C). The city may levy a maximum levy of $0.45 per $100 of taxable valuation of property subject to the levy plus an additional $0.05 per $100 of taxable valuation to provide financing for the city’s share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to Neb. RS 51-201, museum pursuant to Neb. RS 51-501, visiting community nurse, home health nurse, or home health agency pursuant to Neb. RS 71-1637, or statue, memorial, or monument pursuant to Neb. RS 80-202. Property tax levies for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against the city which require or obligate the city to pay that judgment, to the extent the judgment is not paid by liability insurance coverage of the city, for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport are not included in the levy limits established by this division (A). The limitations on tax levies provided in this division (A) are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only
exceptions to the limits in this division (A) are those provided by or authorized by this section. Tax levies in excess of the limitations in this section shall be considered unauthorized levies under Neb. RS 77-1606 unless approved under division (C).
(Neb. RS 77-3442)

(B) (1) All city airport authorities established under the Cities Airport Authorities Act, community redevelopment authorities established under the Community Development Law, and off-street parking districts established under the Offstreet Parking District Act may be allocated property taxes as authorized by law which are authorized by the city and are counted in the municipal levy limit provided by division (A), except that such limitation shall not apply to property tax levies for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport. For off-street parking districts established under the Offstreet Parking District Act, the tax shall be counted in the allocation by the city proportionately, by dividing the total taxable valuation of the taxable property within the district by the total taxable valuation of the taxable property within the city multiplied by the levy of the district. The City Council shall review and approve or disapprove the levy request of the political subdivisions subject to this division (B). The City Council may approve all or a portion of the levy request and may approve a levy request that would allow a levy greater than that permitted by law. The levy allocated by the city may be exceeded as provided in division (C).

(2) On or before August 1, all political subdivisions subject to city levy authority under this division (B) shall submit a preliminary request for levy allocation to the City Council. The preliminary request of the political subdivision shall be in the form of a resolution adopted by a majority vote of members present of the political subdivision’s governing body. The failure of a political subdivision to make a preliminary request shall preclude that political subdivision from using procedures set forth in Neb. RS 77-3444 to exceed the final levy allocation as determined in this division (B).

(3) (a) The City Council shall:

1. Adopt a resolution by a majority vote of members present which determines a final allocation of levy authority to its political subdivisions; and

2. Forward a copy of that resolution to the chairperson of the governing body of each of its political subdivisions.

(b) No final levy allocation shall be changed after September 1 except by agreement between both the City Council and the governing body of the political subdivision whose final levy allocation is at issue.
(Neb. RS 77-3443)

(C) (1) The city may exceed the limits provided in division (A) by an amount not to exceed a maximum levy approved by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits must be approved prior to October 10 of the fiscal year which is to be the first to exceed the limits.
(2) The City Council may call for the submission of the issue to the voters:

(a) By passing a resolution calling for exceeding the limits by a vote of at least 2/3 of the members of the City Council and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the city; or

(b) Upon receipt of a petition by the County Clerk or Election Commissioner of every county containing all or part of the city requesting an election signed by at least 5% of the registered voters residing in the city.

(3) The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in division (A) and the duration of the excess levy authority. The excess levy authority shall not have a duration greater than 5 years. Any resolution or petition calling for a special election shall be filed with the County Clerk or Election Commissioner no later than 30 days prior to the date of the election, and the time of publication and providing a copy of the notice of election required in Neb. RS 32-802 shall be no later than 20 days prior to the election.

(4) The County Clerk or Election Commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act. For petitions filed with the County Clerk or Election Commissioner on or after May 1, 1998, the petition shall be in the form as provided in Neb. RS 32-628 through 32-631.

(5) Any excess levy authority approved under this division (C) shall terminate pursuant to its terms, on a vote of the City Council to terminate the authority to levy more than the limits, at the end of the fourth fiscal year following the first year in which the levy exceeded the limit, or as provided in division (C)(8), whichever is earliest.

(6) The City Council may pass no more than 1 resolution calling for an election pursuant to this division (C) during any 1 calendar year. Only 1 election may be held in any 1 calendar year pursuant to a petition initiated under this division (C). The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the language specified in Neb. RS 77-3444.

(7) If a majority of the votes cast upon the ballot question are in favor of the tax, the County Board shall authorize a tax in excess of the limits in division (A), but the tax shall not exceed the amount stated in the ballot question. If a majority of those voting on the ballot question are opposed to the tax, the City Council shall not impose the tax.

(8) (a) The city may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to rescind or modify must be approved prior to October 10 of the fiscal year for which it is to be effective.

(b) The City Council may call for the submission of the issue to the voters:

1. By passing a resolution calling for the rescission or modification by a vote of at
least 2/3 of the members of the City Council and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the city; or

2. Upon receipt of a petition by the County Clerk or Election Commissioner of every county containing all or part of the city requesting an election signed by at least 5% of the registered voters residing in the city.

(c) The resolution or petition shall include the amount and the duration of the previously approved excess levy authority and a statement that either the excess levy authority will be rescinded or the excess levy authority will be modified. If the excess levy authority will be modified, the amount and duration of the modification shall be stated. The modification shall not have a duration greater than 5 years. The County Clerk or Election Commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition, and the time of publication and providing a copy of the notice of election required in Neb. RS 32-802 shall be no later than 20 days prior to the election. The election shall be held pursuant to the Election Act.
(Neb. RS 77-3444)

§35.54 PROPERTY TAX; CERTIFICATION OF AMOUNT; COLLECTION.

The City Council shall, at the time and in the manner provided by law, cause to be certified to the County Clerk the amount of tax to be levied upon the taxable value of all the taxable property of the city which the city requires for the purposes of the adopted budget statement for the ensuing year, including all special assessments and taxes assessed as otherwise provided. The County Clerk shall place the same on the property tax lists to be collected in the manner provided by law for the collection of county taxes in the county where the city is situated. In all sales for any delinquent taxes for municipal purposes, if there are other delinquent taxes due from the same person or a lien on the same property, the sale shall be for all the delinquent taxes. Such sales and all sales made under or by virtue of this section or the provision of law herein referred to shall be of the same validity and in all respects be deemed and treated as though such sales had been made for the delinquent county taxes exclusively.
(Neb. RS 17-702) (1992 Code, §1-812)

§35.55 PROPERTY TAX REQUEST; PROCEDURE FOR SETTING.

(A) The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization in Neb. RS 77-1601 unless the City Council passes by a majority vote a resolution or ordinance setting the tax request at a different amount. That resolution or ordinance shall only be passed after a special public hearing called for the purpose is held and after notice is published in a newspaper of general circulation in the area of the city at least 5 days prior to the hearing.

(B) The hearing notice shall contain the following information:
(1) The dollar amount of the prior year’s tax request and the property tax rate that was necessary to fund that tax request;

(2) The property tax rate that would be necessary to fund last year’s tax request if applied to the current year’s valuation; and

(3) The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request.

(B) Any resolution setting a tax request under this section shall be certified and forwarded to the County Clerk on or before October 13 of the year for which the tax request is to apply.

(C) Any tax levy which is not in compliance with this section and Neb. RS 77-1601 shall be construed as an unauthorized levy under Neb. RS 77-1606.
(Neb. RS 77-1601.02) (1992 Code, §1-825) (Ord. 539, passed 3-17-1998)

§35.56 MOTOR VEHICLE FEE.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LIMITS OF THE CITY. Includes the extraterritorial zoning jurisdiction of the city.

PERSON. Includes bodies corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, cooperatives, and associations. Person does not include any federal, state, or local government or any political subdivision thereof.

(B) Except as otherwise provided in division (D) of this section, the governing body of the city shall have power to require any individual whose primary residence or person who owns a place of business which is within the limits of the city and that owns and operates a motor vehicle within such limits to pay an annual motor vehicle fee and to require the payment of such fee upon the change of ownership of such vehicle. All such fees which may be provided for under this section shall be used exclusively for constructing, repairing, maintaining, or improving streets, roads, alleys, public ways, or parts thereof or for the amortization of bonded indebtedness when created for such purposes.

(C) No motor vehicle fee shall be required under this section if:

(1) A vehicle is used or stored but temporarily in the city for a period of six months or less in a 12-month period;

(2) An individual does not have a primary residence or a person does not own a place of business within the limits of the city and does not own and operate a motor vehicle within the limits of
(3) An individual is a full-time student attending a postsecondary institution within the limits of the city and the motor vehicle's situs under the Motor Vehicle Certificate of Title Act is different from the place at which he or she is attending such institution.

(D) After December 31, 2012, no motor vehicle fee shall be required of any individual whose primary residence is or person who owns a place of business within the extraterritorial zoning jurisdiction of the city.

(E) Until the implementation date designated by the Director of Motor Vehicles under Neb. RS 23-186, the fee shall be paid to the designated county official of the county in which the city is located when the registration fees as provided in the Motor Vehicle Registration Act are paid. These fees shall be remitted to the County Treasurer for credit to the road fund of the city. On and after the implementation date designated under Neb. RS 23-186, the fee shall be paid to the County Treasurer for credit to such road fund.
(Neb. RS 18-1214) (1992 Code, §1-823)

Statutory reference:

Designation of county official, see Neb. RS 23-186
Motor Vehicle Registration Act, see Neb. RS 60-301
TITLE V: PUBLIC WORKS

Chapter

50. GENERAL PROVISIONS
51. WATER
52. SEWERS
53. ELECTRICAL DEPARTMENT
54. GARBAGE
CHAPTER 50: GENERAL PROVISIONS

Section

50.01 Denial of service; when prohibited
50.02 Utility bills; collection
50.03 Discontinuance of service; notice procedure
50.04 Diversion of services, meter tampering, unauthorized reconnection, prohibited; evidence
50.05 Diversion of services; civil action
50.06 Delinquent utility charges; lien; civil action.
50.07 Application for service

§50.01 DENIAL OF SERVICE; WHEN PROHIBITED.

No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity at retail in this city shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings.
(Neb. RS 70-1601)
(1992 Code, §3-107) (Ord. 571, passed 11-16-1999)

§50.02 UTILITY BILLS; COLLECTION.

Charges for utility services provided by or through the city shall be billed jointly on a monthly basis. The City Administrator shall read, or cause to be read, water and electric meters on or around the 8th, 15th and 23rd day of each month. Utility bills shall be mailed on the first day of each month, and shall be due upon receipt and payable by two weeks after reading. Bills not paid by the due date shall be deemed to be delinquent. Upon being deemed to be delinquent, the city may discontinue service pursuant to §50.03. Once discontinued, service shall not be recommenced except upon payment of a reconnection fee in an amount set by resolution of the City Council. The city may also take any action authorized by law to effect collection of the delinquent charges.
(1992 Code, §3-105)
§50.03 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**DOMESTIC SUBSCRIBER.** Shall not include municipalities, cities, villages, political subdivisions, companies, corporations, partnerships, limited liability companies, or businesses of any nature.

(Neb. RS 70-1602)

(B) No public or private utility company, including any utility owned and operated by the city, furnishing water, natural gas, or electricity at retail in this city shall discontinue service to any domestic subscriber for nonpayment of any past-due account unless the utility company first gives notice by first-class mail or in person to any subscriber whose service is proposed to be terminated. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least 7 days after notice is sent or given. Holidays and weekends shall be excluded from the 7 days. As to any subscriber who has previously been identified as a welfare recipient to the company by the Department of Health and Human Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the department.

(Neb. RS 70-1605)

(C) The notice required by division (A) shall contain the following information:

1. The reason for the proposed disconnection;

2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the utility regarding payment of the bill;

3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;

4. The name, address, and telephone number of the utility's employee or department to whom the domestic subscriber may address an inquiry or complaint;

5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;

6. A statement that the utility may not disconnect service pending the conclusion of the conference;
(7) A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that a domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the utility within 5 days of receiving notice under this section and will prevent the disconnection of the utility's service for a period of 30 days from such filing. Only 1 postponement of disconnection shall be allowed under this division for each incidence of nonpayment of any past-due account;

(8) The cost that will be borne by the domestic subscriber for restoration of service;

(9) A statement that the domestic subscriber may arrange with the utility for an installment payment plan;

(10) A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and

(11) Any additional information not inconsistent with this section which has received prior approval from the City Council or Board of Public Works, in the case of a city utility, or the board of directors or administrative board of any other utility.

(Neb. RS 70-1606)

(D) The utility shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers, including new subscribers, of the availability of such procedures.

(Neb. RS 70-1607)

(E) The provisions of Neb. RS 70-1608 through 70-1614 shall apply to disputes over a proposed discontinuance of service.

(F) The procedures adopted for resolving utility bills by the City Council or Board of Public Works for any city utility, 1 copy of which is on file in the office of the City Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part of this section as though set out in full.

(G) This section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(Neb. RS 70-1615)

§50.04 DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE.

(A) It is an offense for any person to do any of the following:

(1) To connect any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or to connect any pipe or conduit supplying gas or water, without the knowledge and consent of any city utility supplying such products or services, in such a manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it;

(2) To knowingly use or knowingly permit the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section;

(3) To reconnect electrical, gas, or water service without the knowledge and consent of any city utility supplying such service if the service has been disconnected pursuant to Neb. RS 70-1601 through 70-1615 or §50.02 of this code; or

(4) To willfully injure, alter, or by any instrument, device, or contrivance in any manner interfere with or obstruct the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it, without the knowledge and consent of any city utility supplying the electricity, electric current, gas, or water passing or intended to pass through the meter.

(B) Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is prima facie evidence of the guilt of the person in possession of the premises where that connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.

(Neb. RS 28-515.02) Penalty, see §10.99

§50.05 DIVERSION OF SERVICES; CIVIL ACTION.

(A) For purposes of this section, the definitions found in Neb. RS 25-21,275 shall apply.

(B) (1) The city utility may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts bypassing, tampering, or unauthorized metering, when that act results in damages to the utility. A city utility may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering, or unauthorized metering.

(2) In any civil action brought pursuant to this section, the city utility shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering, to recover as damages:
(a) The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or

(b) Liquidated damages of $750 if the amount of actual damage or loss is not susceptible of reasonable calculation.

(3) In addition to damage or loss under division (B)(2)(a) or (B)(2)(b), the utility may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering including, but not limited to, disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorneys’ fees in cases within the scope of Neb. RS 25-1801. (Neb. RS 25-21,276)

(C) (1) There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of that bypassing, tampering, or unauthorized metering if the tenant or occupant:

(a) Had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist; and

(b) Was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

(2) There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of that bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist. (Neb. RS 25-21,277)

(D) The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws. The remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common-law remedies. (Neb. RS 25-21,278)

(1992 Code, §3-103) Penalty, see §10.99

§50.06 DELINQUENT UTILITY CHARGES; LIEN; CIVIL ACTION.

(A) All water rates, taxes, or rent assessed by the City Council shall be a lien upon the premises or real estate, upon or for which the same is used or supplied; and such taxes, rents, or rates shall be paid and collected and such lien enforced in such manner as the Council shall by ordinance direct and provide. (Neb. RS 17-538)

(B) All sewer charges established by the City Council shall be a lien upon the premises or real estate for which the same is used or supplied. Such lien shall be enforced in such manner as the Council provides by ordinance. (Neb. RS 17-925.01)
(C) If the service charge established by the City Council for the use of any city sewage disposal plant and sewerage system is not paid when due, such sum may be recovered by the city in a civil action or it may be certified to the County Assessor and assessed against the premises served and collected or returned in the same manner as other city taxes are certified, assessed, collected, and returned.
(Neb. RS 18-503)

(D) Unless the City Council otherwise provides, on June 1 of each year, the City Clerk shall report to the Council a list of all unpaid accounts due for utilities service together with a description of the premises served. If the Council approves the report, the Clerk shall certify the report to the County Clerk to be collected as a special tax in the manner provided by law.
(1992 Code, §3-104)

§50.07 APPLICATION FOR SERVICE.

Any person desiring water service, sewer service, electrical service, or other utility service shall make application to the city. Each applicant shall be required to make a service deposit in the amount or amounts as may be set by resolution of the City Council.
(Neb. RS 17-537, 17-149, and 17-902) (1992 Code, §3-101)
CHAPTER 51: WATER

Section

General Provisions

51.001 Definitions
51.002 Pollution of waters prohibited
51.003 Fluoride; addition to water prohibited

Construction and Connections

51.015 Mandatory hook-up
51.016 Application for service
51.017 Water contract
51.018 Service contract nontransferable; shutoff notice required
51.019 Service to nonresidents
51.020 Installation procedure
51.021 Meters
51.022 Installation expense
51.023 Repairs; meter testing
51.024 Meter; tampering or bypass prohibited
51.025 Fire hydrants
51.026 Unsafe connections prohibited
51.027 Private water wells; standards and restrictions; permits
51.028 Lead solder and flux prohibited
51.029 Contamination; prevention; encroachment limitations and setbacks

Cross-Connection and Backflow Prevention

51.050 Responsibility and authority
51.051 Definitions
51.052 State standards apply
51.053 Existing backflow prevention devices
51.054 Private contractors and testing
51.055 Surveys
51.056 Education
51.057 Records
51.058 Violations; notice
51.059 Violations; remedies
§51.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MAIN.** Any pipe that is used for the purpose of carrying water to, and dispersing the same in the city, other than a supply or service pipe.

**SEPARATE PREMISES.** More than 1 consumer procuring water from the same service or supply pipe. The second premise may be a separate dwelling, apartment, building, or structure used for a separate business.

**SERVICE PIPE.** Any pipe extending from the shutoff, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.
SUPPLY PIPE. Any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer’s premises where the shutoff, stop box, or curb cock is located. (1992 Code, §3-202)

§51.002 POLLUTION OF WATERS PROHIBITED.

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the City Water Department. (Neb. RS 17-536) (1992 Code, §3-217) Penalty, see §10.99

§51.003 FLUORIDE; ADDITION TO WATER PROHIBITED.

Fluoride shall not be added to the water system of the city. (Ord. 648, passed 11-19-2008)

CONSTRUCTION AND CONNECTIONS

§51.015 MANDATORY HOOK-UP.

All persons within 300 feet of a water main shall be required, upon notice by the City Council, to hook up with the city water system. (Neb. RS 17-539) (1992 Code, §3-218) Penalty, see §10.99

§51.016 APPLICATION FOR SERVICE.

Every person or persons desiring a supply of water must make application therefor to the city as required in Chapter 50. Water may not be supplied to any house or private service pipe except upon the written order of the Water and Wastewater Superintendent. (Neb. RS 17-537 and 19-2701) (1992 Code, §3-203) Penalty, see §10.99

§51.017 WATER CONTRACT.

The city, through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The city may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a city commercial main is now or may hereafter be laid and may also furnish water to persons whose premises are situated outside the corporate limits of the city, as and when, according to law, the City Council may see fit to do so. The rules, regulations and water rates contained in this code
or on file in the city offices shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. If the consumer shall violate any of the provisions of any reasonable rules and regulations that the City Council or the Board of Public Works may hereafter adopt, the Water and Wastewater Superintendent or his or her agent may cut off or disconnect the water service from the building or premises or place of that violation. No further connection for water service to that building, premises, or place shall again be made save or except by order of the Superintendent or his or her agent.

(1992 Code, §3-204) Penalty, see §10.99

§51.018 SERVICE CONTRACT NONTRANSFERABLE; SHUTOFF NOTICE REQUIRED.

Water service is not transferable. Any person wishing to change from one location to another shall make a new application. If any consumer shall move from the premises where service is furnished, or if the premises are destroyed by fire or other casualty, he or she shall at once inform the Water and Wastewater Superintendent who shall cause the water service to be shut off at the premises. If the consumer should fail to give this notice, he or she shall be charged for all water used on the premises until the Water and Wastewater Superintendent is otherwise advised of such circumstances.

(Neb. RS 17-537) (1992 Code, §3-219) Penalty, see §10.99

§51.019 SERVICE TO NONRESIDENTS.

The Department shall not supply water service to any person outside the corporate limits without permission from the Board of Public Works; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the city to provide water service to nonresidents.

(Neb. RS 19-2701) (1992 Code, §3-205)

§51.020 INSTALLATION PROCEDURE.

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. All installations or repairs of pipes require 2 inspections by the Water and Wastewater Superintendent. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored. It is the customer’s responsibility to notify the Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the Water and Wastewater Superintendent; provided, that those rules, regulations, and specifications have been reviewed and approved by the Board of Public Works.

(Neb. RS 17-537) (1992 Code, §3-206) Penalty, see §10.99
§51.021 METERS.

All premises using city water must be equipped with an adequate water meter which will be furnished by the city upon payment by the consumer of the cost of the meter. All meters shall be installed under the direction of the Water and Wastewater Superintendent and subject to his or her approval.
(1992 Code, §3-207) Penalty, see §10.99

§51.022 INSTALLATION EXPENSE.

The customer shall pay the cost of tapping the main, installing the stop box at the lot line of the customer, and the cost of installing the meter. No person other than the Water and Wastewater Superintendent or someone duly authorized by him or her shall tap the water main. The customer shall pay a tap fee in such sum as the Water and Wastewater Superintendent shall require in each case; provided, that a tap for a 3/4-inch pipe shall be deemed to be the minimum or base tap fee. Excluding the above costs of tapping the main, installing the meter, and installing the stop box, the customer shall at his or her own expense bring water service from the main up to and upon his or her own premises. Nonresidents shall pay tap fees and installation charges in such sums as the Water and Wastewater Superintendent, pursuant to resolution of the Board of Public Works, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts.
(Neb. RS 17-542) (1992 Code, §3-208) Penalty, see §10.99
§51.023 REPAIRS; METER TESTING.

Repairs to the service pipe shall be made by and at the expense of the customer. All other repairs to the property of the Water Department, including the meter, shall be made by the city. All water meters shall be kept in repair by the city at the expense of the city. When meters are worn out, they shall be replaced and reset by the city at the expense of the city; provided, that if the customer permits or allows a water meter to be damaged, injured, or destroyed through his or her own recklessness or neglect so that the meter must be repaired or replaced, the Water and Wastewater Superintendent shall bill and collect from the customer the cost of that meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. All meters shall be tested at the customer’s request at the expense of the customer any reasonable number of times; provided, that if the test shows the water meter to be running 2% or more fast, the expense of the test shall be borne by the city. The city reserves the right to test any water service meter at any time, and if a meter is found to be beyond repair the city shall always have the right to place a new meter on the customer’s water service fixtures at city expense. Should a consumer’s meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the quarterly consumption during the same quarter of the preceding year; provided, that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Water and Wastewater Superintendent.

(Neb. RS 17-542) (1992 Code, §3-209)

§51.024 METER; TAMPERING OR BYPASS PROHIBITED.

It shall be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through the meter to cause the meter to register inaccurately.

(Neb. RS 17-537) (1992 Code, §3-214) Penalty, see §10.99

§51.025 FIRE HYDRANTS.

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the City Fire Department under the orders of the Fire Chief, or the Assistant Fire Chief; or members of the Water Department, or others with permission of the Water and Wastewater Superintendent, to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

(1992 Code, §3-216) Penalty, see §10.99
§51.026  UNSAFE CONNECTIONS PROHIBITED.

(A) No customer or other person shall cause, allow, or create any physical connection between the city water distribution system and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplied, or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the city water distribution system.

(B) At least 1 time every 5 years, customers of the city water distribution and supply system shall be required to assess and report potential backflow and backsiphonage hazards to the city on a form supplied by the city to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the Water and Wastewater Superintendent. (1992 Code, §3-221) (Am. Ord. 448, passed 11-17-1992) Penalty, see §10.99

§51.027  PRIVATE WATER WELLS; STANDARDS AND RESTRICTIONS; PERMITS.

All private wells shall comply with standards promulgated by the State Department of Health. After the effective date of this section, no person shall install a private water well in the city or within 300 feet of a city water main without first obtaining a permit from the city. The fee for this permit shall be $50. No permit shall be issued unless the applicant demonstrates that the proposed private water well is for irrigation purposes only, and the irrigated area is 2 acres in size or greater and is owned by the applicant. No private water well shall be attached to any private water system or to the city water system. Upon completion of an approved water well, the applicant shall notify the City Water Department for an inspection and shall not be used until that inspection is completed, which shall be not more than 10 days after notice of completion is given. If the completed well does not comply with existing standards at the time of completion, it shall not be used until compliance is obtained and inspected by the City Water Department. (1992 Code, §3-223) (Ord. 608, passed 6-4-2002) Penalty, see §10.99

§51.028  LEAD SOLDER AND FLUX PROHIBITED.

(A) Any solder or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free.

(B) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

LEAD FREE. Solder and flux containing not more than 0.2% lead. (Neb. RS 71-5301 and 71-5301.01) (1992 Code, §3-222) Penalty, see §10.99
§51.029 CONTAMINATION; PREVENTION; ENCROACHMENT LIMITATIONS AND SETBACKS.

(A) The intent of this section is to establish control by the city over the location of future potential sources of contamination within the proximity of the city’s drinking water system, so as to prevent or minimize any hazard to the safety of the city’s drinking water.

(B) Every well, infiltration line or spring serving or intended to provide water for a public water supply system insofar as possible, should be located, constructed or modified in such a manner that neither underground nor surface contamination by any biological, chemical or radioactive substance or by the physical property of any substance from any cesspool, privy, septic tank, subsurface tile system, drain, pit below ground surface, abandoned well, animal or avian wastes, or any other possible source of pollution can adversely affect such water supply. The minimum recommended horizontal distance in feet separating the well or spring from potential sources of contamination.

(C) The minimum recommended horizontal distance in feet separating wells and springs from potential contamination:
<table>
<thead>
<tr>
<th>Location</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonpotable water well</td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Sewage lagoon</td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Absorption or disposal field for waste</td>
<td>500 feet</td>
</tr>
<tr>
<td>Cesspool</td>
<td>500 feet</td>
</tr>
<tr>
<td>Dump</td>
<td>500 feet</td>
</tr>
<tr>
<td>Feedlot or feedlot runoff</td>
<td>500 feet</td>
</tr>
<tr>
<td>Corral</td>
<td>500 feet</td>
</tr>
<tr>
<td>Pit toilet</td>
<td>500 feet</td>
</tr>
<tr>
<td>Sanitary landfill</td>
<td>500 feet</td>
</tr>
<tr>
<td>Chemical or petroleum product storage</td>
<td>500 feet</td>
</tr>
<tr>
<td>Septic tank</td>
<td>500 feet</td>
</tr>
<tr>
<td>Sewage treatment plant</td>
<td>500 feet</td>
</tr>
<tr>
<td>Sewage wet well</td>
<td>500 feet</td>
</tr>
<tr>
<td>Sanitary sewer connection</td>
<td>100 feet</td>
</tr>
<tr>
<td>Sanitary sewer manhole</td>
<td>100 feet</td>
</tr>
<tr>
<td>Sanitary sewer line (permanently water tight)</td>
<td>100 feet</td>
</tr>
<tr>
<td>Sanitary sewer line</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

(D) When surface runoff or underground movement from potential sources of contamination may adversely affect the quality of water from such supplies, the distance separating these potential sources of contamination and the well or spring should be greater than that listed above.
(Ord. 673, passed 7-6-2011)

---

**CROSS-CONNECTION AND BACKFLOW PREVENTION**

**§51.050 RESPONSIBILITY AND AUTHORITY.**

(A) **Responsibility of the Water Superintendent.** The Water Superintendent shall be responsible for the protection of the public water distribution system from contamination or pollution due to backflow, backsiphonage, and cross-connections through any water service connections. If, in the judgment of the Water Superintendent, an approved backflow device is required at the city’s water service connection to any customer’s premises, the Water Superintendent, shall give notice in writing to the customer to
properly install an approved backflow prevention device at each service connection to his/her premises. The customer shall within 90 days, properly install such approved device or devices at his or her expense. Failure, refusal, or inability to properly install such device or devices by the said customer will result in being a direct violation for non-compliance.

(B) Administration. The city will operate a cross-connection control program, to include the keeping of the necessary records, which fulfills the requirements of the Nebraska Health and Human Services Regulation and Licensure, hazards set forth in “Regulations in Governing Public Water Systems”, Chapter 179 NAC 2.

(C) Inspection. The Water Superintendent or a designated operator assigned by the Water Superintendent shall be permitted to enter on to the premises of any customer and be allowed to inspect the plumbing. An inspection will be carried out for any reason that may have a cause of concern regarding a possible threat that could cause contaminated substances to cross-connect with the city’s potable water supply. If entry is denied, the Water Superintendent or his or her designee may disconnect the water service to the premises immediately or at such time as determined by the Water Superintendent.
(Ord. 623, passed 5-17-2005)

§51.051 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACTUAL CROSS-CONNECTION.** A current threat to the water supply due to a direct cross-connection.

**BACKFLOW.** The flow of water or other liquids, mixtures, or substances into the distribution source of a potable water supply from any source other than that of its intended source.

**BACKFLOW PREVENTER.** A device or means to prevent the reversal of the flow of water into a potable water supply.

**BACKSIPHONAGE.** The reversal of the intended flow of water due to the result of negative pressure in the distributing source of the potable water supply

**CONTAMINATION.** The impairment of a potable water supply by the introduction of any foreign substances that degrade the water, and creates a health hazard.

**CROSS-CONNECTION.** Any physical connection between a potable water supply and any other source that may cause contaminates to enter and pollute the potable water supply.

**CROSS-CONNECTION CONTROL.** The enforcement of an ordinance or other instrument regarding cross-connections and the elimination there of.
CUSTOMER. That person, persons, or entity that receives the charge or billing of the water service, the person, persons or entity occupying the premises and the person, persons, or entity that owns the premises.

COMMUNITY WATER DISTRIBUTION SYSTEM. A system that supplies potable water to at least 15 people year round through a series of pipes and service connections to customers throughout the system.

HEALTH HAZARD. Any conditions, devices, or practices in the water supply system and its operation in which may create a danger to health and well-being of the water consumer.

NON-POTABLE WATER. Water that is not suitable for human consumption.

PLUMBING. To include but not limited to; the water supply, distribution pipes, plumbing fixtures, traps, and vent pipes; building drains and building sewers; water treating and water using equipment.

POLLUTION. The presence of any foreign substance in water tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

POTABLE WATER. Water that is suitable for human consumption.

POTENTIAL CROSS-CONNECTION. A possible threat, or high hazard that exist to the water system due to the ability to cross-connect.

SERVICE CONNECTION. A water line that supplies the customer from the main distribution system.

(Ord. 623, passed 5-17-2005)

§51.052 STATE STANDARDS APPLY.

The Water Department shall follow the standards set by the Nebraska Health and Human Services License and Regulations regarding the operation of an effective cross-connection control program. These standards shall include the types of approved backflow prevention devices, proper installation testing, maintenance, and when and where such backflow prevention devices will be needed due to the degree of hazard.

(Ord. 623, passed 5-17-2005)
§51.053 EXISTING BACKFLOW PREVENTION DEVICES.

Any existing in use backflow prevention devices shall be allowed, by the Water Superintendent, to continue in service. Unless the degree of hazard exceeds the effectiveness, the requirements allowed towards the intended use, or result in an unreasonable risk toward public health. All existing backflow prevention devices, the proper installation thereof, will be required under the circumstances set by the Nebraska Health and Human Services and the city. 
(Ord. 623, passed 5-17-2005)

§51.054 PRIVATE CONTRACTORS AND TESTING.

The Water Department will have on file, a list of Certified Grade 6 Backflow Technicians who will be capable of testing backflow devices. The customer will be responsible for the annual testing of preventers that require testing, the payment of the technicians for the testing, and maintenance of the backflow devices as needed. The private Grade 6 Backflow Technician shall file a report with the city not more than 30 calendar days after the testing of every testable backflow device. If no copy of the test report is filed to the city by the Grade 6 technicians within the time period allowed, the customer will be contacted to supply the city with a current test report. If no action is taken by the customer to file a report to the Water Department the customer will be in violation of this subchapter. 
(Ord. 623, passed 5-17-2005)

§51.055 SURVEYS.

The city will send out survey forms to each customer/owner of a service connection at least once every five years. The survey forms will ask the customers to assess and report any actual or potential cross-connections hazards that may exist on the premises. If the first survey form is not received within a reasonable time frame a second survey form will be sent out. If after a second survey form has not been filled out, completed, and returned back to the city within 30 calendar days after the second survey being sent out, the owner will be in violation of this ordinance and subject to inspection of the premises. An inspection will be carried out by the Water Superintendent, or a designated operator that is appointed by the Water Superintendent. 
(Ord. 623, passed 5-17-2005)

§51.056 EDUCATION.

The Water Department will provide an on going educational information program regarding the Cross-Connection Control Program. This shall be done at least once a year to help better the knowledge of the customer to the importance of the Cross-Connection Program. There will also be information available to the customer upon request to the Water Department. 
(Ord. 623, passed 5-17-2005)
§51.057 RECORDS.

The Water Department shall initiate and maintain all records and will have all records made available for inspection from the hours of 7:30 a.m. to 4:30 p.m. (excluding holidays) Monday through Friday. Records that shall be kept on file shall include; completed survey forms, educational and other information sent out or posted for the public water supply customers, all available certified Grade 6 Water Operators, test forms from all testable backflow prevention devices received from certified Grade 6 Water Operators, all existing and installations of backflow prevention devices, any and all violations with corrections and any actions taken to resolve the violation, and the dates of all records that are filed of the information sent out and received.
(Ord. 623, passed 5-17-2005)

§51.058 VIOLATIONS ; NOTICE.

The Water Superintendent shall notify the owner and/or the customer of the premises in which a violation of this subchapter has been found. The Water Superintendent shall set a reasonable time frame, depending on the degree of hazard in which the owner or customer must have the violation removed or corrected. Upon failure of the owner or customer to correct the violation, the Water Superintendent may cause the water service to be terminated to any such building or premises.
(Ord. 623, passed 5-17-2005)

§51.059 VIOLATIONS; REMEDIES.

Any person found violating any provision of this subchapter shall be subject to the discontinuation of the water service. In addition the city may obtain injunctive relief and sue for damages and redemption, and pursue any other remedy available to it under the laws of the state or other authority having jurisdiction over such matters.
(Ord. 623, passed 5-17-2005)

WATER CONSERVATION, DROUGHT AND EMERGENCY CONTINGENCY PLAN

§51.080 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSUMER. The customer of record using water for any purpose from the city distribution system and for which a regular charge is made.

DRAW DOWN. The distance between the static water level and the pumping level.
**PLAN.** The plan refers to the Water Conservation, Drought and Emergency Contingencies Plan.

**PUMPING WATER LEVEL.** The level of water in a well when the pump is pumping.

**STATIC WATER LEVEL.** The level of water in a well when the pump is not pumping.

**TRIGGERS.** Significant events which indicate the implementation of the different stages of the Plan.

**WASTE OF WATER.** Waste of water includes but not limited to permitting water to escape down a gutter, ditch, or other surface drain; failure to repair a controllable leak of water due to defective plumbing; or as determined by the water system operator with concurrence of the City Administrator.

**WATER.** Water available to the city by virtue of its water rights introduced by the city into its water distribution system.

**WATER OPERATOR.** The person who is licensed by the State Department of Health and Human Services to operate the city water system.

**WATER SYSTEM CAPACITY.** Determined by aggregate production of all wells in gallons per minute times 60 minutes in an hour times 24 hours per day divided by the population the system serves. This value is expressed in gallons per capita per day (gpcd). The water system operator shall determine the water system capacity on a monthly basis.

**WATER SYSTEM DEMAND.** Water well readings are accomplished daily by reading in person Monday through Friday (holidays not included and weather permitting), readings are also taken daily electronically. Water consumption is determined by dividing the daily consumption by the current population number and then expressed in gallons per capita per day (gpcd).

(Ord. 680, passed 3-21-2012)

**§51.081 WATER PLAN ESTABLISHED.**

In order to assure the continued supply of safe drinking water to the citizens of the city, the Board of Public Works and the City Council adopts the following plan addressing conservation, drought and emergency contingencies. The plan is based upon demand on the system and implements a series of stages depending upon the severity of the demand.

(Ord. 680, passed 3-21-2012)

**§51.082 FINDINGS.**

(A) The city has undertaken a number of steps to ensure a dependable water supply for our citizens. The water supply for the city is obtained from 3 wells north of the city, at this time only 1 well is used year around, and the other 2 are used as seasonal wells. When all 3 wells are pumping the water pumps directly into the distribution system when the distribution system is full, water is then pumped
into the city’s 1,000,000-gallon storage tank, which was built in 1955.

(B) The city water supply and distribution system has the capacity to meet current customer demands and future projected demands even in times of drought. The city believes that our Water Conservation Plan represents an additional step so our customers have a dependable water supply in the future.
(Ord. 680, passed 3-21-2012)

§51.083 OBJECTIVES.

The primary objectives of the Water Conservation Plan for the city are to develop long-term water conservation plans and short-term water emergency plans to assure city customers of adequate water supply to meet their needs. The efficient use of water also has the beneficial effect of limiting or postponing water distribution system expansions and thus limiting or postponing the resulting cost increases, in addition to conserving the water resource of the state.
(Ord. 680, passed 3-21-2012)

§51.084 WATER PROTECTION PROGRAMS.

The city has put several programs in place in the past several years in an effort to protect the city’s drinking water both short- and long-term. One of the programs put into place by the city is a Well Head Protection Plan which was accepted by the Nebraska Department of Environmental Quality on June 8, 2011, this plan began in 1995 and is a program that delineates a Well Head Protection area that the city’s well water travels from within with the city attempting to protect this delineated area. Another program that has been adopted by Ordinance 623 on May 17, 2005 is an Anti-Backflow Program that is intended to protect the city’s drinking water by surveying city water customers at least once every 5 years and then assessing surveys and requiring customers (as needed) to take the appropriate steps necessary for protection of public health and safety by installation of an anti-backflow device.
(Ord. 680, passed 3-21-2012)

§51.085 WATER CONSERVATION PRACTICES.

This section of the plan summarizes the current education, management and regulation efforts that relate to the long-term conservation of water by the city. Specific practices will be undertaken to conserve water.

(A) Education. The city will supply local media with water conservation tips throughout the year and during drought periods. Also, the government television channel 13 (or Charter customers) along with the city web page (www.kimballne.org) will be used to supply customers with water conservation tips and updates on water schedules as needed (such as even/odd lawn watering system can be imposed on city water customers).
(B) Management.

(1) The city has meters installed at every connection to the system. Customer meters are monitored for accuracy and possible repair or replacement upon receiving a citizen request or notification from city staff of an anomaly.

(2) Meters are read once a month (weather permitting) to help assure proper accountability for the amount of water used.

(3) The city has an independent contractor perform well efficiency tests every year with repairs done as needed.

(4) The water rate structure for the city was passed on October 11, 2011. Water rates are available at the city office at 223 South Chestnut Street and are reviewed annually and adjusted as needed per the Department.
(Ord. 680, passed 3-21-2012)

§51.086 DROUGHT/EMERGENCY CONTINGENCY; GENERALLY.

The city addresses its short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals and actions. Each stage is more restrictive in water use than the previous stage as water level conditions deteriorate. The city will be authorized by ordinance to declare a water emergency once this plan and ordinance are in place and whenever the following occur.
(Ord. 680, passed 3-21-2012)

§51.087 STAGE 1: WATER WATCH.

(A) Triggers. This stage is triggered by any of the following conditions:

(1) The city storage has fallen below 70% capacity (300,000 gallons).

(2) Ground water levels have fallen an average of 5 feet below a rolling 5-year average.

(3) Demand for one day is in excess of 1,250,000 gallons per day.

(B) Goals. The goals of this stage are to heighten awareness of the public on water conditions, maintain the integrity of the water supply system and use the ordinances in place if necessary.

(C) Management actions.

(1) The city will monitor and maintain its wells to assure an efficient condition exists.

(2) System pressure will be maintained throughout the entire system.
(D) Regulation actions. The public will be asked to voluntarily curtail some outdoor water use if necessary.
(Ord. 680, passed 3-21-2012)

§51.088 STAGE 2: WATER WARNING.

(A) Triggers. This stage is triggered by any of the following conditions:

(1) The city storage has fallen below 50% capacity (500,000 gallons).

(2) Ground water levels have fallen an average of 10 feet from a rolling 5-year average.

(3) Demand for one day is in excess of 1,250,000 gallons.

(B) Goals. The goals of this stage are to reduce peak demands and to reduce overall weekly consumption.

(C) Education actions. The city will release to the local media, also channel 13 (government channel for Charter customers) and the city web page (www.kimballne.org) present conditions and what actions to take, if applicable. Water conservation articles will be released to local media.

(D) Management actions.

(1) The city water supplies will be monitored weekly.

(2) Pumping at affected wells will be reduced to decrease draw-down and maintain current levels.

(3) The city will curtail its own use of water including sprinklers, hose reels, hydrant flushing, and the like.

(E) Regulation actions.

(1) An odd/even outside watering system can be imposed on all city residents.

(2) Residents will be asked to voluntarily curb daytime watering during windy days to avoid evaporation.

(3) Waste of water will be prohibited.
(Ord. 680, passed 3-21-2012)
§51.089 STAGE 3: WATER EMERGENCY.

(A) **Triggers.** This stage is triggered by any one of the following conditions:

1. The city storage has fallen below 50% capacity (500,000 gallons).
2. Groundwater levels have fallen an average of 15 feet from a rolling 5-year average.
3. Demand for one day is in excess of 1,500,000 gallons.

(B) **Goals.** The goals of this stage are to reduce peak demands by 75% and to reduce overall weekly consumption by 50%.

(C) **Education actions.**

1. The city will make press releases to the local media, the government TV channel (channel 13 for Charter customers) and the city web page ([www.kimballne.org](http://www.kimballne.org)) describing present conditions and what action is being taken.
2. Water conservation tips provided to local media.

(D) **Management actions.**

1. The city water supplies will be monitored daily.
2. System pressure will be maintained throughout the system.
3. Pumping will be reduced at the affected wells to maintain current levels.
4. The city will seek help from the state and federal governments if needed.

(E) **Regulation actions.**

1. Outdoor watering (including no car washing) will be 1 day per week between set hours, or no watering at all.
2. Waste of water prohibited.

(Ord. 680, passed 3-21-2012)

§51.090 LONG-TERM WATER USE EFFICIENCY.

(A) The city used approximately 216 gallons per person per day in 2010. This figure included:

1. Water sold to residential customers.
2. Water distributed for governmental use (parks, swimming pool, street sweeper, sewer jet,
water truck, and the like).

(3) Water lost by leaks in the distribution system.

(4) Water sold to commercial and industrial customers.

(B) The city desires to set a water use conservation goal not to exceed 300 gallons per person per day based on projecting current usage. The city anticipates not exceeding this goal by implementing the specific actions outlined in this plan.
(Ord. 680, passed 3-21-2012)

§51.091 PLAN REVISION, MONITORING AND EVALUATION.

(A) The city will establish a monthly management practice of reviewing monthly totals for production, residential/commercial sales, and unaccounted for water (AWWA standard for average water loss of 10%-15%). Problems noted during the monthly review will be solved as soon as possible.

(B) The Water Conservation Plan will be reviewed during the month of April each year and on a more frequent basis during drought or other water shortage problems. If water conservation goals for the previous year are not met, the city will review the data collected from the previous year in relationship to the status and effectiveness of the conservation practices that are outlined in our plan and will provide status reports which will also include any additional water conservation practices that may need to be taken in order for the city to achieve and maintain its water use conservation goals.
(Ord. 680, passed 3-21-2012)

ADMINISTRATION AND ENFORCEMENT

§51.900 FEES; COLLECTION.

(A) The Board of Public Works has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department. All such fees shall be on file for public inspection at the office of the City Clerk.

(B) The City Clerk shall bill the consumers and collect all money received by the city on the account of the Water Department.
(Neb. RS 17-540) (1992 Code, §3-210)
§51.901 MINIMUM RATES.

All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Water and Wastewater Superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water rental until the water is turned on again.

(Neb. RS 17-542) (1992 Code, §3-211)

§51.902 LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the city for water service furnished, the amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The City Clerk shall notify in writing, or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of water rent. It shall be the duty of the Water and Wastewater Superintendent on the first day of June of each year to report to the City Council a list of all unpaid accounts due for water together with a description of the premises upon which the same was used. The report shall be examined, and if approved by the City Council, shall be certified by the City Clerk to the County Clerk to be collected as a special tax in the manner provided by law.

(Neb. RS 17-531 through 17-546) (1992 Code, §3-213) Penalty, see §10.99

§51.903 SERVICE SHUTOFF OR REDUCTION; LIABILITY DISCLAIMER.

The Board of Public Works or the Water and Wastewater Superintendent may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire or other good and sufficient cause. The city shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the city has no control.

(Neb. RS 17-537) (1992 Code, §3-215)

§51.904 DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the City Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without the written permission of the Water and Wastewater Superintendent.

(1992 Code, §3-220) Penalty, see §10.99
Water 153
CHAPTER 52: SEWERS

Section

General Provisions

52.001 Definitions

Construction and Connections; Building Sewers

52.015 Application for connection permit
52.016 Sewer service; contract
52.017 Contract nontransferable; shutoff notice required
52.018 Building sewer installation; permit required
52.019 Building sewer permit classification; application
52.020 Building sewer installation expense; liability
52.021 Installation and application expense; tap fee
52.022 Repairs and replacement
52.023 Separate building sewer
52.024 Old building sewers
52.025 Building sewers; requirements and specifications
52.026 Clear water drainage; connection to sanitary sewer prohibited
52.027 Building sewer inspection
52.028 Building sewer; excavations
52.029 Construction and repair; inspection procedures

Use of Public Sewers

52.040 Unlawful deposit of wastes
52.041 Untreated sewage; discharge to natural outlet prohibited
52.042 Prohibited discharges; clear water discharge to sanitary sewer
52.043 Prohibited hazardous discharges; preliminary treatment
52.044 Prohibited discharges as determined by Superintendent
52.045 Right to reject discharge, require pretreatment, or add surcharge
52.046 Grease, oil, and sand interceptors
52.047 Preliminary treatment facilities; maintenance
52.048 Control manholes; requirement; installation and maintenance
52.049 Measurement, tests, and analyses; methods
Private Sewage Disposal System

52.060 Privies, septic tanks, and the like restricted
52.061 Available public sewer; connection required
52.062 Permit required
52.063 Inspection
52.064 Specifications
52.065 Maintenance
52.066 Additional requirements

Rates and Charges

52.080 Surcharges
52.081 Fees; collection
52.082 User charge review
52.083 Sewer maintenance fund
52.084 User classification
52.085 Bills; collection

Administration and Enforcement

52.100 Property destruction prohibited
52.101 Special agreements
52.102 Right of entry
52.103 Violations; notice to correct; liability for damages
52.104 Enforcement authority

Cross-reference:
Sewer Department; operation and funding, see §32.041

GENERAL PROVISIONS

§52.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BOD** or **BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20EC, expressed in milligrams per liter.

**BUILDING DRAIN.** The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet (1.5 meters) outside the inner face of the building wall.
**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER.** A sewer receiving both surface runoff and sewage.

**GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**INDUSTRIAL WASTES.** The liquid wastes from industrial manufacturing process, trade, or business as distinct from sanitary sewage.

**MAY.** The act referred to is permissive.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

**PERSON.** Any individual, firm, company, association, society, corporation, or group.

**pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the low conditions normally prevailing in public sewers, with no particle greater than 2 inch (1.27 cm) in any dimension.

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**SEWAGE.** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface, and storm waters as may be present.

**SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS.** All facilities for collecting, pumping, treating, and disposing of sewage.

**SEWER.** A pipe or conduit for carrying sewage.

**SHALL.** The act referred to is mandatory.
**Slug.** Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

**Storm Drain** or **Storm Sewer.** A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**Suspended Solids.** Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

**Watercourse.** A channel in which a flow of water occurs, either continuously or intermittently.

(1992 Code, §3-302)

**Construction and Connections; Building Sewers**

§52.015 Application for Connection Permit.

Any person wishing to connect with the sewer system shall make an application therefor to the city as required in this chapter. Sewer service may not be supplied to any house or building except upon the written order of the Water and Wastewater Superintendent. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the Board of Public Works; provided, that the entire cost of pipe and other installation charges shall be paid by those consumers. Nothing herein shall be construed to obligate the city to provide sewer service to nonresidents.

(Neb. RS 17-149 and 18-503) (1992 Code, §3-303)

§52.016 Sewer Service; Contract.

The city through the City Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The city may also furnish sewer service to persons whose premises are situated outside the corporate limits of the city, as and when, according to law, the City Council may see fit to do so. The rules, regulations, and sewer rental rates hereinafter named in this chapter shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. If the customer shall violate any reasonable rules and regulations that the Board of Public Works may hereafter adopt, the Water and Wastewater Superintendent, or his or her agent, may cut off or disconnect the sewer service from the building or premises of the violation. No further connection for sewer service to that building or those premises shall again be made save or except by order of the Superintendent or his or her agent.

§52.017 CONTRACT NONTRANSFERABLE; SHUTOFF NOTICE REQUIRED.

Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premises where service is furnished, or if the premises are destroyed by fire or other casualty, he or she shall at once inform the Water and Wastewater Superintendent, who shall cause the sewer service to be shut off from the premises. If the customer should fail to give notice, he or she shall be charged for that period of time until the official in charge of sewers is otherwise advised of the circumstances. (Neb. RS 17-901, 17-902, and 18-503) (1992 Code, §3-305) Penalty, see §10.99

§52.018 BUILDING SEWER INSTALLATION; PERMIT REQUIRED.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. (1992 Code, §3-321) Penalty, see §10.99

§52.019 BUILDING SEWER PERMIT CLASSIFICATION; APPLICATION.

(A) There shall be 2 classes of building sewer permits:

(1) For residential and commercial service; and

(2) For service to establishments producing industrial wastes.

(B) In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. (1992 Code, §3-322)

§52.020 BUILDING SEWER INSTALLATION EXPENSE; LIABILITY.

All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (1992 Code, §3-323)
§52.021 INSTALLATION AND APPLICATION EXPENSE; TAP FEE.

The customer, upon approval of his or her application for sewer service, shall pay to the Water and Wastewater Superintendent a tap fee which is on file in the City Clerk’s office and which compensates the city for the expense of processing his or her application and tapping the sewer main. The customer shall pay all costs of installation.
(1992 Code, §3-324)

§52.022 REPAIRS AND REPLACEMENT.

(A) The City Sewer Department may require the owner of any property which is within the city and connected to the public sewers or drains to repair or replace any connection line which serves the owner’s property and is broken, clogged, or otherwise in need of repair or replacement. The property owner’s duty to repair or replace a connection line shall include those portions upon the owner’s property and those portions upon public property or easements up to and including the point of junction with the public main.

(B) The City Clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of the owner or the agent of that owner, directing the repair or replacement of the connection line. If within 30 days of mailing the notice the property owner fails or neglects to cause the repairs or replacements to be made, the Water and Wastewater Superintendent may cause the work to be done and assess the cost upon the property served by that connection.
(Neb. RS 18-1748) (1992 Code, §3-325) Penalty, see §10.99

§52.023 SEPARATE BUILDING SEWER.

A separate and independent building sewer shall be provided for every building; except where 1 building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as 1 building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
(1992 Code, §3-326) Penalty, see §10.99

§52.024 OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Water and Wastewater Superintendent, to meet all requirements of this chapter.
(1992 Code, §3-327) Penalty, see §10.99
§52.025 BUILDING SEWERS; REQUIREMENTS AND SPECIFICATIONS.

(A) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(B) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(C) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Water and Wastewater Superintendent before installation.

(1992 Code, §3-328) Penalty, see §10.99

§52.026 CLEAR WATER DRAINAGE; CONNECTION TO SANITARY SEWER PROHIBITED.

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless that connection is approved by the Superintendent for purposes of disposal of polluted surface drainage; provided, that if responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

(1992 Code, §3-329) Penalty, see §10.99

§52.027 BUILDING SEWER INSPECTION.

The applicant for the building sewer permit shall notify the Water and Wastewater Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his or her representative.

(1992 Code, §3-330) Penalty, see §10.99

§52.028 BUILDING SEWER; EXCAVATIONS.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property
disturbed in the course of the work shall be restored in a manner satisfactory to the city. No excavation shall be open for an unreasonable amount of time.
(1992 Code, §3-331) Penalty, see §10.99

§52.029 CONSTRUCTION AND REPAIR; INSPECTION PROCEDURES.

All installations or repairs of pipes require 2 inspections by the Water and Wastewater Superintendent. The first inspection shall be made when connections or repairs are complete and before the pipe is covered. The second inspection shall be made after the dirt work is completed and the service restored. It is the customer’s responsibility to notify the Water and Wastewater Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Water and Wastewater Superintendent; provided, that those rules, regulations, and specifications have been reviewed and approved by the Board of Public Works.
(1992 Code, §3-332) Penalty, see §10.99

USE OF PUBLIC SEwers

§52.040 UNLAWFUL DEPOSIT OF WASTES.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or within 1 mile of the corporate limits thereof, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.
(1992 Code, §3-312) Penalty, see §10.99

§52.041 UNTREATED SEWAGE; DISCHARGE TO NATURAL OUTLET PROHIBITED.

It shall be unlawful to discharge to any natural outlet within the city, or within 1 mile of the corporate limits thereof, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter.
(1992 Code, §3-313) Penalty, see §10.99

§52.042 PROHIBITED DISCHARGES; CLEAR WATER DISCHARGE TO SANITARY SEWER.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer.
(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Water and Wastewater Superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the city for those costs. The costs shall be determined by the Superintendent with the approval of the City Council.

(1992 Code, §3-333) Penalty, see §10.99

§52.043 PROHIBITED HAZARDOUS DISCHARGES; PRELIMINARY TREATMENT.

(A) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

(4) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders; or

(5) Any waters or wastes:

(a) Having a 5-day BOD greater than 300 parts per million by weight;

(b) Containing more than 350 parts per million by weight of suspended solids;

(c) Having an average daily flow greater than 2% of the average sewage flow of the city; or

(d) Having a chlorine requirement greater than demanded by normal sewage as evaluated by the city’s consulting engineer shall be subject to the review of the Water and Wastewater Superintendent.
(B) Where necessary in the opinion of the Superintendent, the owner shall provide, at his or her expense, preliminary treatment as may be necessary to:

1. Reduce the biochemical oxygen demand to 300 parts per million by weight;
2. Reduce the suspended solids to 350 parts per million by weight;
3. Control the quantities and rates of discharge of such waters or wastes; or
4. Reduce the chlorine requirement to conform with normal sewage.

(C) Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent, and no construction of this type of facilities shall be commenced until the approvals are obtained in writing.

(1992 Code, §3-334) Penalty, see §10.99

§52.044 PROHIBITED DISCHARGES AS DETERMINED BY SUPERINTENDENT.

(A) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Water and Wastewater Superintendent that those wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors.

(B) The substances prohibited are:

1. Any liquid or vapor having a temperature higher than 150°F (65°C);
2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C);
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
5. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established.
by the Superintendent for those materials;

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller’s earth, lime slurries, and lime residues) or of dissolved solids, (such as, but not limited to, sodium chloride or sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or

(d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(1992 Code, §3-335) Penalty, see §10.99

§52.045 RIGHT TO REJECT DISCHARGE, REQUIRE PRETREATMENT, OR ADD SURCHARGE.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in §52.044, and which in the judgment of the Water and Wastewater Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Water and Wastewater Superintendent may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;
(3) Require control over the quantities and rates of discharge; and

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of §52.101.

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

(1992 Code, §3-336) Penalty, see §10.99

§52.046 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Water and Wastewater Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that these interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s)= personnel must be performed by currently licensed waste disposal firms.

(1992 Code, §3-337) Penalty, see §10.99

§52.047 PRELIMINARY TREATMENT FACILITIES; MAINTENANCE.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(1992 Code, §3-338) Penalty, see §10.99

§52.048 CONTROL MANHOLES; REQUIREMENT; INSTALLATION AND MAINTENANCE.

When required by the Water and Wastewater Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(1992 Code, §3-339) Penalty, see §10.99
§52.049 MEASUREMENT, TESTS, AND ANALYSES; METHODS.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at that control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

(1992 Code, §3-340) Penalty, see §10.99

PRIVATE SEWAGE DISPOSAL SYSTEM

§52.060 PRIVIES, SEPTIC TANKS, AND THE LIKE RESTRICTED.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(1992 Code, §3-314) Penalty, see §10.99

§52.061 AVAILABLE PUBLIC SEWER; CONNECTION REQUIRED.

(A) Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(B) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(1992 Code, §3-315) Penalty, see §10.99

§52.062 PERMIT REQUIRED.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Water and Wastewater Superintendent. The application for this permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Water and Wastewater Superintendent.

(1992 Code, §3-316) Penalty, see §10.99
§52.063 INSPECTION.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Water and Wastewater Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 40 hours of the receipt of notice by the Superintendent.

(1992 Code, §3-317)

§52.064 SPECIFICATIONS.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the state. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than 80,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(1992 Code, §3-318) Penalty, see §10.99

§52.065 MAINTENANCE.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(1992 Code, §3-319) Penalty, see §10.99

§52.066 ADDITIONAL REQUIREMENTS.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.

(1992 Code, §3-320) Penalty, see §10.99

RATES AND CHARGES

§52.080 SURCHARGES.

The ordinance on file with the City Clerk shall provide for the following surcharges:
(A) A high strength waste surcharge established for pollutant levels (BOD, SS, and the like) which exceed the levels contained in the domestic strength wastewater of the service area. The surcharge shall be expressed as a formula with a per unit charge established for each applicable pollutant (see Appendix B of 40 C.F.R. pt. 35.900); and

(B) The authority and intent shall be established to require each user discharging any toxic pollutants to pay the increased costs of managing the effluent or the sludge of the treatment works resulting from that discharge. (1992 Code, §3-306)

§52.081 FEES; COLLECTION.

The Board of Public Works has the power and authority to fix the rates to be paid by the customers of the Sewer Department. All such fees shall be on file for public inspection at the office of the City Clerk. The City Clerk shall have the duty of collecting the rental fees of the customers of the Sewer Department monthly. If a customer shall for any reason order the service discontinued or shall vacate the premises, the amount due under the terms of this chapter, together with any rental fees and charges in arrears, shall be considered as a delinquent sewer rental, which is hereby declared to be a lien upon the premises or real estate for which or from which the sewer was used or supplied, and upon the refusal of the customer to pay that delinquent sewer rental, it shall be collected by being placed upon the assessment roll and tax books for collection. Charges shall be delinquent after the due date. Upon being deemed delinquent, the Water and Wastewater Superintendent shall proceed to give notice to the delinquent customer and demand payment immediately. Those customers who fall to pay their bills after receiving this demand shall be subject to the discontinuance of service provisions of this chapter. (1992 Code, §3-307) Penalty, see §10.99

§52.082 USER CHARGE REVIEW.

The Board of Public Works shall review, at least annually, the user charge system and revise the charges, if necessary, to accomplish the following:

(A) Maintain the proportional distribution of operation, maintenance, and replacement (OM&R) costs among users and user classes;

(B) Generate adequate revenues to pay the costs of OM&R; and

(C) Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly. (1992 Code, §3-308)

§52.083 SEWER MAINTENANCE FUND.

(A) The operation, maintenance, and replacement (OM&R) portion of the total sewer user charges
shall be deposited in a non-lapsing Sewer Maintenance Fund, or set of funds, and the revenues so deposited will be used only for the purposes of defraying the OM&R costs of the treatment works. Funds transferred from other revenue sources to meet temporary shortages in the OM&R accounts shall be refunded following an appropriate adjustment in the user charges for OM&R.

(B) The Sewer Maintenance Fund will have a minimum of 2 primary accounts:

(1) An O&M account with provision for carryover of the fiscal year end balance to meet the overall O&M costs in the subsequent fiscal year; and

(2) A non-lapsing sinking fund for replacement costs which accrues funds through deposits made at least annually from OM&R use charge revenues. The deposits shall provide adequate revenues to meet the replacement needs of the treatment works over its service life and shall be used for no other purpose. For purposes of maintaining the fund on a perpetual basis, the city shall budget a sum of money not less than 20% of its annual projected operation and maintenance budget for the sewer treatment works. Fiscal year-end balances in the non-lapsing sinking fund will be carried over to the same fund in the subsequent year.

(1992 Code, §3-309)

§52.084 USER CLASSIFICATION.

The Board of Public Works may classify for the purpose of rental fees the customers of the City Sewer Department; provided, that the classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. The classification must be approved by the Environmental Protection Agency, relative to the user charge grant condition.

(Neb. RS 17-925.02) (1992 Code, §3-310)

§52.085 BILLS; COLLECTION.

Sewer rental bills shall be due and payable at the same time and in the same manner as water bills are due and payable. All penalties and procedures concerning delinquent accounts with the City Water Department shall also be applicable to delinquent accounts with the City Sewer Department.

(1992 Code, §3-311) Penalty, see §10.99

ADMINISTRATION AND ENFORCEMENT

§52.100 PROPERTY DESTRUCTION PROHIBITED.

No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
§52.101 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern. 
(1992 Code, §3-342)

§52.102 RIGHT OF ENTRY.

The Water and Wastewater Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within that easement. All entry and subsequent work, if any, on that easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. 
(1992 Code, §3-343) Penalty, see §10.99

§52.103 VIOLATIONS; NOTICE TO CORRECT; LIABILITY FOR DAMAGES.

(A) Any person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of that violation. 
(1992 Code, §3-344) Penalty, see §10.99

§52.104 ENFORCEMENT AUTHORITY.

The city has the legal authority to enforce its system of user charges, industrial cost recovery charge, and sewer use regulations on all existing or future users of the system whether located inside or outside the city limits.
(1992 Code, §3-345)
CHAPTER 53: ELECTRICAL DEPARTMENT

Section

Construction and Connections

53.01 Contracts and terms
53.02 Application for service
53.03 Nontransferable; shutoff notice required
53.04 Wiring and connection; licensed electrician
53.05 Installation expense
53.06 Meters
53.07 Wiring restrictions and requirements

Protection of Department Property

53.20 Building moving; disturbing wires; procedures
53.21 Posting signs on Department equipment prohibited
53.22 Trimming trees; notice and restrictions
53.23 Destruction of property prohibited

Administration and Enforcement

53.35 Rates; billing and collection
53.36 Fee payment
53.37 Meter in disrepair; charges
53.38 Funds; disposition
53.39 Service variation or interruption; liability disclaimer
53.40 Inspection; right of entry

Cross-reference:
Electrical Department; operation, see §32.042
§53.01 CONTRACTS AND TERMS.

The city, through its Electrical Department, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law, the Board of Public Works may see fit to do so. The rules, regulations, and rates for electric service, hereinafter named in this chapter, shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electrical Department. If a customer should violate any of the rules and regulations that the Board of Public Works may hereafter adopt, the Electric System Superintendent, or his or her agent, shall cut off or disconnect the electric service from the building or place of that violation as provided in Chapter 50, and no further connection of electric service for that building or place shall again be made save or except by order of the Superintendent or his or her agent.  
(1992 Code, §3-402) Penalty, see §10.99

§53.02 APPLICATION FOR SERVICE.

Every person or persons desiring electrical service must make application therefor to the city as provided in Chapter 50. Electricity may not be supplied to any house or building except upon the written order of the Electric System Superintendent. The Department shall not supply to any person outside the corporate limits electrical service without special permission from the Board of Public Works; provided, that the entire cost of wire, installation, and other expenses shall be paid by the consumer. Nothing herein shall be construed to obligate the city to supply electrical service to nonresidents.  
(Neb. RS 17-902 and 19-2701) (1992 Code, §3-403) Penalty, see §10.99

§53.03 NONTRANSFERABLE; SHUTOFF NOTICE REQUIRED.

Electrical service is not transferable. Any person wishing to change from one location to another shall make a new application. If any consumer shall sell, dispose, or remove from the premises where service is furnished in his or her name, or if the premises are destroyed by fire or other casualty, he or she shall at once inform the Electric System Superintendent, who shall cause the electrical service to be shut off from the premises. If the consumer should fail to give this notice, he or she shall be charged for all electricity used on the premises until the Electric System Superintendent is otherwise advised of the circumstances.  
§53.04 WIRING AND CONNECTION; LICENSED ELECTRICIAN.

Under no circumstances shall connections be made between the wires of the electrical distribution system of this city and the meter of the consumer, except by an employee of the city or a licensed electrician authorized to do so by the Electric System Superintendent. The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution. All apparatus shall be installed according to the electrical code duly adopted by the city. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Electric System Superintendent and Building Inspector; provided, that those rules, regulations, and specifications have been reviewed and approved by the Board of Public Works.

(Neb. RS 17-902 and 19-1404) (1992 Code, §3-405) Penalty, see §10.99

§53.05 INSTALLATION EXPENSE.

The expense of installation and equipment up to and including the electrical meter shall be paid by the city. The expense of installation and wiring from the meter to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner.


§53.06 METERS.

All electric current furnished to consumers by the electric distribution system of the city shall be measured by meter. No person, except an authorized agent of the city, shall be allowed to set meters or make connections to the electric service of the distribution system. The city will furnish necessary meters to consumers under the conditions prescribed in this chapter, and will keep all meters clean and in repair at the expense of the city. The owner or tenant of premises where a meter is located shall provide ready and convenient access to the meter so that it may easily be examined and read by authorized agents of the city. Any consumer of current from the electric distribution system shall have the right to request the Electric System Superintendent to test a reasonable number of times his or her current meter which the consumer may have reason to believe is not registering the true amount of current. It shall be the duty of the Electric System Superintendent to test the meter as requested and any other meter which needs to be tested. All meters now in use or hereafter installed in connection with the electric light plant and system shall be and remain the property of the city. When a meter is entirely worn out, it will be replaced and set by the city for the consumer at the expense of the city; provided, however, in cases where meter replacements are made necessary on account of the willful neglect or recklessness on the part of consumer, then the city shall require an additional service deposit, as though application for service were made in the first instance.

(1992 Code, §3-407) Penalty, see §10.99
§53.07 WIRING RESTRICTIONS AND REQUIREMENTS.

The consumer may have wiring done by any competent person or company duly licensed as provided by state law, but under no circumstances shall connections be made between the wires or the electric distribution system of this city. All wiring, equipment, and apparatus shall be installed and maintained in accordance with the rules, requirements, and conditions of the National Board of Fire Underwriters and the National Electric Code, and must be approved by the Electric System Superintendent or some other authorized agent of this city. The city shall not be liable in any way for damages from any wiring or motors inside any building. Any person operating or causing to be operated any oil burner, motor, sign, or other electrical apparatus connected with the light and power system of the city or suburban or farm lines, which shall cause unnecessary electrical interference with radio and television reception, shall equip the apparatus with proper filtering attachments to eliminate the interference. This provision shall not apply to the use of necessary medical or health equipment or apparatus where the interference cannot be reasonably eliminated.

(1992 Code, §3-417) Penalty, see §10.99

PROTECTION OF DEPARTMENT PROPERTY

§53.20 BUILDING MOVING; DISTURBING WIRES; PROCEDURES.

Should any house or building moving occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the City Electrical Department, the same should not be done except upon written permission received from the Electric System Superintendent, who shall then order paid in advance the actual cost of moving the wires, and the cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing, and replacing the wires or apparatus of the Electrical Department shall be paid out of the deposit made prior to moving, and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, that if in the course of moving the building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded.

(Neb. RS 19-1404) (1992 Code, §3-411) Penalty, see §10.99

§53.21 POSTING SIGNS ON DEPARTMENT EQUIPMENT PROHIBITED.

It shall be unlawful for any person to post, tack, or fasten to the poles, structures, fixtures, or equipment of the City Electrical Department any sign, poster, advertisement, or banner without written permission from the Electric System Superintendent.

(Neb. RS 19-1404) (1992 Code, §3-413) Penalty, see §10.99
§53.22 TRIMMING TREES; NOTICE AND RESTRICTIONS.

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the City Electrical Department shall, before doing that work, give reasonable written notice to the Electric System Superintendent and shall follow any and all rules and regulations which he or she may prescribe for doing that work. It shall be unlawful for any person felling or removing trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the Electrical Department, the City Council shall have the power to order cut and remove any overhanging branches or limbs of trees so that the lines will be free and safe.
(1992 Code, §3-414) Penalty, see §10.99

§53.23 DESTRUCTION OF PROPERTY PROHIBITED.

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the City Electrical Department.

ADMINISTRATION AND ENFORCEMENT

§53.35 RATES; BILLING AND COLLECTION.

The Board of Public Works, through the authority granted by the City Council, has the power and authority to fix the rates to be paid by electrical consumers for the use of electricity. All rates shall be on file for public inspection at the office of the City Clerk. The City Clerk shall bill the consumers and collect all money received by the city on the account of the City Electrical Department. The City Clerk shall faithfully account for and pay over the same to the City Treasurer all revenue collected by him or her.
(Neb. RS 17-902 and 19-1404) (1992 Code, §3-408)

§53.36 FEE PAYMENT.

Electrical fees shall be due and payable monthly at the office of the City Clerk. The owner of the premises will in all cases be held primarily responsible and will be required to pay for electricity at the premises.
§53.37 METER IN DISREPAIR; CHARGES.

In the event that any customer’s meter falls out of repair or fails to register properly, the City Clerk shall charge the customer such amount as he or she deems is fair both to the customer and the city.  
(Neb. RS 19-1404) (1992 Code, §3-412)

§53.38 FUNDS; DISPOSITION.

The funds received arising out of income from the electric distribution system shall be kept in a separate fund known as the Utilities Fund, which shall be allocated for accounting and other purposes as the Board of Public Works shall from time to time direct.  
(1992 Code, §3-418)

§53.39 SERVICE VARIATION OR INTERRUPTION; LIABILITY DISCLAIMER.

The City Electrical Department does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The Electric System Superintendent has the power and authority to reduce, disconnect, or discontinue that service for any good and sufficient reason without liability. The city shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from voltage reduction or variation, interruption of service due to causes over which the city has no control, and the city expressly reserves the right to discontinue or disconnect any consumer’s service without preliminary notice.  
(Neb. RS 17-902 and 19-1404) (1992 Code, §3-410)

§53.40 INSPECTION; RIGHT OF ENTRY.

The Electric System Superintendent or his or her duly authorized agents shall have free access at any reasonable time to each premises and building to or in which electricity is supplied; provided, that in the event of an emergency, such inspections may take place at any time.  
(Neb. RS 17-902) (1992 Code, §3-415) Penalty, see §10.99
CHAPTER 54: GARBAGE

§54.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GARBAGE.** Kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

(1992 Code, §4-201)

**GARBAGE COLLECTION SYSTEM.** Garbage and recyclable collection service provided for city residents and businesses.


**RUBBISH or TRASH.** Discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the city.

(1992 Code, §4-201)

**WASTE.** Cinders, ashes, plaster, brick, stone, sawdust, or sand.

(1992 Code, §4-201)

**YARD WASTE.** Grass and leaves.

(Neb. RS 13-2016.01) (1992 Code, §4-211) (Ord. 508, passed 11-21-1995)
§54.02 GARBAGE, RUBBISH, AND WASTE; ACCUMULATION; DISPOSAL.

It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premises, or any other place in the city, decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the city unless the same is kept in receptacles. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind. No person may permit garbage, rubbish, waste, or refuse to collect, and all persons shall remove the same from their property within 24 hours after being notified to do so by the City Police Chief, who shall represent the City Council. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover, or a durable plastic container that is securely tied at its opening.


§54.03 SOLID WASTE; LIABILITY FOR CHARGES; PROOF OF PROPER DISPOSAL.

(A) The City Council has separately established charges to be paid to it by each person whose premises are served by the municipal solid waste collection system. For purposes of those charges, a person’s premises are deemed to be served by the municipal solid waste collection system and the owner and occupant of the premises shall be deemed served and therefore liable for the charges unless the owner or occupant proves to the City Council that:

(1) The premises are unoccupied; or

(2) The solid waste generated at the premises during the applicable billing period was lawfully collected and hauled to a permitted facility or was otherwise disposed of in conformance with all applicable laws, regulations, and ordinances.

(B) Proof of proper disposal during the applicable billing period may be provided by means of any of the following:

(1) A billing receipt or other statement from a duly permitted solid waste hauling service for collection of solid waste at the premises during the applicable billing period;

(2) A billing receipt or register tab from a duly permitted transfer station or disposal facility or landfill for solid waste during the applicable billing period; or

(3) Other documentation of proper disposal as may be acceptable to the City Council.

§54.04 GARBAGE DUMPSTERS.

The dumpsters shall be used only by those residents and businesses which are authorized to, and are being billed for, the services provided by the city’s garbage collection system, and shall be used only for disposal of waste generated by city residents and businesses or by those contracting for the use of the city’s garbage collection system who have specifically signed up for the nonresidential service and have agreed to pay the rates for that service as specified by the Board of Public Works. The Board of Public Works may adopt such rates and regulations for the use of the city’s garbage collection system by nonresidents as the Board deems appropriate.
(Ord. 497, passed 11-22-1994) Penalty, see §10.99

§54.05 COLLECTION AND REMOVAL; AUTHORITY TO REQUIRE.

The City Council for the city may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate roads, or alleys abutting such lot or land which constitutes a public nuisance. The city may require the owner, duly authorized agent, or tenant of the lot or land to remove the garbage or refuse from the lot or land and streets, roads, or alleys.
(Neb. RS 17-123.01) (1992 Code, §4-204)

§54.06 NOTICE TO REMOVE; REMOVAL.

Notice that removal of garbage or refuse is necessary shall be given to each owner or owner’s duly authorized agent and to the tenant if any. This notice shall be provided by personal service or by certified mail. After providing notice, the city through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from the lot or land and streets, roads, or alleys.
(Neb. RS 17-123.01) (1992 Code, §4-205)

§54.07 ACCUMULATION; IMMEDIATE NUISANCE; REMOVAL.

If the Mayor declares that the accumulation of garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the city shall remove the garbage or refuse, or cause it to be removed, from the lot or land within 5 days after notice by personal service or following receipt of a certified letter in accordance with §54.05 if the garbage or refuse has not been removed.
(Neb. RS 17-123.01) (1992 Code, §4-206)
§54.08 REMOVAL COST.

Whenever a city removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this chapter, it shall, after a hearing conducted by the governing board, assess the cost of the removal against that lot or land.
(Neb. RS 18-1303) (1992 Code, §4-207)

§54.09 REMOVAL OF RUBBISH AND WASTE.

Without additional charge to the property owner or occupant for garbage collection, the Waste Department shall collect and remove all rubbish and waste which is placed in containers.
(1992 Code, §4-208)

§54.10 COLLECTION FEES.

The rates to be charged for garbage collection services shall be set by the Board of Public Works; however, the fees shall be fair and reasonable and designed to meet all necessary costs for the collection, conveyance, and disposition of the garbage, rubbish, and waste accumulated in the city. The Board of Public Works may make reasonable rules and regulations regarding the operation of garbage collection.
(1992 Code, §4-209)

§54.11 YARD WASTE AND RECYCLABLE MATERIALS; DISPOSAL RESTRICTIONS.

It shall be unlawful to place yard waste, including but not limited to grass clippings and other yard vegetation, in the containers used for the pickup of garbage by the city’s garbage collection system. The Board of Public Works may also, by resolution, prohibit the disposition of specifically identified recyclable materials in the garbage collection containers.
(1992 Code, §4-211) (Ord. 450, passed 3-16-1993; Am. Ord. 497, passed 11-22-1994) Penalty, see §10.99

§54.12 YARD WASTE AND RECYCLABLE MATERIALS; FEES.

The rates to be charged for yard waste and recyclable materials shall be set by the Board of Public Works; however, the fees shall be fair and reasonable and designated to meet all necessary costs for the collection, conveyance, and disposition of such items accumulated in the city. The Board of Public Works may make reasonable rules and regulations regarding the operation of the yard waste and recyclable collection fees.
(1992 Code, §4-212) (Ord. 450, passed 3-16-1993)
TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC REGULATIONS

72. BICYCLES, SNOWMOBILES, AND ALL-TERRAIN VEHICLES

73. PARKING REGULATIONS

74. TRAFFIC SCHEDULES

75. PARKING SCHEDULES
Chapter 70: General Provisions

Section

70.01 Definitions
70.02 Traffic regulations; general authority
70.03 Regulation of highways; police powers
70.04 Prohibitions on operation of vehicles
70.05 Ordinances contrary to state law prohibited
70.06 Placement and maintenance of traffic control devices
70.07 Enforcement of rules and laws
70.08 Failure or refusal to obey order
70.09 Obedience to traffic control devices; exceptions
70.10 Authorized emergency vehicles; privileges
70.11 Traffic officers
70.12 Emergency regulations
70.13 Police enforcement
70.14 Refusal to obey

70.99 Traffic infractions; penalty

Statutory reference:
Nebraska Rules of the Road, see Neb. RS 60-601

§70.01 Definitions.

For the purpose of this title, the following definitions and the other definitions in Neb. RS 60-606 through 60-676 shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A highway intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.
(Neb. RS 60-607)

AUTHORIZED EMERGENCY VEHICLE. Such fire department vehicles, police vehicles, rescue vehicles, and ambulances as are publicly owned, such other publicly or privately owned vehicles as are designated by the Director of Motor Vehicles, and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General pursuant to Neb. RS 55-133.
(Neb. RS 60-610)
**BUSINESS DISTRICT.** The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations, or public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of a highway. (Neb. RS 60-613)

**HIGHWAY.** The entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Neb. RS 60-624)

**MANUAL.** The Manual on Uniform Traffic Control Devices adopted by the Department of Roads pursuant to Neb. RS 60-6,118. (Neb. RS 60-631)

**MOTOR VEHICLE.** Every self-propelled land vehicle, not operated upon rails, except mopeds, self-propelled chairs used by persons who are disabled, and electric personal assistive mobility devices. (Neb. RS 60-638)

**PEACE OFFICER.** The Police Chief or other chief law enforcement official, any city police officer, or any other person authorized to enforce city ordinances. With respect to directing traffic only, peace officer shall also include any person authorized to direct or regulate traffic. (Neb. RS 60-646)

**RESIDENTIAL DISTRICT.** The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business. (Neb. RS 60-654)

**ROADWAY.** That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes 2 or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively. (Neb. RS 60-656)

**SCHOOL CROSSING ZONE.** The area of a roadway designated to the public by the City Council as a school crossing zone through the use of a sign or traffic control device as specified by the City Council in conformity with the Manual but does not include any area of a freeway. A school crossing zone starts at the location of the first sign or traffic control device identifying the school crossing zone and continues until a sign or traffic control device indicates that the school crossing zone has ended. (Neb. RS 60-658.01)

**SHOULDER.** That part of the highway contiguous to the roadway and designed for the accommodation of stopped vehicles, for emergency use, and for lateral support of the base and surface courses of the roadway. (Neb. RS 60-661)
TRAFFIC. Pedestrians, ridden or herded animals, and vehicles and other conveyances either singly or together while using any highway for purposes of travel. (Neb. RS 60-669)

TRAFFIC CONTROL DEVICE. Any sign, signal, marking, or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of the City Council or any official having jurisdiction for the purpose of regulating, warning, or guiding traffic. (Neb. RS 60-670)

TRAFFIC CONTROL SIGNAL. Any signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. (Neb. RS 60-671)

TRAFFIC INFRACTION. The violation of any provision of the Nebraska Rules of the Road or of any law, ordinance, order, rule, or regulation regulating traffic which is not otherwise declared to be a misdemeanor or a felony or, in this title, an offense. (Neb. RS 60-672)

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved solely by human power or used exclusively upon stationary rails or tracks. (Neb. RS 60-676) (1992 Code, §5-101)

§70.02 TRAFFIC REGULATIONS; GENERAL AUTHORITY.

(A) The City Council may, in its jurisdiction, enact regulations permitting, prohibiting, and controlling the use of motor vehicles, minibikes, motorcycles, off-road recreation vehicles of any and all types, other powered vehicles, electric personal assistive mobility devices, and vehicles which are not self-propelled. Any person who operates any of such vehicles without the permission of the City Council or its designated representative or in a place, time, or manner which has been prohibited by the City Council shall be guilty of an offense.

(B) The City Council may further authorize the supervising official of any area under its ownership or control to permit, control, or prohibit operation of any motor vehicle, minibike, motorcycle, off-road recreational vehicle of any or all types, other powered vehicle, electric personal assistive mobility device, or vehicle which is not self-propelled on all or any portion of any area under its ownership or control at any time by posting or, in case of an emergency, by personal notice. Any person operating any such vehicle where prohibited, where not permitted, or in a manner so as to endanger the peace and safety of the public or as to harm or destroy the natural features or manmade features of any such area shall be guilty of an offense. (Neb. RS 60-678) Penalty, see §10.99
§70.03 REGULATION OF HIGHWAYS; POLICE POWERS.

(A) The City Council with respect to highways under its jurisdiction and within the reasonable exercise of the police power may:

(1) Regulate or prohibit stopping, standing, or parking;

(2) Regulate traffic by means of peace officers or traffic control devices;

(3) Regulate or prohibit processions or assemblages on the highways;

(4) Designate highways or roadways for use by traffic moving in one direction;

(5) Establish speed limits for vehicles in public parks;

(6) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;

(7) Restrict the use of highways as authorized in §70.04;

(8) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;

(9) Regulate operation of electric personal assistive mobility devices;

(10) Regulate or prohibit the turning of vehicles or specified types of vehicles;

(11) Alter or establish speed limits authorized in the Nebraska Rules of the Road;

(12) Designate no-passing zones;

(13) Prohibit or regulate use of controlled-access highways by any class or kind of traffic except those highways which are a part of the state highway system;

(14) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Roads;

(15) Establish minimum speed limits as authorized in the Rules;

(16) Designate hazardous railroad grade crossings as authorized in the Rules;

(17) Designate and regulate traffic on play streets;

(18) Prohibit pedestrians from crossing a roadway in a business district or any designated
General Provisions

highway except in a crosswalk as authorized in the Rules;

(19) Restrict pedestrian crossings at unmarked crosswalks as authorized in the Rules;

(20) Regulate persons propelling push carts;

(21) Regulate persons upon skates, coasters, sleds, and other toy vehicles;

(22) (a) Notwithstanding any other provision of law, adopt and enforce an ordinance or resolution prohibiting the use of engine brakes on the National System of Interstate and Defense Highways that has a grade of less than 5 degrees within its jurisdiction.

   (b) For the purpose of this division, the following definition shall apply unless the context clearly indicates or requires a different meaning.

   ENGINE BRAKE. A device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss;

(23) Adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and

(24) Adopt other traffic regulations except as prohibited by state law or contrary to state law.

(B) The City Council shall not erect or maintain any traffic control device at any location so as to require the traffic on any state highway or state-maintained freeway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Roads.

(C) No ordinance or regulation enacted under division (A)(4), (5), (6), (7), (10), (11), (12), (13), (14), (16), (17), or (19) shall be effective until traffic control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.
(Neb. RS 60-680)

§70.04 PROHIBITIONS ON OPERATION OF VEHICLES.

(A) The City Council may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed 90 days in any 1 calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which the City Council is responsible whenever any such highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. The City Council shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until such signs are erected and maintained.
(B) The City Council may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. (Neb. RS 60-681)

§70.05 ORDINANCES CONTRARY TO STATE LAW PROHIBITED.

The City Council shall not enact or enforce any ordinance directly contrary to the Nebraska Rules of the Road unless expressly authorized by the Legislature. (Neb. RS 60-6,108)

§70.06 PLACEMENT AND MAINTENANCE OF TRAFFIC CONTROL DEVICES.

The City Council shall place and maintain such traffic control devices upon highways under its jurisdiction as it deems necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. All such traffic control devices erected pursuant to this title shall conform with the Manual. (Neb. RS 60-6,121)

§70.07 ENFORCEMENT OF RULES AND LAWS.

(A) All peace officers are hereby specifically directed and authorized and it shall be deemed and considered a part of the official duties of each of such officers to enforce the provisions of Nebraska Rules of the Road and this title, including the specific enforcement of maximum speed limits, and any other state or city law regulating the operation of vehicles or the use of the highways.

(B) To perform the official duties imposed by this section, peace officers shall have the power:

(1) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of the Motor Vehicle Operator's License Act or this title or of any other law regulating the operation of vehicles or the use of the highways, if and when designated or called upon to do so as provided by law;

(2) To make arrests upon view and without warrant for any violation committed in their presence of any provision of the laws of this state relating to misdemeanors or felonies or of similar city ordinances if and when designated or called upon to do so as provided by law;

(3) At all times to direct all traffic in conformity with law or, in the event of a fire or other emergency or in order to expedite traffic or insure safety, to direct traffic as conditions may require;

(4) When in uniform, to require the driver of a vehicle to stop and exhibit his or her operator's license and registration certificate issued for the vehicle and submit to an inspection of such vehicle...
and the license plates and registration certificate for the vehicle and to require the driver of a motor vehicle to present the vehicle within 5 days for correction of any defects revealed by such motor vehicle inspection as may lead the inspecting officer to reasonably believe that such motor vehicle is being operated in violation of the statutes of Nebraska, the rules and regulations of the Director of Motor Vehicles, or any city ordinance or regulation;

(5) To inspect any vehicle of a type required to be registered according to law in any public garage or repair shop or in any place where such a vehicle is held for sale or wrecking;

(6) To serve warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways; and

(7) To investigate traffic accidents for the purpose of carrying on a study of traffic accidents and enforcing motor vehicle and highway safety laws.
(Neb. RS 60-683)

Statutory reference:
Motor Vehicle Operator's License Act, see Neb. RS 60-462

§70.08 FAILURE OR REFUSAL TO OBEY ORDER.

(A) Any person who knowingly fails or refuses to obey any lawful order of any peace officer who is controlling or directing traffic shall be guilty of a traffic infraction.

(B) Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of an offense whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or this title or of a person whom such officer reasonably believes has violated the Rules or this title.
(Neb. RS 60-6,110) Penalty, see §10.99

§70.09 OBEDIENCE TO TRAFFIC CONTROL DEVICES; EXCEPTIONS.

(A) The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto placed in accordance with the Nebraska Rules of the Road or this title, unless otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle in the Rules and this title.

(B) No provision of the Rules or this title for which traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by a reasonably observant person. Whenever any provision of the Rules or this title does not state that traffic control devices are required, such provision shall be effective even though no devices are erected or in place.
(C) Whenever traffic control devices are placed in position approximately conforming to the requirements of the Rules or this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(D) Any traffic control device placed pursuant to the Rules or this title and purporting to conform with the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of the Rules or this title unless the contrary is established by competent evidence.
(Neb. RS 60-6,119) Penalty, see §70.99

§70.10 AUTHORIZED EMERGENCY VEHICLES; PRIVILEGES.

(A) Subject to the conditions stated in the Nebraska Rules of the Road and this title, the driver of an authorized emergency vehicle, when responding to an emergency call, when pursuing an actual or suspected violator of the law, or when responding to but not when returning from a fire alarm, may:

(1) Stop, park, or stand, irrespective of the provisions of the Rules and this title, and disregard regulations governing direction of movement or turning in specified directions; and

(2) Except for wreckers towing disabled vehicles and highway maintenance vehicles and equipment:

(a) Proceed past a steady red indication, a flashing red indication, or a stop sign but only after slowing down as may be necessary for safe operation; and

(b) Exceed the maximum speed limits so long as he or she does not endanger life, limb, or property.

(B) Except when operated as a police vehicle, the exemptions granted in division (A) shall apply only when the driver of such vehicle, while in motion, sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary and when such vehicle is equipped with at least 1 lighted light displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

(C) The exemptions granted in division (A) shall not relieve the driver from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect such driver from the consequences of his or her reckless disregard for the safety of others.

(D) Authorized emergency vehicles operated by police and fire departments shall not be subject to the size and weight limitations of sections Neb. RS 60-6,288 to 60-6,290 and 60-6,294.
(Neb. RS 60-6,114)
§70.11 TRAFFIC OFFICERS.

The City Council or the Chief of Police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer notwithstanding the directive of a stop sign or signal device that may have been placed at any such intersection.
(1992 Code, §5-304) Penalty, see §70.99

§70.12 EMERGENCY REGULATIONS.

The Chief of Police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.
(1992 Code, §5-301)

§70.13 POLICE ENFORCEMENT.

The Police Department is hereby authorized, empowered, and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict, regulate, and, when necessary, temporarily divert or exclude in the interest of public safety, health, and convenience the movement of pedestrian, animal, and vehicular traffic of every kind in streets, in parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer.
(1992 Code, §5-302) Penalty, see §70.99

§70.14 REFUSAL TO OBEY.

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a police officer.
(1992 Code, §5-303) Penalty, see §70.99

§70.99 TRAFFIC INFRACTIONS; PENALTY.

(A) Unless otherwise declared in this title with respect to particular offenses, a violation of any provision of this title shall constitute a traffic infraction.
(Neb. RS 60-682)

(B) Any person who is found guilty of a traffic infraction in violation of this title for which a penalty has not been specifically provided shall be fined:

(1) Not more than $100 for the first offense;
(2) Not more than $200 for a second offense within a 1-year period; and

(3) Not more than $300 for a third and subsequent offense within a 1-year period.
(Neb. RS 60-689)

Statutory reference:
Other provisions on traffic infractions, see Neb. RS 60-684 through 60-694.01
CHAPTER 71: TRAFFIC REGULATIONS

Section

General Provisions

71.001 Restrictions on direction of travel
71.002 Right-of-way; stop and yield signs
71.003 Interference with traffic control devices or railroad signs or signals
71.004 Signs, markers, devices, or notices; prohibited acts
71.005 Tire requirements and prohibitions; permissive uses
71.006 Traffic lanes; designation
71.007 Crosswalks
71.008 Arterial streets; designation
71.009 Unauthorized signs

Speed Limits

71.020 Basic rule
71.021 Maximum limits
71.022 Bridges and other elevated structures
71.023 Alternative maximum limits
71.024 Near schools

Turning

71.040 Turning method
71.041 U-turns

Right of Way; Position of Vehicle on Roadway

71.055 Position on roadway in general; right side
71.056 Emergency vehicles; right of way
71.057 Right of way; intersections
71.058 Slow-moving vehicles
71.059 Overtaking vehicles; right of way
71.060 Passing and overtaking; position on roadway
71.061 Stops; crossing sidewalks
71.062 Driving on shoulder prohibited; exceptions
71.063 Jaywalking

Operating Rules

193
§71.001 RESTRICTIONS ON DIRECTION OF TRAVEL.

(A) The City Council with respect to highways under its jurisdiction may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in 1 direction at all times or at such times as shall be indicated by traffic control devices.

(B) Except for emergency vehicles, no vehicle shall be operated, backed, pushed, or otherwise caused to move in a direction which is opposite to the direction designated by competent authority on any deceleration lane, acceleration lane, access ramp, shoulder, or roadway.

(C) A vehicle which passes around a rotary traffic island shall be driven only to the right of such island.
(Neb. RS 60-6,138)

§71.002 RIGHT-OF-WAY; STOP AND YIELD SIGNS.

(A) The City Council may provide for preferential right-of-way at an intersection and indicate such by stop signs or yield signs erected by such authorities.

(B) Except when directed to proceed by a peace officer or traffic control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard if such driver moved across or into such intersection.

(C) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection.  


§71.003 INTERFERENCE WITH TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic control device, any railroad sign or signal, or any part of such a device, sign, or signal.  

(Neb. RS 60-6,129) Penalty, see §70.99

§71.004 SIGNS, MARKERS, DEVICES, OR NOTICES; PROHIBITED ACTS.

(A) Any person who willfully or maliciously shoots upon the public highway and injures, defaces, damages, or destroys any signs, monuments, road markers, traffic control devices, traffic surveillance devices, or other public notices lawfully placed upon such highways shall be guilty of an offense.

(B) No person shall willfully or maliciously injure, deface, alter, or knock down any sign, traffic control device, or traffic surveillance device.

(C) It shall be unlawful for any person, other than a duly authorized representative of the Department of Roads, the county, or the city, to remove any sign, traffic control device, or traffic surveillance device placed along a highway for traffic control, warning, or informational purposes by official action of the department, county, or city. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this division.

(D) Any person violating division (B) or (C) of this section shall be guilty of an offense and shall be assessed liquidated damages in the amount of the value of the sign, traffic control device, or traffic surveillance device and the cost of replacing it.  

(Neb. RS 60-6,130) (1992 Code, §5-216 and 5-223) Penalty, see §70.99
§71.005 TIRE REQUIREMENTS AND PROHIBITIONS; PERMISSIVE USES.

(A) Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least 1 inch thick above the edge of the flange of the entire periphery.

(B) No tire on a vehicle moved on a highway shall have on its periphery any clock, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:

(1) This prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding 5/16 of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than 7/64 of an inch between November 1 and April 1, except that school buses, mail carrier vehicles, and emergency vehicles shall be permitted to use metal or metal-type studs at any time during the year;

(2) It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and

(3) It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid.

(C) (1) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer:

(a) Having any metal tire in contact with the roadway; or

(b) Equipped with solid rubber tires.

(2) Division (C)(1) shall not apply to farm vehicles having a gross weight of 10,000 pounds or less or to implements of husbandry.

(D) The city may, in its discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

(Neb. RS 60-6,250)

Statutory reference:
Rubber tired cranes, see Neb. RS 60-6,288

§71.006 TRAFFIC LANES; DESIGNATION.

The City Council may, by resolution, mark lanes for traffic on street pavements at those places as it may deem advisable.

(1992 Code, §5-201)
§71.007 CROSSWALKS.

The City Council may, by resolution, establish and maintain, by appropriate devices, markers, or lines upon the street, crosswalks at intersections where there is particular danger to pedestrians crossing the street, and at other places as it may deem necessary.
(1992 Code, §5-211)

§71.008 ARTERIAL STREETS; DESIGNATION.

The City Council may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when a street has been so designated.

§71.009 UNAUTHORIZED SIGNS.

It shall be unlawful for any person to maintain or display upon or in view of any street, any unofficial sign, signal, or device which purports to be, is an imitation of, or resembles an official traffic sign or signal which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance, and any police officer is hereby empowered to remove the same, or cause it to be removed, without notice.
(Neb. RS 39-618) (1992 Code, §5-217) Penalty, see §71.999

SPEED LIMITS

§71.020 BASIC RULE.

No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. A person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.
(Neb. RS 60-6,185) Penalty, see §70.99

§71.021 MAXIMUM LIMITS.

(A) Except when a special hazard exists that requires lower speed for compliance with §71.020, the limits set forth in this section and Neb. RS 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be the maximum lawful speeds unless reduced pursuant to division (B), and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:
(1) Twenty-five miles per hour in any residential district;

(2) Twenty miles per hour in any business district;

(3) Fifty miles per hour upon any highway that is not dustless surfaced and not part of the state highway system;

(4) Fifty-five miles per hour upon any dustless-surfaced highway not a part of the state highway system; and

(5) Sixty miles per hour upon any part of the state highway system other than an expressway or a freeway, except that the Department of Roads may, where existing design and traffic conditions allow, according to an engineering study, authorize a speed limit 5 miles per hour greater.

(B) The maximum speed limits established in division (A) may be reduced by the Department of Roads or the City Council pursuant to §71.23 or Neb. RS 60-6,188.

(C) The City Council may erect and maintain suitable signs along highways under its jurisdiction in such number and at such locations as it deems necessary to give adequate notice of the speed limits established pursuant to division (A) or (B) upon such highways.

(Neb. RS 60-6,186) Penalty, see §71.999

§71.022 BRIDGES AND OTHER ELEVATED STRUCTURES.

(A) No person shall drive a vehicle over any public bridge, causeway, viaduct, or other elevated structure at a speed which is greater than the maximum speed which can be maintained with safety thereon when such structure is posted with signs as provided in division (B).

(B) The Department of Roads or the City Council may conduct an investigation of any bridge or other elevated structure constituting a part of a highway under its jurisdiction, and if it finds that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible, the Department or the City Council shall determine and declare the maximum speed of vehicles which the structure can safely withstand and shall cause suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(C) Upon the trial of any person charged with a violation of division (A), proof of the determination of the maximum speed by the Department or the City Council and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety on the bridge or structure.

(Neb. RS 60-6,189) Penalty, see §71.999

§71.023 ALTERNATIVE MAXIMUM LIMITS.

(A) Whenever the Department of Roads determines, upon the basis of an engineering and traffic
investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway, except that the maximum rural and freeway limits shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs.

(B) On all highways within its corporate limits, except on state-maintained freeways which are part of the state highway system, the City Council shall have the same power and duty to alter the maximum speed limits as the Department if the change is based on engineering and traffic investigation, except that no imposition of speed limits on highways which are part of the state highway system in the city shall be effective without the approval of the Department.

(C) Not more than 6 such speed limits shall be set per mile along a highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 20 miles per hour.

(D) When the Department or the City Council determines by an investigation that certain vehicles in addition to those specified in Neb. RS 60-6,187, 60-6,305, and 60-6,313 cannot with safety travel at the speeds provided in §71.21 and 71.22 and Neb. RS 60-6,187, 60-6,305, and 60-6,313 or set pursuant to this section, §71.22, or Neb. RS 60-6,188, the Department or the City Council may restrict the speed limit for such vehicles on highways under its respective jurisdiction and post proper and adequate signs.

(Neb. RS 60-6,190)

§71.024 NEAR SCHOOLS.

(A) It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes, during school recess or while children are going to or leaving school during the opening or closing hours, to drive the vehicle at a rate of speed in excess of 15 miles per hour past the premises.

(B) The driver shall stop at all stop signs located at or near such school premises, and it shall be unlawful for the driver to make a U-turn at any intersection where such stop signs are located at or near such school premises.

(1992 Code, §5-218) Penalty, see §70.99
Traffic Regulations

TURNING

§71.040 TURNING METHOD.

(A) Vehicles turning to the right into an intersecting street shall approach the intersection in the lane of traffic nearest to the right-hand side of the highway and must turn the corner as near the right-hand curb as possible to keep between the curb to the right and the center of the intersection of the 2 streets. The driver of a vehicle intending to turn to the left shall approach the center line of the highway, and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning the vehicle to the left.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CENTER OF THE INTERSECTION. The meeting point of the medial lines of the highways intersecting one another.

(Neb. RS 39-650) (1992 Code, §5-204) Penalty, see §71.999

§71.041 U-TURNS.

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where a sign is posted indicating that U-turns are prohibited.


RIGHT OF WAY; POSITION OF VEHICLE ON ROADWAY

§71.055 POSITION ON ROADWAY IN GENERAL; RIGHT SIDE.

Upon all highways of sufficient width, 1-way streets excepted, the driver of a vehicle shall drive the same on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least 1/2 of the main traveled portion of the roadway.

§71.056 EMERGENCY VEHICLES; RIGHT OF WAY.

Upon the approach of any authorized emergency vehicle, every vehicle within 1 block of the route of the emergency vehicle shall immediately stop, except at the time they are on or crossing a street intersection, in which event, the vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of the emergency vehicle shall immediately move to a position as near the right-hand curb as possible and remain there until the authorized emergency vehicle or vehicles have passed; provided, those vehicles are operated on official business and the drivers thereof make use of proper visual or audible signals.

§71.057 RIGHT OF WAY; INTERSECTIONS.

When 2 vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right when the paths of the vehicles intersect and there is danger of a collision, unless otherwise directed by a city police officer stationed at the intersection. The driver of a vehicle intending to turn to the left within an intersection, or into an alley, private road, or driveway, shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver of a vehicle on any street shall yield the right of way to a pedestrian crossing that street within any clearly marked crosswalk, or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than a pedestrian crossing, crosswalk, or intersection shall yield the right of way to vehicles upon the street. The driver of a vehicle entering a city street from a private road or drive shall yield the right of way to all vehicles approaching on the streets. The driver of a vehicle upon a street shall yield the right of way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals.

§71.058 SLOW-MOVING VEHICLES.

(A) Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage to their left. Vehicles in motion shall be kept between the curb at the right and the center of the street.

(B) Vehicles moving slowly shall keep as close as possible to the curb on the right, allowing more swiftly moving vehicles free passage to their left.
(Neb. RS 39-622 and 39-697) (1992 Code, §5-222) Penalty, see §71.999
§71.059 OVERTAKING VEHICLES; RIGHT OF WAY.

The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle.

§71.060 PASSING AND OVERTAKING; POSITION ON ROADWAY.

A vehicle shall not be driven to the left of the center line of the highway in overtaking or passing another vehicle proceeding in the same direction, unless the left side is clearly visible and free from oncoming traffic for a sufficient distance to permit the overtaking and passing to be made in safety.

§71.061 STOPS; CROSSING SIDEWALKS.

All vehicles before crossing a sidewalk, or emerging from a garage, alley, filling station, or other place within the congested district, shall come to a complete stop, and after giving sufficient warning shall proceed slowly and with extreme caution while crossing that sidewalk, or leaving that garage, alley, filling station, or other place. The term “slowly” shall be construed to mean a rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic thereon.
(Neb. RS 39-638) (1992 Code, §5-210) Penalty, see §71.999

§71.062 DRIVING ON SHOULDER PROHIBITED; EXCEPTIONS.

No person shall drive on the shoulders of highways, except:

(A) Vehicles may be driven onto the shoulders of roadways:

(1) By federal mail carriers while delivering the U.S. mail; or

(2) To safely remove a vehicle from traffic lanes.

(B) Implements of husbandry may be driven onto the shoulders of roadways.
(Neb. RS 60-6,142 and 60-689) (1992 Code, §5-234) (Am. Ord. 585, passed 2-22-2000) Penalty, see §71.999
§71.063 JAYWALKING.

Every pedestrian who crosses any other street at any point other than a crosswalk shall yield the right of way to vehicles.
(Neb. RS 39-643 and 39-697) (1992 Code, §5-219) Penalty, see §71.999

OPERATING RULES

§71.075 RECKLESS DRIVING.

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving, and as such shall be punished as provided by statute.
(Neb. RS 39-669.01, 39-669.02, and 39-669.26) (1992 Code, §5-224) Penalty, see §71.999

§71.076 WILLFUL RECKLESS DRIVING.

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be deemed to be guilty of willful, reckless driving, and shall be punished as provided by statute.
(Neb. RS 39-669.03 through 39-669.06) (1992 Code, §5-225) Penalty, see §71.999

§71.077 CARELESS DRIVING.

Any person who drives any motor vehicle in this city carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving.
(Neb. RS 39-669) (1992 Code, §5-226) Penalty, see §71.999

§71.078 NEGLIGENT DRIVING.

Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving.
(Neb. RS 39-669.26) (1992 Code, §5-227) Penalty, see §71.999
§71.079  BACKING.

It shall be unlawful for any person to back a motor vehicle on the city streets except to park in or
to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to
back to the curb for unloading where that unloading is permitted; provided, a vehicle shall be backed
only when that movement can be made in safety, and in no case shall the distance of the backing
exceed 1.5 lengths of the vehicle.
§71.999

§71.080  FUNERAL PROCESSIONS.

No vehicle, except police vehicles, Fire Department vehicles, when responding to emergency calls
or orders in their several departments, ambulances responding to emergency calls, or vehicles carrying
U.S. mails shall be driven through a funeral procession or cortege except with the permission of a
police officer.
(Neb. RS 39-629 and 39-697)  (1992 Code, §5-229)  Penalty, see §71.999

§71.081  CHILD PASSENGER RESTRAINT SYSTEM.

(A) For the purpose of this section, the following definition shall apply unless the context clearly
indicates or requires a different meaning.

OCCUPANT PROTECTION SYSTEM. Has the meaning provided in Neb. RS 60-6,265.

(B) (1) Any person who drives any motor vehicle which has or is required to have an occupant
protection system shall ensure that:

(a) All children up to 6 years of age being transported by that vehicle use a child
passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as
developed by the National Highway Traffic Safety Administration, as that standard existed on January
1, 2004, and which is correctly installed in the vehicle; and

(b) All children 6 years of age and less than 18 years of age being transported by that
vehicle use an occupant protection system.

(2) Division (B)(1) shall apply to every motor vehicle which is equipped with an occupant
protection system or is required to be equipped with restraint systems pursuant to Federal Motor
Vehicle Safety Standard 208, as that standard existed on January 1, 2004, except taxicabs, mopeds,
motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier
which is not equipped with an occupant protection system.
(C) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child’s weight, physical condition, or other medical reason, the provisions of division (B) shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for the waiver.

(D) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (B) when operating those authorized emergency vehicles pursuant to their employment.

(E) A driver of a motor vehicle shall not be subject to the requirements of division (B) if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.

(Neb. RS 60-6,267)

(F) (1) A person violating any provision of division (B) is guilty of an offense. The failure to provide a child restraint system for more than 1 child in the same vehicle at the same time, as required in division (B), shall not be treated as a separate offense.

(2) Enforcement of division (B)(1)(b) shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation of some other offense unless the violation involves a person under the age of 18 years riding in or on any portion of the vehicle not designed or intended for the use of passengers when the vehicle is in motion.

(Neb. RS 60-6,268)


§71.082 MOTORCYCLES; HELMET REQUIRED.

A person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in Neb. RS 60-624, unless that person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless the helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user’s head, deflecting blows, resisting penetration, and spreading the force of impact. Each helmet shall consist of lining, padding, visor, and chin strap and shall meet or exceed the standards established in the U.S. Department of Transportation’s Federal Motor Vehicle Safety Standard 218, 49 C.F.R. pt. 571.218, for motorcycle helmets.

(Neb. RS 60-6,279 and 60-6,282) (1992 Code, §5-233) (Am. Ord. 587, passed 2-22-2000) Penalty, see §71.999

§71.083 DRIVING UNDER THE INFLUENCE; PERSONS UNDER 21.

(A) It shall be unlawful for any person under 21 years of age to operate or be in the actual physical control of any motor vehicle:

(1) When that person has a concentration of 0.02 gram or more by weight of alcohol per 100
milliliters of his or her blood but less than the concentration prescribed under Neb. RS 60-6,196(1)(b); or

(2) When that person has a concentration of 0.02 gram or more by weight of alcohol per 210 liters of his or her breath but less than the concentration prescribed under Neb. RS 60-6,196(1)(c).

(B) Any person who operates or has in his or her actual physical control a motor vehicle in the state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood or breath for the purposes of determining the concentration of alcohol in such blood or breath.

(C) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of the city may require any person under 21 years of age to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath when the officer has probable cause to believe that the person was driving or was in actual physical control of a motor vehicle in the city in violation of this section. That peace officer may require the person to submit to a preliminary breath test. Any person who refuses to submit to such a preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of this section shall be placed under arrest.

(D) Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood or breath for a determination of the concentration of alcohol. If the chemical test discloses the presence of a concentration of alcohol in violation of this section, or the person refuses to submit to the test or tests required pursuant to this section, the person shall be guilty of an offense.

(E) Upon the conviction of any person for the violation of this section, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Neb. RS 60-6,201, for the test administered.

§71.084 ENGINE BRAKE USE PROHIBITED.

It shall be unlawful for any person to use dynamic braking devices, also known as engine retarders and commonly known as “Jake Brakes,” within the city limits.

§71.999 PENALTY.

(A) Any violation of this chapter for which no other penalty is prescribed shall be punishable as set forth in §70.99 of this code.

(B) Any person who shall violate or refuse to comply with the enforcement of §71.042 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined $25 for each offense.
together with the costs of the action.

(C) Any person who shall violate or refuse to comply with the enforcement of §71.055 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined $25 for each offense together with the costs of the action.

(D) Any person who shall violate or refuse to comply with the enforcement of §71.056 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined $75 for each offense together with the costs of the action.

(E) Any person who shall violate or refuse to comply with the enforcement of §71.057 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined $25 for each offense together with the costs of the action.

(F) Any person who shall violate or refuse to comply with the enforcement of §71.059 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined $25 for each offense together with the costs of the action.

(G) Any person who shall violate or refuse to comply with the enforcement of §71.060 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined $25 for each offense together with the costs of the action.

(H) Any person who shall violate or refuse to comply with the enforcement of §71.062 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined $25 for each offense together with the costs of the action.

(I) Any person who shall violate or refuse to comply with the enforcement of §71.079 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined $25 for each offense together with the costs of the action.

(J) Any person who shall violate or refuse to comply with the enforcement of §71.082 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined $50 for each offense together with the costs of the action.
CHAPTER 72: BICYCLES, SNOWMOBILES, AND ALL-TERRAIN VEHICLES

Section

All-Terrain Vehicles

72.01 Definitions
72.02 Operation on streets; conditions and restrictions
72.03 Registration
72.04 Accident report
72.05 Sidewalks; operation prohibited

Bicycles

72.20 License required
72.21 License application; fee; issuance
72.22 Attachment of license plate; bicycle inspection
72.23 Transfer of ownership
72.24 Operating rules
72.25 Clinging to motor vehicle prohibited

Snowmobiles

72.40 Equipment
72.41 Unlawful acts
72.42 Public lands

72.99 Penalty

ALL-TERRAIN VEHICLES

§72.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All other terms shall be defined as set forth in the state statutes.

ALL-TERRAIN VEHICLE. Any motorized off-highway vehicle which:
(1) Is 50 inches or less in width;

(2) Has a dry weight of 900 pounds or less;

(3) Travels on 3 or more low pressure tires;

(4) Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and 1 passenger;

(5) Has a seat or saddle designed to be straddled by the operator; and

(6) Has handlebars or any other steering assembly for steering control.

**STREET** or **HIGHWAY.** The entire width between the boundary limits of any street, road, avenue, boulevard or way, which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**UTILITY-TYPE VEHICLE.**

(1) Any motorized off-highway vehicle which:

   (a) Is not less than 48 inches nor more than 74 inches in width;

   (b) Is not more than 135 inches, including bumper, in length;

   (c) Has a dry weight of not less than 900 pounds nor more than 2,000 pounds;

   (d) Travels on 4 or more low pressure tires; and

   (e) Is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side.

(2) **UTILITY-TYPE VEHICLE** does not include golf carts or low-speed vehicles.


§72.02 OPERATION ON STREETS; CONDITIONS AND RESTRICTIONS.

All-terrain vehicles and utility-type vehicles maybe operated on the streets and highways within the corporate limits of the city under the following conditions:

(A) The operation of all-terrain vehicles and utility-type vehicles shall occur only between the hours of sunrise and sunset.

(B) The operator of an all-terrain vehicle or utility-type vehicle shall have a valid class 0
Bicycles, Snowmobiles, and All-Terrain Vehicles

operator=s license or a farm permit as provided in Neb. RS 60-4,126.

(C) Liability insurance coverage for all-terrain vehicles or utility-type vehicles shall be effective during all operation.

(D) All-terrain vehicles and utility-type vehicles shall not be operated in excess of 30 miles per hour and must be operated in compliance with all speed limits established within the city.

(E) Any person operating an all-terrain vehicle or a utility-type vehicle shall provide proof of insurance coverage to any peace officer requesting such proof within 5 days of such request.

(F) All-terrain vehicles and utility-type vehicles shall be equipped with a head light and a tail light which shall be on and in working order at all times during the operation of the vehicle.

(G) All-terrain vehicles and utility-type vehicles shall be equipped with a bicycle safety flag which extends not less than 6 feet above ground and shall be attached to the rear of the vehicle, which flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(H) The operation of all-terrain vehicles or utility-type vehicle shall comply with all rules of the road, ordinances and statutes established by the city and the state.

(I) All-terrain vehicles and utility-type vehicles shall be equipped with a brake system maintained in good operating condition; an adequate muffler system in good working condition; and a United States Forrest Service qualified spark arrestor.

(J) No all-terrain vehicle nor utility-type vehicle shall have an exhaust system with a cut out, bypass or similar device.

(K) No all-terrain vehicle nor utility-type vehicle shall have the spark arrestor removed or modified.

(L) All-terrain vehicles and utility-type vehicles shall be equipped with working brake lights.

(M) No all-terrain vehicle nor utility-type vehicle shall be operated by any person under the age of 19 years.

(N) Operator and passenger of an all-terrain vehicle or utility-type vehicle shall each wear a helmet approved by the state for use while operating a motorcycle.

(O) No operation shall occur on any controlled access highway with more than 2 marked traffic lanes.
§72.03 REGISTRATION.

(A) All all-terrain vehicles and utility-type vehicles operated within the corporate limits of the city shall be registered with the City Clerk who will issue an identifying emblem to be placed on the all-terrain vehicle or utility-type vehicle as directed by the Chief of Police or his or her designee. The emblem shall be visible and not obscured in any manner including but not limited to mud, dirt, debris, or equipment. The registration of the all-terrain vehicle or utility-type vehicle shall be valid for the calendar year in which it is issued. The all-terrain vehicle and utility-type vehicle shall be registered for each calendar year. The fee for registration of the all-terrain vehicle and utility-type shall be paid at the time of registration and shall be $25. A written certification from the Police Department shall be presented to the City Clerk at the time of registration status that the all-terrain vehicle or utility-type vehicle meets the requirements established by the state and city.

(B) All all-terrain vehicles or utility-type vehicles operated within the corporate limits shall be registered as required by the state statutes.
(Ord. 643, passed 8-26-2008; Am. Ord. 665, passed 11-17-2010) Penalty, see §72.99

§72.04 ACCIDENT REPORT.

If an accident occurs within the corporate limits that results in the death of any person or the injury of any person which requires the treatment of the person by a physician, the operator of the all-terrain vehicle or utility-type vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. RS 60-699.

§72.05 SIDEWALKS; OPERATION PROHIBITED.

No all-terrain vehicles shall operate on the sidewalks within the corporate limits.
(Ord. 643, passed 8-26-2008; Am. Ord. 665, passed 11-17-2010) Penalty, see §72.99

BICYCLES

§72.20 LICENSE REQUIRED.

No person shall ride or propel a bicycle on any street, alley, sidewalk, or public path within the city unless that bicycle has been licensed and a license plate is attached thereto.
(1992 Code, §5-801) Penalty, see §72.99
§72.21 LICENSE APPLICATION; FEE; ISSUANCE.

(A) Application for a bicycle license and license plate shall be made upon a form provided by the city and shall be made to the City Clerk. An annual fee of $1 shall be paid to the city before each license or renewal thereof is granted. The City Clerk upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective for the current calendar year. All bicycle licenses shall expire on the last day of the calendar year and may be renewed on or before the first day of the succeeding year upon application and payment of the annual $1 license fee.

(B) The City Clerk shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, the number of the frame of the bicycle or some equivalent identification of the bicycle for which issued, and a record of all bicycle license fees collected by him or her. A copy of this record shall be furnished the Chief of Police, together with all current changes. (1992 Code, §5-802)

§72.22 ATTACHMENT OF LICENSE PLATE; BICYCLE INSPECTION.

The City Clerk, upon issuing a license, shall also issue a license plate bearing the license number assigned to the bicycle, the name of the city, and the calendar year for which issued. This license plate shall be firmly attached to the rear mud guard or frame of the bicycle for which issued in such a position as to be plainly visible from the rear. No person shall remove a license plate from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated within the city. If the City Clerk considers it necessary, he or she shall cause inspection to be made of each bicycle before licensing the same, and a license for any bicycle shall be refused if that bicycle is in unsafe mechanical condition. The inspection shall be made by the Chief of Police, or an officer assigned that responsibility. (1992 Code, §5-803) Penalty, see §72.99

§72.23 TRANSFER OF OWNERSHIP.

The licensee shall remove the license plate and shall either surrender the same to the City Clerk or may, upon proper application, but without payment of additional fee, have the plate assigned to another bicycle owned by the applicant. (1992 Code, §5-804) Penalty, see §72.99

§72.24 OPERATING RULES.

(A) No person shall operate a bicycle on a street or highway within the city with another person on the handlebars or in any position in front of the operator.
(B) No bicycle shall be operated faster than is reasonable and proper, but every bicycle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and highways.

(C) Persons operating bicycles shall observe all traffic signs and stop at all stop signs.

(D) No bicycle shall be operated on any street or highway from sunset to sunrise without a headlight visible from the front thereof for not less than 500 feet on a clear night and a red reflector on the rear of a type which shall be visible on a clear night from all distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(E) Any person who operates a bicycle upon a street or highway shall not ride more than single file except on parts of streets or highways set aside for the exclusive use of bicycles.

(F) Any person who operates a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing shall ride as near to the right-hand curb or right-hand edge of the roadway as practicable except when:

1. Overtaking and passing another bicycle or vehicle proceeding in the same direction;
2. Preparing for a left turn onto a private road or driveway or at an intersection;
3. Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals, or surface hazards;
4. Riding upon a lane of substandard width which is too narrow for a bicycle and a vehicle to travel safely by side within the lane; or
5. Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in Neb. RS 60-6,142.

(G) Any person who operates a bicycle upon a roadway with a posted speed limit of 35 miles per hour or less on which traffic is restricted to 1 direction of movement and which has 2 or more marked traffic lanes may ride as near to the left-hand curb or left-hand edge of the roadway as practicable. Whenever a person operating a bicycle leaves the roadway to ride on the paved shoulder or leaves the paved shoulder to enter the roadway, the person shall clearly signal his or her intention and yield the right of way to all other vehicles.

(H) No person shall park a bicycle on any sidewalk unless a bicycle stand is located on that sidewalk.

(I) No person shall operate a bicycle on the sidewalks within the business district. (Neb. RS 60-6,315, 60-6,317, and 60-6,318) (1992 Code, §5-805) (Am. Ord. 484, passed - -) Penalty, see §72.99
§72.25 CLINGING TO MOTOR VEHICLE PROHIBITED.

No person riding upon any bicycle or roller skates shall attach the same or himself or herself to any moving vehicle upon any roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person traveling upon any bicycle or roller skates to cling to or attach himself or herself, or his or her bicycle or roller skates, to the vehicle so driven and operated by him or her.

(Neb. RS 39-689) Penalty, see §72.99

SNOWMOBILES

§72.40 EQUIPMENT.

(A) Every snowmobile operated within the city shall be registered with the state, as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least 1 head lamp, 1 tail lamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the Director of Motor Vehicles.

(B) All laws applying to the operation of other motor vehicles shall apply to snowmobiles, except those relating to required equipment and those which, by their nature, have no application.


§72.41 UNLAWFUL ACTS.

It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by him or her, to be operated:

(A) Within the congested area of the city unless weather conditions are such that it provides the only practicable method of safe vehicular travel, or the snowmobile is engaged in responding to an emergency;

(B) At a rate of speed greater than reasonable or proper under the surrounding circumstances;

(C) In a careless, reckless, or negligent manner so as to endanger person or property;

(D) Without a lighted headlight and taillight when they would be required by conditions;

(E) In any tree nursery or planting in a manner which damages or destroys growing stock; or

(F) Upon any private lands without first having obtained permission of the owner, lessee, or operator of those lands.
§72.42 PUBLIC LANDS.

Snowmobiles shall be prohibited from operation on the public lands owned by the city, except where allowed by resolution of the City Council.

§72.99 PENALTY.

(A) Any violation of this chapter for which no other penalty is prescribed shall be punishable as set forth in §70.99 of this code.

(B) Any person violating any provisions of §72.02 - 72.05 of this code shall be fined in a sum not to exceed $500 and assessed the court costs of prosecution, provided, however, if any person is convicted of a second or subsequent offense within the period of three years, the minimum fine for the second or subsequent offense shall be $200.


(Neb. RS 60-2016) (1992 Code, §5-703) Penalty, see §72.99

CHAPTER 73: PARKING REGULATIONS

Section

General Provisions

73.01 Regulation or prohibition authorized
73.02 Roadway outside business or residential district
73.03 General prohibitions; exceptions
73.04 Obstructing street, intersection, or entrance
73.05 Intersections
73.06 Display or repair of vehicle
73.07 Current registration
73.08 Time limits
73.09 Snow; weather emergencies; highway maintenance
73.10 Parallel, angle, and center parking
73.11 Backing freight vehicle to curb
73.12 Unattended motor vehicle
73.13 Painting of curbs
73.14 City parking lots; use restrictions
73.15 Double parking prohibited
73.16 Designation of type of parking
73.17 Alleys; restrictions
73.18 Fire hydrants and stations
73.19 Schools, theaters

Truck Parking and Loading

73.30 Truck parking, loading and unloading
73.31 Residential zones
73.32 Alleys

Parking for Handicapped or Disabled Persons

73.45 Definitions
73.46 Designation of on-street parking spaces
73.47 Designation of off-street parking spaces
73.48 Removal of unauthorized vehicle
73.49 Citation; complaint; trial
GENERAL REGULATIONS

§73.01 REGULATION OR PROHIBITION AUTHORIZED.

(A) The City Council with respect to highways under its jurisdiction and within the reasonable exercise of the police power may regulate or prohibit stopping, standing, or parking. (Neb. RS 60-680)

(B) If the City Council regulates or prohibits stopping, standing, or parking all vehicles or a particular kind or class of vehicles on a highway or a portion of a highway, no person shall stop, stand, or park a vehicle subject to such regulation or prohibition on the highway or portion thereof longer than a period of time necessary to load and unload freight or passengers. (1992 Code, §5-403) Penalty, see §70.99

§73.02 ROADWAY OUTSIDE BUSINESS OR RESIDENTIAL DISTRICT.

(A) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon a roadway outside of a business or residential district when it is practicable to stop, park, or leave such vehicle off such part of a highway, but in any event an unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway. Such parking, stopping, or standing shall in no event exceed 24 hours.

(B) No person shall stop, park, or leave standing any vehicle on a freeway except in areas designated or unless so directed by a peace officer, except that when a vehicle is disabled or inoperable or the driver of the vehicle is ill or incapacitated, such vehicle shall be permitted to park, stop, or stand on the shoulder facing in the direction of travel with all wheels and projecting parts of such vehicle completely clear of the traveled lanes, but in no event shall such parking, standing, or stopping upon the shoulder of a freeway exceed 12 hours.

(C) No person, except law enforcement, fire department, emergency management, public or private ambulance, or authorized Department of Roads or local authority personnel, shall loiter or stand or park any vehicle upon any bridge, highway, or structure which is located above or below or crosses over or under the roadway of any highway or approach or exit road thereto.
(D) Whenever a vehicle is disabled or inoperable in a roadway or for any reason obstructs the regular flow of traffic for reasons other than an accident, the driver shall move or cause the vehicle to be moved as soon as practical so as to not obstruct the regular flow of traffic.

(E) This section does not apply to the driver of any vehicle which is disabled while on the roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position until such time as it can be removed pursuant to division (D) of this section.

(Neb. RS 60-6,164) Penalty, see §70.99

§73.03 GENERAL PROHIBITIONS; EXCEPTIONS.

(A) Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a peace officer or traffic control device, no person shall:

(1) Stop, stand, or park any vehicle:

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(b) On a sidewalk;

(c) Within an intersection;

(d) On a crosswalk;

(e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone unless the City Council indicates a different length by signs or markings;

(f) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(g) Upon any bridge or other elevated structure over a highway or within a highway tunnel;

(h) On any railroad track; or

(i) At any place where official signs prohibit stopping.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(a) In front of a public or private driveway;

(b) Within 15 feet of a fire hydrant;
(c) Within 20 feet of a crosswalk at an intersection;

(d) Within 30 feet of any flashing signal, stop sign, yield sign, or other traffic control device located at the side of a roadway;

(e) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted;

(f) At any place where official signs prohibit standing; or

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing; or

(b) At any place where official signs prohibit parking.

(B) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as shall be unlawful.

(Neb. RS 60-6,166) Penalty, see §70.99

§73.04 OBSTRUCTING STREET, INTERSECTION, OR ENTRANCE.

No person shall, except in case of an accident or emergency, stop any vehicle in any location where stopping will obstruct any street, intersection, or entrance to an alley or public or private drive.

(1992 Code, §5-409) Penalty, see §70.99

§73.05 INTERSECTIONS.

Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a peace officer or traffic control device, no person shall park a vehicle or leave a vehicle standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection of curb lines, or if none, then within 15 feet of the intersection of property lines, or where the curb lines are painted red or another color specified by the City Council to indicate such prohibition.

Penalty, see §70.99

§73.06 DISPLAY OR REPAIR OF VEHICLE.

It shall be unlawful for any person to park upon any highway or public place within the city any vehicle displayed for sale. Except when necessary due to a breakdown or other emergency, no person shall adjust or repair, or race the motor of, any motor vehicle or motorcycle while standing on the
highways of the city. No person or employee connected with a garage or repair shop shall use sidewalks or highways in the vicinity of the garage or shop for the purpose of working on vehicles of any description.
(1992 Code, §5-411) Penalty, see §70.99

§73.07 CURRENT REGISTRATION.

It shall be unlawful to park or place on the highways or other public property any vehicle required to be registered by the Motor Vehicle Registration Act that is not registered in accordance with the Act. Penalty, see §70.99

Statutory reference:
Motor Vehicle Registration Act, see Neb. RS 60-301

§73.08 TIME LIMITS.

(A) It shall be unlawful to park a vehicle on a public street for over 24 consecutive hours except where a different maximum time limit is posted.

(B) If the City Council adopts a resolution entirely prohibiting, or fixing a time limit for, the parking and stopping of vehicles on any highway, it is unlawful to park or stop any vehicle in such highway for a period of time longer than fixed in the resolution.
(1992 Code, §5-421) Penalty, see §70.99

§73.09 SNOW; WEATHER EMERGENCIES; HIGHWAY MAINTENANCE.

(A) Unless the City Council provides otherwise, it is unlawful to park or stand any vehicle on any highway in the city at any time within 12 hours after a snowfall of 3 inches or more has occurred within a 24 hour period if the snow has not been removed within that time.

(B) The Police Chief, the city police, or any other designated person may order any highway or portion thereof vacated for weather emergencies or highway maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such highway or by posting appropriate signs along the highway not less than 4 hours prior to the time that the vacation order is to be effective. It is unlawful to park a vehicle on a highway or portion thereof vacated in accordance with this division (B).

(C) A vehicle parked in violation of this section may be removed and parked, under the supervision of the city police, to a suitable nearby location without further notice to the owner or operator of such vehicle. Penalty, see §70.99
§73.10  PARALLEL, ANGLE, AND CENTER PARKING.

(A) Except as otherwise provided in this section, any vehicle stopped or parked upon a 2-way roadway where parking is permitted shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of such roadway. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.

(B) Except when otherwise provided by the City Council, every vehicle stopped or parked upon a 1-way roadway shall be so stopped or parked parallel to the curb or edge of such roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway or its left-hand wheels within 12 inches of the left-hand curb or edge of such roadway.

(C) The City Council may permit angle or center parking on any roadway, except that angle or center parking shall not be permitted on any federal-aid highway or on any part of the state highway system unless the Director-State Engineer has determined that such roadway is of sufficient width to permit angle or center parking without interfering with the free movement of traffic.

(D) The City Council may prohibit or restrict stopping, standing, or parking on highways under its jurisdiction and erect and maintain proper and adequate signs thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

(E) Where stalls are designated either on the curb or pavement, vehicles shall be parked within those stalls.

(F) Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away.

§73.11  BACKING FREIGHT VEHICLE TO CURB.

The operator of a vehicle of an over-all length of less than 20 feet, including load, while loading or unloading freight may back the vehicle to the curb but shall occupy as little of the street as possible. Penalty, see §70.99

§73.12  UNATTENDED MOTOR VEHICLE.

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended on a highway without first stopping the motor of such vehicle, locking the ignition, removing the key from the ignition, and effectively setting the brakes thereon and, when standing upon any roadway, turning the front wheels of such vehicle to the curb or side of such roadway.

Penalty, see §70.99
§73.13 PAINTING OF CURBS.

(A) The curb space within 15 feet in either direction of a fire hydrant shall be painted red, or another color specified by the City Council, to indicate that parking is prohibited in such area.

(B) If the City Council adopts a resolution regulating or prohibiting the parking or stopping of vehicles at the curb on highways in front of certain facilities or at certain locations, the curbs adjacent to any such facility or location shall be painted in such manner as directed by the City Council to indicate such regulation or prohibition.

(C) It shall be the duty of the City Council or its agent to cause the curb space to be painted and to keep the same painted as provided in this chapter or as specified by the City Council. The marking or designating of portions of highways where the parking of vehicles is prohibited or limited shall be done only by the city through its proper officers, at the direction of the City Council. No person shall paint the curb of any highway or in any manner set aside, or attempt to prevent the parking of vehicles in, any highway or part thereof, except at such places where the parking of vehicles is prohibited by the provisions of this chapter or by a resolution adopted by the City Council.

(1992 Code, §5-410) Penalty, see §70.99

§73.14 CITY PARKING LOTS; USE RESTRICTIONS.

(A) It shall be unlawful and a violation for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by that person to be parked in excess of 24 hours on parking lots owned, leased, controlled, or operated by the city.

(B) It shall be unlawful and a violation for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by that person to park any vehicle across any line or marking of a parking space or in such a position that the vehicle shall not be entirely within the area designated by the lines or markings.

(1992 Code, §5-424) (Ord. 423, passed 2-5-1991) Penalty, see §70.99

§73.15 DOUBLE PARKING PROHIBITED.

It shall be unlawful for any person to double park any motor vehicle on any of the streets of the city, except for the period of time that passengers are actually getting in or out of the motor vehicle.

(1992 Code, §5-423) Penalty, see §70.99

§73.16 DESIGNATION OF TYPE OF PARKING.

The City Council may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb.

(1992 Code, §5-402)
§73.17 ALLEYS; RESTRICTIONS.

(A) No vehicle, while parked, shall have any portion thereof projecting into any alley entrance. (1992 Code, §5-404)

(B) No vehicle shall be parked in any alley, except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of 1/2 hour. Every vehicle while loading or unloading in any alley shall be parked in a manner as will cause the least obstruction possible to traffic in the alley. (1992 Code, §5-405) Penalty, see §70.99

§73.18 FIRE HYDRANTS AND STATIONS.

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. The curb space within the area of 15 feet in either direction of the fire hydrant shall be painted red to indicate this prohibition. (Neb. RS 60-6,166) (1992 Code, §5-406) Penalty, see §70.99

§73.19 SCHOOLS, THEATERS.

The City Council may, by resolution, prohibit the parking or stopping except for loading or unloading of passengers or freight, of vehicles at the curb on streets directly in front of any entrance to a school house, school building, or theater, and the curbs adjacent to the entrance of the school house, school building, or theater shall be painted red to indicate the prohibition. (1992 Code, §5-407) Penalty, see §70.99

TRUCK PARKING AND LOADING

§73.30 TRUCK PARKING, LOADING AND UNLOADING.

(A) It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to park or stop such vehicle on a street within the business district except to load or unload when loading or unloading in an alley is impossible and then only for the period of time reasonably necessary to load or unload.

(B) If the City Council provides truck parking areas adjoining or adjacent to the business district, all truck operators shall use such parking areas for all parking purposes.
(C) Except in an area provided for by the City Council by resolution, it shall be unlawful for the operator of any truck, including an oil tanker, to park or stop for any period of time within the limits of any street outside the business district except for the purpose of loading or unloading the cargo thereof in the ordinary course of business.

Penalty, see §70.99

Cross-reference:
Truck parking; business zones, see Chapter 75, Sched. I

§73.31 RESIDENTIAL ZONES.

It shall be unlawful for any person to park semi-trailers on any street or alley within any residential zone within the city, unless the trailer is in that residential zone for the purpose of making a service call, pickup or delivery of merchandise, or being used in connection with construction. The provisions of this section shall apply to all semi-trailers, whether loaded or unloaded.

(1992 Code, §5-501) Penalty, see §70.99

§73.32 ALLEYS.

It shall be unlawful for any person to park any motor vehicle of any kind or description in any alley or entrance thereto anywhere in the city, except when the driver of that vehicle is engaged in the pickup and delivery of merchandise, and only for such time as is reasonably necessary to complete that pickup and/or delivery and provide service or repairs. Notwithstanding anything contained in this section to the contrary, no driver of any vehicle, except emergency vehicles, shall park any motor vehicle in any alley or entrance thereto anywhere in the city, so as to completely block motor vehicle passage through the alley.

(1992 Code, §5-503) Penalty, see §70.99

PARKING FOR HANDICAPPED OR DISABLED PERSONS

§73.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS AISLE. A space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the Federal Americans with Disabilities Act of 1990 and the federal rules and regulations adopted and promulgated in response to the Act.
(Neb. RS 18-1736)

HANDICAPPED OR DISABLED PERSON. Any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than 200
feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV, according to standards set by the American Heart Association, and any individual who has permanently lost all or substantially all the use of 1 or more limbs.

(Neb. RS 18-1738)

HANDICAPPED PARKING INFRACTION. The violation of any section of this subchapter regulating the use of parking spaces, including access aisles, designated for use by handicapped or disabled persons; the unauthorized possession, use, or display of handicapped or disabled parking permits; or the obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the Federal Americans with Disabilities Act of 1990.

(Neb. RS 18-1741.01)

TEMPORARILY HANDICAPPED OR DISABLED PERSON. Any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than 1 year.

(Neb. RS 18-1738)


§73.46 DESIGNATION OF ON-STREET PARKING SPACES.

(A) The City Council may designate parking spaces, including access aisles, for the exclusive use of handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. RS 60-311.14; handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state; such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the city, whose motor vehicles display the permit specified in Neb. RS 18-1739; and such other motor vehicles, as certified by the city, which display this type of permit. All such permits shall be displayed by hanging the permit from the motor vehicle’s rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

(B) If the City Council so designates a parking space or access aisle, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space or access aisle a sign as described in Neb. RS 18-1737. In addition to this sign, the space or access aisle may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space or access aisle.

§73.47 DESIGNATION OF OFF-STREET PARKING SPACES.

The city and any person in lawful possession of any off-street parking facility may designate stalls or spaces, including access aisles, in that facility owned or operated by the city or person, for the exclusive use of handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to Neb. RS 60-311.14; such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the city, whose motor vehicles display the permit specified in Neb. RS 18-1739; and such other motor vehicles, as certified by the city, which display this type of permit. This designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space, including access aisles, a sign which is in conformance with the requirements in Neb. RS 18-1737.


§73.48 REMOVAL OF UNAUTHORIZED VEHICLE.

(A) The owner or person in lawful possession of an off-street parking facility, after notifying the city police, and the city, if it provides on-street parking or owns, operates, or provides an off-street parking facility, may cause the removal from a stall or space, including access aisles, designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying the proper permit or the distinguishing license plates specified in this subchapter if there is posted aboveground and immediately adjacent to and visible from that stall or space, including access aisles, a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(B) A person who parks a vehicle in any on-street parking space or access aisle which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space or access aisle in any off-street parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom, as the case may be, the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space or access aisle, shall be guilty of a handicapped parking infraction and shall be subject to the penalties and procedures set forth in §73.54. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation and shall be guilty and subject to the penalties and procedures described in this section.

(C) In the case of a privately owned off-street parking facility, the city shall not require the owner or person in lawful possession of the facility to inform the city of a violation of this section prior to the city issuing the violator a handicapped parking infraction citation.

§73.49 CITATION; COMPLAINT; TRIAL.

(A) For any offense classified as a handicapped parking infraction, a handicapped parking citation may be issued by any peace officer or by any person designated by ordinance by the City Council to exercise the authority to issue a citation for any handicapped parking infraction.

(B) When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the handicapped parking citation shall enter thereon all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicle, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least 3 days after the issuance of the handicapped parking citation. One copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

(C) At least 24 hours before the time set for the appearance of the cited person, either the City Attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging the person with a handicapped parking infraction, or that person shall be released from the obligation to appear as specified.

(D) The trial of any person for a handicapped parking infraction shall be by the court without a jury. A person cited for a handicapped parking violation may waive his or her right to trial.

(E) For any handicapped parking citation issued for a handicapped parking infraction by reason of the failure of a vehicle to display a handicapped parking permit issued pursuant to Neb. RS 18-1738 or 18-1738.01, the complaint shall be dismissed if, within 7 business days after the date of issuance of the citation, the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit issued under Neb. RS 18-1738 or 18-1738.01 and that the peace officer has personally viewed the permit.

(Neb. RS 18-1741.01, 18-1741.04, and 18-1741.06) (1992 Code, §5-420.01) (Ord. 492, passed --; Am. Ord. 550, passed 3-17-1998) Penalty, see §70.99

Am. Ord. 551, passed 3-17-1998) Penalty, see §70.99
§73.65 TICKETS.

All tickets issued for violations of nonmoving traffic regulations contained in this chapter shall, in addition to information normally stated on such tickets, carry the following information:

(A) The amount of the fine if paid within 30 days;

(B) The amount of the fine if not paid within 30 days;

(C) The location where payment may be made; and

(D) The fact that a complaint will be filed after 30 days if the fine is not paid in that time.

§73.66 REMOVAL OF ILLEGALLY PARKED VEHICLES.

(A) Whenever any peace officer, or any authorized employee of a law enforcement agency who is employed by the city and specifically empowered by ordinance to act, finds a vehicle standing upon a highway in violation of any of the provisions of this chapter, the individual may remove the vehicle, have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of the highway or from the highway.

(B) The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of the vehicle until the charges are paid. The lien provided for in this section shall not apply to the contents of any vehicle.

(Neb. RS 60-6,165)
(1992 Code, §5-422)
CHAPTER 74: TRAFFIC SCHEDULES

Schedule

I. Speed limits

SCHEDULE I. SPEED LIMITS.

(A) There are hereby established within the city, speed zones, and it shall be unlawful to operate motor vehicles upon and over the streets located within the speed zones at a rate of speed in excess of that hereinafter designated.

(B) The speed zones established by this schedule and the maximum speeds permitted therein are as follows.

<table>
<thead>
<tr>
<th>Street or Highway</th>
<th>Location</th>
<th>Speed Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>6th Street</td>
<td>Commencing at the east side of the intersection of 6th Street and Maple Street to 150 feet west of the northeast corner of Lot 1, Hull=s Subdivision of 32-15-15</td>
<td>15 mph between the hours of 7:00 a.m. and 5:00 p.m.</td>
</tr>
<tr>
<td>South Oak Street</td>
<td>Commencing 150 feet south of the intersection of 9th Street and Oak Street to the intersection of Oak Street and Highway 71</td>
<td>35 mph</td>
</tr>
<tr>
<td>State Highway 71</td>
<td>Between a point 350 feet south of the south line of 9th Street and 6th Street</td>
<td>40 mph</td>
</tr>
<tr>
<td>(Chestnut Street)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Highway 71</td>
<td>Between 6th Street and 3rd Street</td>
<td>30 mph</td>
</tr>
<tr>
<td>(Chestnut Street)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Highway 71</td>
<td>Between 3rd Street and a point 40 feet north of the north line of Main Street</td>
<td>25 mph</td>
</tr>
<tr>
<td>(Chestnut Street)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Highway 71</td>
<td>Between a point 40 feet north of the north line of Main Street and the north city limits</td>
<td>40 mph</td>
</tr>
<tr>
<td>(Chestnut Street)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Highway 30 (3rd Street)</td>
<td>Between the east city limits and East County Road 43</td>
<td>45 mph</td>
</tr>
<tr>
<td>U.S. Highway 30 (3rd</td>
<td>Between East County Road 43 and a point 460 feet</td>
<td></td>
</tr>
<tr>
<td>Street)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street or Highway</td>
<td>Location</td>
<td>Speed Limit</td>
</tr>
<tr>
<td>------------------</td>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>Street) east of the east line of High School Street</td>
<td>40 mph</td>
<td></td>
</tr>
<tr>
<td>U.S. Highway 30 (3rd Street) between a point 460 feet east of the east line of High School Street and Myrtle Street</td>
<td>35 mph</td>
<td></td>
</tr>
<tr>
<td>U.S. Highway 30 (3rd Street) between Myrtle Street and Locust Street</td>
<td>30 mph</td>
<td></td>
</tr>
<tr>
<td>U.S. Highway 30 (3rd Street) between Locust Street and Pine Street</td>
<td>40 mph</td>
<td></td>
</tr>
<tr>
<td>U.S. Highway 30 (3rd Street) between Pine Street and the west city limits</td>
<td>50 mph</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. 524, passed 9-16-1997; Am. Ord. 633, passed 11-1-2006; Am. Ord. 655, passed 8-19-2009) Penalty, see §70.99

**Cross-reference:**

*Speed Limits, see §71.025 et seq.*
CHAPTER 75: PARKING SCHEDULES

Schedule

I. Truck parking; business zones

SCHEDULE I. TRUCK PARKING; BUSINESS ZONES.

(A) It shall be unlawful for any person to park trucks, tractor-trailer units, truck trailers, pickups, or panel trucks on the streets and alleys and other public places within the area encompassed by the following boundaries, except on those streets in this area as are designated by the Mayor and Council by resolution on which truck parking will be permitted.

<table>
<thead>
<tr>
<th>Truck Parking Prohibited Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencing on the west line of Oak Street where it intersects the north line of Third Street, thence west along the north line of Third Street to the point where it intersects the east line of Howard Street, thence north along the east line of Howard Street to the point where it intersects the north line of First Street, thence east along the north line of First Street to the point where it intersects the west line of Oak Street, thence south along the west line of Oak Street to the point of beginning</td>
</tr>
</tbody>
</table>

(B) On those streets in this area where truck parking will be permitted, appropriate signs will be erected. The provisions of this section shall not apply to trucks, tractor-trailer units, pickups, or panel trucks in the area making a service call, engaged in pickup or delivery of merchandise, or being in connection with construction for which a permit has been issued by the city as provided by law, and then only for such time as is reasonably required for the purpose. The provisions of this section shall not apply to pickups having a capacity of not to exceed 3/4 ton. The provisions of this section shall not apply to panel trucks having a capacity of not to exceed 1 ton.

(1992 Code, §5-502) Penalty, see §70.99
TITLE IX: GENERAL REGULATIONS

Chapter

90. LEISURE AND RECREATION
91. CEMETERY
92. FIRE REGULATIONS
93. HEALTH AND SAFETY
94. PUBLIC WAYS AND PROPERTY
95. ANIMALS
96. TREE BOARD; TREES
97. FAIR HOUSING
98. ABANDONED AND WRECKED VEHICLES
CHAPTER 90: LEISURE AND RECREATION

Section

City Library

90.01 Funding
90.02 Library Board; general powers and duties
90.03 Grounds and building
90.04 Sale and conveyance of real estate
90.05 Mortgages; release or renewal
90.06 Cost of use
90.07 Discrimination prohibited
90.08 Annual report
90.09 Penalties; recovery; disposition
90.10 Donations
90.11 Improper book removal
90.12 Surplus or damaged books

Parks and Recreational Facilities

90.25 Operation and funding
90.26 Injury to property prohibited

Swimming Pool

90.40 Rules and regulations
CITY LIBRARY

§90.01 FUNDING.

(A) (1) If the City Council has established a public library free of charge for the use of the inhabitants of the city or contracted for the use of a public library already established, the Council may levy a tax of not more than $0.105 on each $100 upon the taxable value of all the taxable property in the city annually to be levied and collected in like manner as other taxes in the city. The levy shall be subject to Neb. RS 77-3442 and 77-3443. The amount collected from such levy shall be known as the library fund.
(Neb. RS 51-201)

(2) The fund shall also include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing property and real estate from any source for the purpose of endowing the public library.

(B) All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the public library shall be kept for the use of the library separate and apart from all other funds of the city, shall be drawn upon and paid out by the City Treasurer upon vouchers signed by the president of the Library Board and authenticated by the secretary of the Board, and shall not be used or disbursed for any other purpose or in any other manner. The city may establish a public library sinking fund for major capital expenditures.
(Neb. RS 51-209)

(C) Any money collected by the library shall be turned over at least monthly by the Librarian to the City Treasurer along with a report of the sources of the revenue.
(1992 Code, §3-606)

§90.02 LIBRARY BOARD; GENERAL POWERS AND DUTIES.

(A) The Library Board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with Neb. RS 51-201 through 51-219.
(Neb. RS 51-205)

(B) The Library Board shall have exclusive control of expenditures, of all money collected or donated to the credit of the library fund, of the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose.
(Neb. RS 51-207)

(C) The Library Board shall have the power to appoint a suitable Librarian and assistants, to fix their compensation, and to remove such appointees at pleasure. It shall have the power to establish rules and regulations for the government of the library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. It shall have the power to fix and impose, by general
rules, penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation. The Board shall have and exercise such power as may be necessary to carry out the spirit and intent of Neb. RS 51-201 through 51-219 in establishing and maintaining the library and reading room.  
(Neb. RS 51-211)

§90.03 GROUNDS AND BUILDING.

(A) The Library Board may purchase or lease grounds, exercise the power of eminent domain, and condemn real estate for the purpose of securing a site for a library building. The procedure to condemn property shall be exercised in the manner set forth in Neb. RS 76-704 through 76-724.
(Neb. RS 51-210)

(B) The Board may erect, lease, or occupy an appropriate building for the use of the library.  
(Neb. RS 51-211)

§90.04 SALE AND CONVEYANCE OF REAL ESTATE.

(A) The Library Board may, by resolution, direct the sale and conveyance of any real estate owned by the Board or by the public library, which is not used for library purposes, or of any real estate so donated or devised to the Board or to the library upon such terms as the Board may deem best.

(B) Before any such sale is made the Library Board shall advertise the sale once each week for 3 consecutive weeks in a legal newspaper published or, if none is published, of general circulation in the city. The notice shall set out the time, place, terms, manner of sale, legal description of such real estate, and the right to reject any and all bids. If the bid or bids have not been rejected, then the real estate shall be sold to the highest bidder for cash, and the Chairperson of the Library Board, upon resolution of the Library Board directing him or her so to do, shall convey the real estate to the purchaser of such real estate upon his or her payment of his or her bid. If within 30 days after the third publication of the notice a remonstrance against the sale is signed by 30% of the registered voters of the city voting at the last regular city election and is filed with the City Council, the property shall not then, nor within 1 year thereafter, be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the 30-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day.  
(Neb. RS 51-216)

§90.05 MORTGAGES; RELEASE OR RENEWAL.

The president of the Library Board shall have the power to release, upon full payment, any mortgage constituting a credit to the library fund and standing in the name of the Library Board. The signature of the president on any such release shall be authenticated by the secretary of the Board. The president and secretary in like manner, upon resolution duly passed and adopted by the Board, may renew any such mortgage.  
(Neb. RS 51-206)
§90.06 COST OF USE.

(A) Except as provided in division (B) of this section, the library and reading room shall be free of charge for the use of the inhabitants of the city, subject always to such reasonable regulations as the Library Board may adopt to render the library of the greatest use to the inhabitants. The Library Board may exclude from the use of the library and reading rooms any person who willfully violates or refuses to comply with rules and regulations established for the government thereof. (Neb. RS 51-212)

(B) The public library shall make its basic services available without charge to all residents of the city. The Board may fix and impose reasonable fees, not to exceed the library’s actual cost, for nonbasic services. (Neb. RS 51-211)

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASIC SERVICES. Include, but are not limited to, free loan of circulating print and nonprint materials from the local collection and general reference and information services.

NONBASIC SERVICES. Include, but are not limited to, use of:

(a) Photocopying equipment;

(b) Telephones, facsimile equipment, and other telecommunications equipment;

(c) Media equipment;

(d) Personal computers; and

(e) Videocassette recording and playing equipment. (Neb. RS 51-201.01) (1992 Code, §3-605)

§90.07 DISCRIMINATION PROHIBITED.

No library service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status. (Neb. RS 51-211)
§90.08 ANNUAL REPORT.

The Library Board shall, on or before the second Monday in February in each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the president and secretary of the Library Board.
(Neb. RS 51-213)

§90.09 PENALTIES; RECOVERY; DISPOSITION.

Penalties imposed or accruing by any bylaw or regulation of the Library Board and any court costs and attorney’s fees may be recovered in a civil action before any court having jurisdiction, such action to be instituted in the name of the Library Board. Money, other than any court costs and attorney’s fees, collected in such actions shall be placed in the treasury of the city to the credit of the library fund. Attorney’s fees collected pursuant to this section shall be placed in the treasury of the city and credited to the budget of the City Attorney’s office.
(Neb. RS 51-214)

§90.10 DONATIONS.

Any person may make donation of money, lands, or other property for the benefit of the public library. The title to property so donated may be made to and shall vest in the Library Board and their successors in office, and the Board shall thereby become the owners thereof in trust to the uses of the public library.
(Neb. RS 51-215)

§90.11 IMPROPER BOOK REMOVAL.

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the public library without the consent of the Librarian or an authorized employee of the library. Any person removing a book from the library without properly checking it out shall be deemed to be guilty of an offense.
(1992 Code, §3-604) Penalty, see §10.99
§90.12 SURPLUS OR DAMAGED BOOKS.

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the Library. Records shall be kept of any surplus, damaged, defective, obsolete, or duplicate books so disposed of.
(Neb. RS 51-207) (1992 Code, §3-602)

PARKS AND RECREATIONAL FACILITIES

§90.25 OPERATION AND FUNDING.

(A) If the city has already acquired or hereafter acquires land for park purposes or recreational facilities or has already built or hereafter builds swimming pools, recreational facilities, or dams, the Mayor and City Council may each year make and levy a tax upon the taxable value of all the taxable property in the city. The levy shall be collected and put into the city treasury and shall constitute the park and recreation fund of the city. The funds so levied and collected shall be used for amusements, for laying out, improving, and beautifying such parks, for maintaining, improving, managing, and beautifying such swimming pools, recreational facilities, or dams, and for the payment of salaries and wages of persons employed in the performance of such labor.
(Neb. RS 17-951)

(B) (1) Whether the title to real estate for parks, public grounds, swimming pools, or dams, either for recreational or conservational purposes, shall be acquired by gift, devise, or purchase as provided in Neb. RS 17-948, the jurisdiction of the City Council shall at once be extended over such real estate; and the City Council shall have power to enact bylaws, rules or ordinances for the protection and preservation of any real estate acquired as herein contemplated, and to provide rules and regulations for the closing of the park or swimming pool, in whole or in part, to the general public, and charge admission thereto during such closing, either by the city or by any person, persons, or corporation leasing same. They may provide suitable penalties for the violation of such bylaws, rules, or ordinances; and the police power of the city shall be at once extended over the same.
(Neb. RS 17-949)

(2) The City Administrator shall not enter into a contract of any nature that involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of the majority of the members of the City Council prior to the contractual agreement.
(1992 Code, §3-701)

Statutory reference:
Levy limits, see Neb. RS 77-3442
Parks and recreational facilities generally, see Neb. RS 17-948 through 17-952
§90.26  INJURY TO PROPERTY PROHIBITED.

It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub in any city park or recreational facility. It shall be unlawful for any person to injure or destroy any sodded or planted area or injure or destroy any building, structure, equipment, fence, bench, table, or any other property of any city park or recreational area. No person shall commit any waste on or litter the city parks or other public grounds. (1992 Code, §3-702) Penalty, see §10.99

Statutory reference:
Littering of public and private property, see Neb. RS 28-523

SWIMMING POOL

§90.40  RULES AND REGULATIONS.

The City Council shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the swimming pool and for the efficient management thereof. (1992 Code, §3-901) Penalty, see §10.99
CHAPTER 91: CEMETERY

Section

91.01  Operation and funding
91.02  Conveyance of lots

Cross-reference:
Cemetery Board, see §32.006

§91.01  OPERATION AND FUNDING.

The Cemetery Board shall manage the City Cemetery under the direction of the Mayor and City Council. The Board shall have the power and authority to hire and supervise such employees as it may deem necessary and to pass such rules and regulations for the operation of the Cemetery as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the City Council.
(Neb. RS 12-301 through 12-403) (1992 Code, §3-1001)

§91.02  CONVEYANCE OF LOTS.

The Cemetery Board, on behalf of the city, may convey Cemetery lots by certificate signed by the chairperson, and countersigned by the Clerk under the city seal specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. This certificate shall give a right in fee simple to the proprietor, his or her heirs, and assigns. The certificate may then be recorded in the office of the County Clerk.
(Neb. RS 17-941) (1992 Code, §3-1002)
CHAPTER 92: FIRE REGULATIONS

Section

Fire Prevention

92.01 Fire Prevention Code
92.02 Enforcement
92.03 Inspection; right of entry
92.04 Notice of violation; correction
92.05 School drills
92.06 Fire on pavement prohibited
92.07 Open air fires prohibited
92.08 Burning refuse prohibited
92.09 Open burning ban; waiver

Fires

92.20 Preservation of property
92.21 Obstruction of hydrant

Fireworks

92.35 Definitions
92.36 Permitted fireworks
92.37 Throwing firecrackers
92.38 Sale restrictions
92.39 Discharges; when permitted

Poisonous and Flammable Gases; Explosives

92.50 Blasting permits

Cross-reference:
Fire Department, see §32.055 et seq.
FIRE PREVENTION

§92.01 FIRE PREVENTION CODE.

The rules and regulations promulgated by the office of the State Fire Marshal of this state relating to fire prevention are incorporated by reference into this code and made a part of this chapter as though spread at large herein together with all subsequent amendments thereto. Three copies of the Fire Prevention Code shall be on file with the City Clerk and shall be available for public inspection at any reasonable time.

§92.02 ENFORCEMENT.

It shall be the duty of all city officials to enforce the incorporated fire code provisions, and all infractions shall be immediately brought to the attention of the Fire Chief.
(1992 Code, §7-202)

§92.03 INSPECTION; RIGHT OF ENTRY.

It shall be the duty of the owner, lessee, or occupant of any building or structure, except the interiors of private dwellings, to allow the Fire Chief to inspect, or cause to be inspected, as often as necessary, that structure for the purpose of ascertaining and enumerating all conditions therein that are likely to cause fire, or any other violations of the provisions of the city ordinances affecting the hazard of fire.
(Neb. RS 81-512) (1992 Code, §7-203) Penalty, see §10.99

§92.04 NOTICE OF VIOLATION; CORRECTION.

It shall be the duty of the owner, lessee, or occupant of any building or structure that was lawfully inspected as hereinbefore prescribed, and who receives written or verbal notice of a violation of any of the provisions of the city ordinances, to correct the condition that violates the ordinance or ordinances within 5 days from the date of receipt of that notice.
(1992 Code, §7-204) Penalty, see §10.99

§92.05 SCHOOL DRILLS.

It shall be the duty of the officials and teachers of all the schools in the city to cooperate with the City Fire Department in conducting fire drills in such number and at such times as the Fire Chief shall prescribe; provided, that at least 1 fire drill shall be held each month. All doors and exits leading to the outside of the school shall be kept unlocked during school hours.
(1992 Code, §7-205) Penalty, see §10.99
§92.06 FIRE ON PAVEMENT PROHIBITED.

It shall be unlawful for any person to set out a fire on the pavement, or near any curb, now built or hereafter to be built, within the city.
(Neb. RS 17-556) (1992 Code, §7-206) Penalty, see §10.99

§92.07 OPEN AIR FIRES PROHIBITED.

It shall be unlawful for any person to start any fire in the open air or to let burn any fire in the open air in the city. Any fire burning in the open air shall give rise to the inference that the person owning, occupying, or controlling the property shall have let the fire burn in the open air. This presumption is not non-rebuttable. If any person shall require a fire in the course of his or her business trade as a blacksmith, mechanic, or manufacturing, used in the conduct of that trade or business, and not as an ancillary activity such as burning refuse, the fire in the open air shall be allowed, provided the fire is maintained in a safe and reasonable manner. The practice of the trade or business in maintaining that fire may be inspected by the City Fire Chief, or his or her designee, and if determined upon inspection that it is not controlled in a safe and reasonable manner, the fire in the open air shall not be permitted. If the owner or operator of the trade or business contests the determination that the fire is not controlled in a safe and reasonable manner, notice shall be filed with the City Clerk within 30 days of the determination, and the City Council shall review the determination within 30 days after the notice is filed with the City Clerk. The City Council, by a majority vote (or in the event of a tie vote, the Mayor shall cast the deciding vote), shall affirm the determination of the Fire Chief, reverse that determination, or set its own requirements for that trade or business.

§92.08 BURNING REFUSE PROHIBITED.

It shall be unlawful for any person to burn within the city any garbage, animal matter, vegetable matter, straw, hay, leaves, or brush, or any matter generally defined as refuse in the open air.

§92.09 OPEN BURNING BAN; WAIVER.

(A) There shall be an open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

(B) The Fire Chief may waive an open burning ban under division (A) of this section for an area under the city Fire Department’s jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief, and on a form provided by the State Fire Marshal.
(C) The Fire Chief may waive the open burning ban in the city Fire Department’s jurisdiction when conditions are acceptable to the Chief. Anyone intending to burn in that jurisdiction when the open burning ban has been waived shall notify the Fire Chief of his or her intention to burn prior to starting the burn.

(D) The Fire Chief may adopt standards listing the conditions acceptable for issuing a permit to conduct open burning under division (B) of this section.

(E) The Fire Department may charge a fee not to exceed $10 for each such permit issued. This fee shall be remitted to the City Council for inclusion in the general funds allocated to the Fire Department. These funds shall not reduce the tax requirements for the Fire Department. No such fee shall be collected from any state or political subdivision to which such a permit is issued to conduct open burning under division (B) of this section in the course of that state’s or political subdivision’s official duties.


§92.20 PRESERVATION OF PROPERTY.

The Fire Chief, or any officer in charge of the Fire Department, shall have the authority and power to cause the removal of property whenever it shall become necessary for the preservation of more valuable property, the protection of human life, or to prevent the spreading of fire to adjoining property. The Fire Chief may direct the firefighters to remove any building, structure, or fence for the purpose of checking the progress of any fire. The Fire Chief shall have the authority to blow up, or cause to be blown up, with explosives any building or structure during the progress of a fire for the purpose of checking the progress of the same.

(1992 Code, §7-101)

§92.21 OBSTRUCTION OF HYDRANT.

It shall be unlawful for any person to obstruct the use of a fire hydrant, or have or place any material within 15 feet of a hydrant. Any vehicle or material found as an obstruction may be immediately removed by the Fire Chief or any member of the Fire Department, at the risk, cost, and expense of the owner or claimant.

§92.35 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FIREWORKS. Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of common or special fireworks set forth by the U.S. Department of Transportation in 49 C.F.R. (Neb. RS 28-1241) (1992 Code, §7-301)

Statutory reference:
Authority, see Neb. RS 17-556

§92.36 PERMITTED FIREWORKS.

(A) It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except sparklers, vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise, color wheels, lady fingers, not exceeding 7/8 inch in length or 1/8 inch in diameter, total explosive composition not to exceed 50 milligrams each in weight, color wheels, and any other fireworks approved under Neb. RS 28-1247.

(Neb. RS 28-1241(7))

(B) The provisions of this section shall not apply to any fireworks to be used for purpose of public exhibitions or display under authorization of the City Council or to fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal.

(1992 Code, §7-302) Penalty, see §10.99

Statutory reference:
Authority, see Neb. RS 17-556
Prohibitions not applicable, see Neb. RS 28-1245
Unlawful fireworks, see Neb. RS 28-1244

§92.37 THROWING FIRECRACKERS.

It shall be unlawful for any person to throw any firecracker, or any object which explodes upon contact with another object, from or into a motor vehicle; onto any street, highway, or sidewalk; at or near any person; into any building; or into or at any group of persons.

Penalty, see §10.99
§92.38 SALE RESTRICTIONS.

(A) It shall be unlawful for any person to sell, hold for sale, or offer for sale as distributor, jobber, or retailer any fireworks without first obtaining a license from the State Fire Marshal for that calendar year.
(Neb. RS 28-1246)

(B) Licensees shall only sell fireworks that have been approved by the State Fire Marshal.
(Neb. RS 28-1247)

(C) Permissible fireworks may be sold at retail only between June 24 and July 5 of each year.
(Neb. RS 28-1249)
(1992 Code, §7-303) Penalty, see §10.99

§92.39 DISCHARGES; WHEN PERMITTED.

(A) It shall be unlawful to light, ignite or discharge any fireworks after 10:00 p.m. or before 10:00 a.m. except on July 4 when fireworks may be discharged until 12:00 midnight.

(B) It shall be unlawful to light, ignite or discharge any fireworks except during the allowable days of sale dates between June 24 and July 5.
(Ord. 635, passed 6-6-2007) Penalty, see §10.99

POISONOUS AND FLAMMABLE GASES; EXPLOSIVES

§92.50 BLASTING PERMITS.

In addition to notifying the City Fire Department pursuant to Neb. RS 28-1233(3), any person desiring to discharge explosive materials within the city shall secure a permit from the City Council and shall discharge those explosive materials in conformance with the conditions specified in the permit. In no case shall any person perform blasting operations unless operating under the direct supervision of a person in possession of a valid user’s permit issued by the State Patrol.
(1992 Code, §7-402) Penalty, see §10.99
CHAPTER 93: HEALTH AND SAFETY

Section

General Provisions

93.01 Health regulations
93.02 Enforcement official
93.03 County Board of Health
93.04 Smoking in designated city property prohibited

Nuisances

93.15 Definition
93.16 Abatement procedure
93.17 Adjoining land owners; intervention before trial
93.18 Dead or diseased trees
93.19 Weeds; litter; stagnant water
93.20 Garbage and refuse

Storage and Distribution of Anhydrous Ammonia

93.30 Establishments prohibited
93.31 License issuance
93.32 Inspection
93.33 License fee; application; revocation
93.34 Liability

Pollution

93.45 Air pollution prohibited
93.46 Water pollution prohibited
93.47 Noxious substances prohibited

93.99 Penalty

Cross-reference:
Board of Health, see §32.004
Garbage, see Chapter 54
§93.01 HEALTH REGULATIONS.

For the purpose of promoting the health and safety of the residents of the city, the Board of Health shall, from time to time, adopt such rules and regulations relative thereto and shall make such inspections, prescribe such penalties, and make such reports as may be necessary toward that purpose.

(1992 Code, §4-101)

Statutory reference:
Authority to regulate, see Neb. RS 17-121

§93.02 ENFORCEMENT OFFICIAL.

The Police Chief or other official designated by the City Council, as the quarantine officer, shall be the chief health officer of the city. It shall be his or her duty to notify the City Council and the Board of Health of health nuisances within the city and its zoning jurisdiction.

(1992 Code, §4-102)

Statutory reference:
Quarantine officer, see Neb. RS 17-121

§93.03 COUNTY BOARD OF HEALTH.

It shall be the duty of the Board of Health to work closely with the County Health Board in protecting the health and welfare of the residents of the city.

§93.04 SMOKING IN DESIGNATED CITY PROPERTY PROHIBITED.

(A) It shall be unlawful for any person to smoke in the following locations:

(1) Any indoor area that is enclosed by a floor, ceiling and walls owned or leased by the city.

(2) Any vehicle owned or leased by the city.

(3) Within 15 feet of any entry and exit door of any building owned or leased by the city.

(4) Within the fenced area of the city swimming pool.

(B) Indoor area includes but is not limited to the city office building, city garage and pole storage building, library, bath house and swimming pool, city event center, city fitness center, storage buildings, Water Department shop, Wastewater Department building, Police Department building, Electrical Department shop and office, power plant, landfill building, cemetery building and recycle station.
(C) Smoke or smoking means the lighting of any cigarette, cigar, pipe or other smoking material or the possession of any lighted cigarette, cigar, pipe or other smoking material, regardless of its composition.
(Ord. 651, passed 5-6-2009) Penalty, see §93.99

NUISANCES

§93.15 DEFINITION.

(A) General definition. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NUISANCE. Consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

(a) Injures or endangers the comfort, repose, health, or safety of others;

(b) Offends decency;

(c) Is offensive to the senses;

(d) Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the city;

(e) In any way renders other persons insecure in life or the use of property; or

(f) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(B) Specific definition. The maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things are hereby declared to be NUISANCES:

1. Any odorous, putrid, unsound, or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl;

2. Privies, vaults, cesspools, dumps, pits, or like places which are not securely protected from flies or rats, or which are foul or malodorous;

3. Filthy, littered, or trash-covered cellars, houseyards, barnyards, stableyards, factory yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises;
(4) Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the city;

(5) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish, or any waste vegetable or animal matter in any quantity; provided, that nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the city, nor the dumping of non-putrefying waste in a place and manner approved by the health officer;

(6) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles;

(7) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw, or other packing material, lumber not neatly piled, scrap iron, tin, or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of the articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger, or which are so unsightly as to depricate property values in the vicinity thereof;

(8) Any unsightly building, billboard, or other structure, or any old, abandoned, or partially destroyed building or structure or any building or structure commenced and left unfinished, which buildings, billboards, or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depricate the value of property in the vicinity thereof;

(9) All places used or maintained as junk yards, or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked, or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depricate property values in the vicinity thereof;

(10) Stagnant water permitted or maintained on any lot or piece of ground;

(11) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens, or any other place, building, or enclosure, in which animals or fowl of any kind are confined or on which is stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when the places in which the animals are confined, or the premises on which the vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom to the annoyance of inhabitants of the city or are maintained and kept in such a manner as to be injurious to the public health; or

(12) All other things specifically designated as nuisances elsewhere in this code.

(1992 Code, §4-302) Penalty, see §93.99
§93.16 ABATEMENT PROCEDURE.

(A) The owner or occupant of any real estate within the corporate limits or zoning jurisdiction of the city shall keep such real estate free of nuisances. Except to the extent that conflicting procedures are otherwise provided, the procedures in this section shall apply to abatement of nuisances.

(B) Upon determination by the Board of Health or designated official that the owner or occupant of any such real estate has failed to keep the real estate free of nuisances, notice to abate and remove such nuisance and notice of the right to a hearing before the City Council and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or by certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the real estate upon which the nuisance is to be abated and removed. The notice shall describe the condition as found by the Board of Health or designated official and state that the condition has been declared a nuisance and must be remedied at once.

(C) If within 5 days after receipt of such notice or publication or posting, whichever is applicable, the owner or occupant of the real estate does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance, the city may have such work done.

(D) If within 5 days after receipt of such notice or publication or posting, whichever is applicable, the owner or occupant requests in writing a hearing with the City Council, the Council shall fix a time and place at which a hearing will be held. Notice of the hearing shall be given by personal service or certified mail and require the owner or occupant to appear before the Council to show cause why such condition should not be found to be a nuisance and remedied. The notice shall be given not less than 7 nor more than 14 days before the time of the hearing. Upon the date fixed for the hearing and pursuant to the notice, the Council shall hear all objections made by the owner or occupant and shall hear evidence submitted by the Board of Health or designated official. If after consideration of all the evidence, the City Council finds that the condition is a nuisance, it shall, by resolution, order and direct the owner or occupant to remedy the nuisance at once. If the owner or occupant refuses or neglects to promptly comply with the order to abate and remove the nuisance, the Council may have such work done.

(E) The costs and expenses of any such work shall be paid by the owner. If unpaid for 2 months after such work is done, the city may either:

   (1) Levy and assess the costs and expenses of the work upon the real estate so benefitted in the same manner as other special taxes for improvements are levied and assessed; or
(2) Recover in a civil action the costs and expenses of the work upon the real estate and the adjoining streets and alleys.
(1992 Code, §4-303)

Statutory reference:
- Authority to regulate and abate nuisances, see Neb. RS 18-1720
- Nuisances prohibited, see Neb. RS 28-1321
- Similar provisions, see Neb. RS 17-563
- Zoning jurisdiction, Neb. RS 17-1001

Cross reference:
- Authority to obtain injunction against nuisance, see §10.99

§93.17 ADJOINING LAND OWNERS; INTERVENTION BEFORE TRIAL.

In cases of appeal from an action of the City 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. RS 19-710) (1992 Code, §4-305)

§93.18 DEAD OR DISEASED TREES.

(A) (1) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the city.

(2) Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within 30 days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the city may have such work done and may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefitted in the same manner as other special taxes for improvements are levied or assessed.
(Neb. RS 17-555)

(B) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees on private property within the corporate limits of the city. The provisions in division (A)(2) shall apply to such nuisances. For the purpose of carrying out the provisions of this section, the city police shall have the authority to enter upon private property to inspect the trees thereon.

§93.19 WEEDS; LITTER; STAGNANT WATER.

(A) Lots or pieces of ground within the city shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(B) The owner or occupant of any lot or piece of ground within the city shall keep the lot or piece
of ground and the adjoining streets and alleys free of any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation.

(C) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the city is prohibited.

(D) It is hereby declared to be a nuisance to permit or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation on any lot or piece of ground within the city or on the adjoining streets or alleys or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(E) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.

(F) (1) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. Within 5 days after receipt of such notice or publication or posting, whichever is applicable, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance, the city may have such work done.

(2) The costs and expenses of any such work shall be paid by the owner. If unpaid for 2 months after such work is done, the city may either:

(a) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefitted 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 lot or piece of ground and the adjoining streets and alleys.

(G) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LITTER.** Includes but is not limited to:

(a) Trash, rubbish, refuse, garbage, paper, rags, and ashes;

(b) Wood, plaster, cement, brick, or stone building rubble;

(c) Grass, leaves, and worthless vegetation except when used as ground mulch or in a compost pile;

(d) Offal and dead animals; and
(e) Any machine or machines, vehicle or vehicles, 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.

**WEEDS.** Include, but are not limited to: bindweed (Convolvulus arvensis), puncture vine (Tribulus terrestris), leafy spurge (Euphorbia esula), Canada thistle (Cirsium arvense), perennial peppergrass (Lepidium draba), Russian knapweed (Centaurea picris), Johnson grass (Sorghum halepense), nodding or musk thistle, quack grass (Agropyron repens), perennial sow thistle (Sonchus arvensis), horse nettle (Solanum carolinense), bull thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.) (tourn), hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae).


§93.20 GARBAGE AND REFUSE.

(A) The owner, duly authorized agent, or tenant of any lot or land within the corporate limits or zoning jurisdiction of the city shall remove garbage or refuse found upon the lot or land or upon the streets, roads, or alleys abutting the lot or land which constitutes a public nuisance.

(B) Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant if any. The notice shall be provided by personal service or by certified mail. After providing the notice, the city through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from the lot or land and streets, roads, or alleys.

(C) If the Mayor declares that the accumulation of garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the city shall remove the garbage or refuse, or cause it to be removed, from the lot or land within 48 hours after notice by personal service or following receipt of a certified letter in accordance with division (B) of this section if the garbage or refuse has not been removed.

(D) Whenever the city removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this section, it shall, after a hearing conducted by the City Council, assess the cost of the removal against the lot or land.

(Neb. RS 18-1752)
§93.30 ESTABLISHMENTS PROHIBITED.

It shall be unlawful for any person, firm, corporation, partnership, or association to lease, use or operate, erect, construct, or cause to be constructed any building or premises, new or hereafter erected or existing in this city, as a place for storage or distribution of anhydrous ammonia, except as hereinafter provided.
(1992 Code, §4-401) Penalty, see §93.99

§93.31 LICENSE ISSUANCE.

The Mayor and Council shall be authorized to issue licenses for the operation and maintenance of premises for the distribution or storage of anhydrous ammonia within the city limits; the license shall run and be in force from the date of issuance until revoked, surrendered, or rescinded.
(1992 Code, §4-402)

§93.32 INSPECTION.

It shall be the duty of the City Administrator, or his or her designated, qualified agent, to inspect the premises at such times as he or she may be called upon to do so by the Mayor and Council, and he or she shall submit a report of the inspection to the Mayor and Council.
(1992 Code, §4-403)

§93.33 LICENSE FEE; APPLICATION; REVOCATION.

The city license fee for the operation of premises for the distribution and storage of anhydrous ammonia shall be established by resolution of the City Council, payable when the application is made. Notice of the application shall be published in the legal newspaper of the city 1 time, after which a public hearing shall be held upon the application for the license. In the event the storage and distribution of anhydrous ammonia becomes a nuisance as defined in this chapter, the City Administrator shall have the right and power to immediately suspend all operations conducted under that license, and the suspension shall be enforced by the Chief of Police upon notice to him or her of the action of the City Administrator. Thereafter, at the next regular meeting of the Council, or at a special meeting called for the purpose, a hearing shall be had before the Council to determine whether or not the license granted shall be revoked, at which hearing the licensee and all interested persons shall have the right to be heard.
(1992 Code, §4-404)
§93.34 LIABILITY.

The issuance of this license by the Mayor and Council shall not limit the liability of the licensee for damage caused by the distribution and storage of anhydrous ammonia.

(1992 Code, §4-405)

POLLUTION

§93.45 AIR POLLUTION PROHIBITED.

Air shall be considered to be polluted when the discharge into the open air of dust, fumes, gases, mist, odors, smoke, or any combination thereof is of such a character and in a quantity which to any group of persons interferes with their health, repose, or safety, or causes severe annoyance or discomfort or is offensive and objectionable to normal persons and causes injury to real and personal property of any kind. The standards for air pollution established or adopted by the state shall be presumptive evidence as to when the air is deemed to be polluted under this section. It is hereby unlawful for any person, firm, or corporation to permit or cause the escape of the nuisances mentioned above, and the escape of this type of dust, fumes, gases, mists, odors, and smoke is hereby declared to be a nuisance and shall be summarily abated upon written notice by the Board of Health to the violator. The abatement may be in addition to the penalty for air pollution in the city.


§93.46 WATER POLLUTION PROHIBITED.

It shall be unlawful for any person, firm, or corporation to obstruct or impede without legal authority any river or collection of water, or to corrupt and render unwholesome or impure any watercourse, stream, or other water. The standards for water quality established or adopted by the state shall be presumptive evidence as to when the water is deemed to be polluted under this section. Such a corruption of the water in or about the city shall constitute a nuisance and shall be summarily abated upon written notice to the violator by the Board of Health. The abatement may be in addition to the penalty for water pollution.


§93.47 NOXIOUS SUBSTANCES PROHIBITED.

It shall be unlawful for any person to deposit or permit the accumulation of any foul, decaying, or rotting substance, including stagnant water, in or upon any lot, street, public way, or private property in the city. It shall be also unlawful to permit the overflow of any foul liquids to the extent that they may be hazardous to the public health or a source of discomfort to persons living or passing in the vicinity thereof. Such noxious substances constitute a nuisance and shall be removed or otherwise made safe and inoffensive for the residents of the city upon the written notice of the Board of Health. The notice
shall allow 5 days to remove the nuisance. At the expiration of that date, the property owner shall be
deemed to be guilty of a misdemeanor if he or she has failed, neglected, or refused to remove the
nuisance.

§93.99 PENALTY.

(A) Any person who violates any provisions of this chapter for which no other specific penalty is
provided shall be subject to the provisions of §10.99.

(B) Any person who violates §93.04 shall be fined not less than $25 for each violation.
(Ord. 651, passed 5-6-2009)
CHAPTER 94: PUBLIC WAYS AND PROPERTY

Section

City Property

94.01 Definitions
94.02 Streets, alleys, walks, malls, and other improvements
94.03 Maintenance and control
94.04 Regulation of obstructions
94.05 Regulation of snow, ice, and other encroachments
94.06 Permitted use of public street space
94.07 Poles, wires, and pipe lines
94.08 Dangerous stairways and entrances
94.09 Excavations and exposures; barricades and lights
94.10 Guttering and eave spouts
94.11 Prohibited obstructions
94.12 Trees in sidewalk space
94.13 Overhanging branches
94.14 Signs and canopies
94.15 Cutting into paving, curb, or sidewalk
94.16 Heavy equipment
94.17 Improvement district; land adjacent
94.18 Special improvement district; assessment procedure
94.19 Weeds

Sale and Acquisition of Property; Public Works

94.30 Sale and conveyance; real property
94.31 Sale and conveyance; personal property
94.32 Acquisition or construction of public buildings; election requirements
94.33 Acquisition of real property; appraisal
94.34 Acquisition of real property; public meeting; access for recreational use
94.35 Public works involving architecture or engineering; requirements
94.36 Special assessments for public works or improvements; notice to nonresident property owners
Sidewalks

94.50 Requirement to keep clean
94.51 Use of space beneath
94.52 Construction at owner's initiative
94.53 Construction and repair at city direction
94.54 Construction bids
94.55 Obstruction

Streets and Alleys

94.65 Dedication to public use
94.66 Grading, paving, and other improvements
94.67 Improvements without petition or creation of district
94.68 Opening, widening, improving, or vacating
94.69 Vacating public ways; procedure
94.70 Crossings
94.71 Names and numbers
94.72 Driveway approaches
94.73 Excavation
94.74 Driving stakes
94.75 Mixing concrete
94.76 Harmful liquids
94.77 Snow, debris, and the like on street prohibited
94.78 Construction notice
94.79 Construction assessment
94.80 Improvement districts; objections
94.81 Improvement of streets on corporate limits
94.82 Improvement of main thoroughfares
94.83 Petition for improvements
94.84 Deferral from special assessments

CITY PROPERTY

§94.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

STREET SUPERINTENDENT. The city official with general charge, direction, and control of streets and sidewalks. If one official is responsible for streets and another official is responsible for sidewalks, STREET SUPERINTENDENT shall mean whichever one is appropriate in the context the term is used.


**SIDEWALK SPACE.** The portion of a street between curb lines and adjacent property lines.
(1992 Code, §8-101)

**§94.02 STREETS, ALLEYS, WALKS, MALLS, AND OTHER IMPROVEMENTS.**

The City Council may grade, partially or to an established grade, change grade, curb, recurb, gutter, regutter, pave, gravel, regravel, macadamize, remacadamize, widen, or narrow streets or roadways, resurface or re-lay existing pavement, or otherwise improve any streets, alleys, public grounds, public ways, entirely or partially, and streets which divide the city corporate area and the area adjoining the city; construct or reconstruct pedestrian walks, plazas, malls, landscaping, outdoor sprinkler systems, fountains, decorative water ponds, lighting systems, and permanent facilities; and construct sidewalks and improve the sidewalk space. These projects may be funded at public cost or by the levy of special assessments on the property especially benefitted in proportion to such benefits, except as provided in Neb. RS 19-2428 through 19-2431. The City Council may by ordinance create paving, repaving, grading, curbing, recurbing, resurfacing, graveling, or improvement districts, to be consecutively numbered, which may include 2 or more connecting or intersecting streets, alleys, or public ways, and may include 2 or more of the improvements in 1 proceeding. All of the improvements which are to be funded by a levy of special assessment on the property especially benefitted shall be ordered as provided in Neb. RS 17-510 to 17-512, except as otherwise provided in Neb. RS 17-509.
(Neb. RS 17-509)

*Statutory reference:*

Other provisions on improvements, assessments, and bonds, see Neb. RS 17-513 to 17-524, 18-1751, 19-2401, and 19-2408 to 19-2415

**§94.03 MAINTENANCE AND CONTROL.**

The City Council shall have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the city and shall cause the same to be kept open and in repair and free from nuisances.

**§94.04 REGULATION OF OBSTRUCTIONS.**

(A) The city shall have the power to remove all obstructions from the sidewalks, curbstones, gutters, and crosswalks at the expense of the person placing them there or of the city and to require and regulate the planting and protection of shade trees in and along the streets and the trimming and removing of such trees.
(1992 Code, §8-103)
(B) The city shall have the power to regulate the building of bulkheads, cellar and basement ways, stairways, railways, windows, doorways, awnings, hitching posts and rails, lampposts, awning posts, all other structures projecting upon or over and adjoining, and all other excavations through and under the sidewalks in the city.

(1992 Code, §8-105)

(Neb. RS 17-555)

§94.05 REGULATION OF SNOW, ICE, AND OTHER ENCROACHMENTS.

(A) The city shall have power to prevent and remove all encroachments, including snow, ice, mud or other obstructions, into and upon all sidewalks, streets, avenues, alleys, and other city property.

(Neb. RS 17-557)

(B) In case such abutting property owner refuses or neglects, after 5 days notice by publication or, in place thereof, personal service of such notice, to remove all encroachments from sidewalks, as provided in division (A), the city through the proper officers may cause such encroachments to be removed, and the cost of removal paid out of the street fund. The City Council shall assess the cost of the notice and removal of the encroachment against the abutting property. The special assessment shall be known as a special sidewalk assessment and, together with the cost of notice, shall be levied and collected as special taxes in addition to the general revenue taxes, and shall be subject to the same penalties and shall draw interest from the date of the assessment. Upon payment of the assessment, the same shall be credited to the street fund.

(Neb. RS 17-557.01)

§94.06 PERMITTED USE OF PUBLIC STREET SPACE.

Any person engaged in the erection, construction, reconstruction, wrecking, or repairing of any building, or the construction or repair of a sidewalk along any street, may occupy the public street space with the building material and equipment as long as is necessary if such person makes application to and receives a permit to do so in writing from the Street Superintendent. No permit shall authorize the occupancy of more than 1/3 of the roadway of the public space adjacent to the real estate on which the building or sidewalk is to be erected, constructed, reconstructed, wrecked, or repaired. A suitable passageway for pedestrians shall be maintained within the public space included in the permit, which passageway shall be protected and lighted in the manner required by the Street Superintendent.

Penalty, see §10.99
§94.07 POLES, WIRES, AND PIPE LINES.

(A) Poles, wires, conduits, gas mains, pipe lines, and other appurtenances of public service companies shall be located or erected over, upon, or under the streets, alleys, and common grounds of the city. Application for location of such appurtenances shall be made to the City Council in writing. Approval by the Council shall be issued in writing. Any public service company granted a right-of-way for the erection and maintenance of poles, wires, conduits, gas mains, pipe lines, or other appurtenances shall at all times erect and locate their appurtenances at such places and in such manner as shall be designated by the Council.

(B) All poles, wires, conduits, gas mains, pipe lines, and other appurtenances shall be removed or relocated by the companies at their own expense when requested to do so by the Council. Any such removal or relocation shall be ordered by resolution of the Council and the City Clerk shall notify any and all companies affected. The companies shall, within 24 hours after receiving notice, at their own expense, cause the poles, wires, conduits, gas mains, pipe lines, or other appurtenances to be removed or relocated. The Council shall designate another location as closely as possible where the appurtenances may be reset or placed.

(C) All poles, wires, conduits, gas mains, pipe lines, or other appurtenances shall be reset, placed, or erected in such a manner that they will not interfere with the water system; the sewerage system; any poles, wires, conduits, mains, lines, or other appurtenances of any public utility; any adjacent buildings; or travel on the public ways and property. Whenever possible, all poles, wires, conduits, gas mains, pipe lines, and appurtenances shall be confined to the alleys of the city.

(1992 Code, §8-311)

§94.08 DANGEROUS STAIRWAYS AND ENTRANCES.

It shall be unlawful for any person to construct or maintain any stairway, open cellarway, open basement way, or open entrance thereto in or adjacent to any sidewalk, pavement, or street, and any such entrance is hereby declared to be a public nuisance, except that all existing stairways, open cellarways, open basement ways, or open entrances thereto in or adjacent to sidewalks, pavements, or streets may be permitted to remain from and after the adoption of this prohibition if the person owning or using the opening in the sidewalk, pavement, or street satisfies the Street Superintendent that the opening is properly protected by a balustrade, or coping of durable material, and furnishes the city with a bond in the amount set by the City Council for the benefit of any person who might suffer an injury or damage by reason of the use of the stairway, cellarway, basement way, or entrance.

§94.09 EXCAVATIONS AND EXPOSURES; BARRICADES AND LIGHTS.

Any owner or occupant engaged in construction or demolition of any building or improvement upon or near the public ways and property shall protect all excavations or exposures of any kind by suitable barricades or guards by day and by warning lights at night. The failure, neglect, or refusal of the owner or occupant to erect and maintain such protections shall constitute a violation of this section, and the city may stop all work upon the buildings and improvements until suitable protections are erected and maintained in the required manner.
§94.10 GUTTERING AND EAVE SPOUTS.

It shall be unlawful for any person to erect or maintain any dwelling house or business building within the limits of the city where the dwelling or building abuts on any sidewalk or street without providing proper guttering and eave spouts to receive the waste waters that collect on the sidewalks and streets. All eave spouts erected on any dwelling house or business building shall be constructed to drain into the alleys or shall be buried beneath the sidewalks and drain into the streets where it is found to be impossible to drain the eave spouts into the alley.

(1992 Code, §8-308)

§94.11 PROHIBITED OBSTRUCTIONS.

(A) It shall be unlawful for any person to obstruct, or encumber, by fences, gates, buildings, structures, or otherwise, any of the streets, alleys, or sidewalks.

(B) The public ways and property shall be considered to be obstructed when the owner or occupant of the adjacent property permits or suffers to remain on any premises owned or controlled by him or her any hedge, shrubbery, bush, or similar growth within 2 feet adjacent to the lot line, whether there is a sidewalk abutting or adjoining the premises or not. It shall be the duty of owners and occupants to at all times keep trimmed and pruned all such similar growth.

(C) Trees and shrubs growing upon the lot line partially on public ground and partially upon the abutting property, or wholly upon the abutting property, and interfering with the use, making, or construction of any public improvement or so that the roots thereof interfere with any utility wire or pipe shall be deemed an obstruction. Such trees and shrubs and their roots may be removed by the city at the expense of the owner of the property upon which the trees or shrubs are partially or wholly located if the owner fails or neglects, after notice, to do so.

(D) When any obstruction described in this section is determined to exist, the city may proceed against the owner or occupant of the property adjacent to the sidewalk space as provided in §91.21. Penalty, see §10.99

§94.12 TREES IN SIDEWALK SPACE.

(A) No person shall plant any tree or allow any tree to grow within the sidewalk space without first making a written or verbal application to and receiving a written permit from the Street Superintendent upon payment of the fee, if any, established by the City Council.

(B) Any tree planted within the sidewalk space after the adoption of this prohibition shall be deemed to be unlawfully planted and growing and may be determined to be a nuisance. Nothing in this section shall be construed to apply to any trees growing within the sidewalk space prior to the adoption of this prohibition.
(C) When any such tree is determined to be a nuisance, the city may proceed against the owner or occupant of the property adjacent to the sidewalk space as provided in §91.21. Penalty, see §10.99

§94.13 OVERHANGING BRANCHES.

(A) The owner or occupant of any lot, piece, or parcel of ground abutting or adjacent to any street or sidewalk over which there extend the branches of trees shall at all times keep the branches or limbs thereof trimmed to the height of at least 8 feet above the surface of the walk and at least 14 feet above the surface of the street or to the heights otherwise specified by the City Council.

(B) Whenever the branches or limbs of any tree extend over streets or sidewalks contrary to such provisions so as to interfere with the lighting of the street from street lights or with the convenience of the public using the street or sidewalk, the city may proceed against the owner or occupant of the property abutting or adjacent to the street or sidewalk as provided in §91.21. (1992 Code, §8-110) Penalty, see §10.99

§94.14 SIGNS AND CANOPIES.

(A) No person shall erect or maintain any sign, signboard, poster, or rigid canopy over any street, sidewalk, or alley or on other public property without having first obtained a permit therefor. Permits for signs, signboards, posters, and canopies shall be issued by the City Clerk, subject to the approval of the City Council, upon the payment of the fee, if any, established by the City Council.

(B) All signs, signboards, posters, and canopies extending over any public sidewalk, street, alley, or other public place must be securely fastened and constructed so that there will be no danger of the them being dislodged by ordinary winds or falling from other causes.

(C) No sign, signboard, poster, or canopy shall be erected or maintained which extends over any public sidewalk, street, alley, or other public place in such a location as to obstruct the view of any traffic light, sign, or signal.

(D) Upon a determination that a sign, signboard, poster, or canopy is in violation of this section, the city may proceed against the owner or occupant of the premises where such the sign, signboard, poster, or canopy is located as provided in §91.21. Penalty, see §10.99

§94.15 CUTTING INTO PAVING, CURB, OR SIDEWALK.

(A) It shall be unlawful for any person to cut into any paving, curb, or sidewalk for the purpose of constructing a driveway or any other purpose whatsoever without first having obtained a written permit from the City Council. Before any person obtains a permit, he or she shall inform the City Clerk of the place where such cutting is to be done and it shall be the duty of the Street Superintendent to inspect the proposed place of entry into the paving, sidewalk, or curb.
(B) When cutting into any paving, curb, or sidewalk, it shall be the duty of the party to comply with such rules and regulations as may be prescribed by the Council or the City Engineer. When the applicant is ready to close the opening made, he or she shall inform the Street Superintendent, who shall supervise and inspect the materials used and the work done in closing the opening.

(C) It shall be discretionary with the Council to order the Street Superintendent, under the supervision and inspection of the City Engineer or the committee of the Council on the streets and alleys, to do the cutting and closing of the paving, curb, or sidewalk and charge the costs thereof to the party who obtained the permit. The Council may consent to the cutting and closing of the paving, curb, or sidewalk by the party holding the permit.

(D) Before any permit is issued by the Council, the applicant for the permit shall deposit with the City Treasurer a sum set by resolution of the Council for all paving, curb, or sidewalk to be cut. Such sum shall be set on a per square foot cost of construction basis. The deposit shall be retained by the city for the purpose of replacing the paving, curb, or sidewalk in the event the work is done by the city. If the Board elects to require the applicant to replace the paving, curb, or sidewalk, the deposit shall be retained by the city until the work is completed to the satisfaction of the Street Superintendent or of the committee of the Council on streets and alleys.

(E) In addition to making the deposit, the applicant shall, before any permit is issued, execute a bond to the city with a good and sufficient surety to be approved by the Council in a sum set by resolution.

(1992 Code, §8-401)

§94.16 HEAVY EQUIPMENT.

(A) It shall be unlawful for any person to move or operate heavy equipment across any curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing on any unpaved street without first having protected such curb, gutter, bridge, culvert, sidewalks, crosswalk, or crossing with heavy plank sufficient in strength to warrant against the breaking or damaging of such curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing.

(B) Except as provided in §71.05, it shall be unlawful to run, drive, move, operate, or convey over or across any paved street a vehicle, machine, or implement with sharp discs or sharp wheels that bear upon the pavement; with wheels having cutting edges; with wheels having lugs, any protruding parts, or bolts thereon that extend beyond a plain tire so as to cut, mark, mar, indent, or otherwise injure or damage any pavement, gutter, or curb, except that where heavy vehicles, structures, and machines move along paved or unpaved streets the city police are hereby authorized and empowered to choose the route over which the moving of such vehicles, structures, or machines will be permitted and allowed.

(1992 Code, §8-309)
§94.17 IMPROVEMENT DISTRICT; LAND ADJACENT.

Supplemental to any existing law on the subject, a city may include land adjacent to the city when creating an improvement district, such as a sewer, paving, water, water extension, or sanitary sewer extension district. The City Council shall have power to assess, to the extent of special benefits, the costs of those improvements upon the properties found especially benefitted thereby, except as provided in §94.72.


§94.18 SPECIAL IMPROVEMENT DISTRICT; ASSESSMENT PROCEDURE.

The City Council may, by ordinance, create a special improvement district for the purpose of replacing, reconstructing, or repairing an existing street, alley, water line, sewer line, or any other such improvement. Except as provided in Neb. RS 19-2428 through 19-2431, the City Council shall have power to assess, to the extent of the benefits, the costs of the improvements upon the properties found especially benefitted thereby, whether or not the properties were previously assessed for the same general purpose. In creating a special improvement district, the City Council shall follow procedures applicable to the creation and assessment of the same type of improvement district as otherwise provided by law.


§94.19 WEEDS.

It is hereby the duty of the Street Superintendent or his or her duly authorized agent to view and inspect the sidewalk space within the corporate limits for growing weeds during the growing season, and if rank and noxious weeds are found growing thereon, he or she shall notify the owner or occupant thereof to cut down the weeds as close to the ground as can be practically done and keep the weeds cut thereon in like manner during the growing season for weeds; provided, that any weeds growing in excess of 12 inches on any sidewalk space shall be considered a violation of this section. In the event that the owner of the lot or parcel of land abutting that sidewalk space within the city is a nonresident of the city or cannot be found therein, the notice may be given to any person having the care, custody, or control of that lot or parcel of land. In the event that there can be found no one within the city to whom notice can be given, it shall be the duty of the Street Superintendent or his or her agent to post a copy of the notice on the premises and then to cut or cause the weeds thereon to be cut as therein provided and report the cost thereof in writing to the City Council. The cost shall then be audited and paid by the city, and the amount thereof shall be assessed against the lot or parcel of land as a special tax thereon and shall be collected as are other taxes of the city or may be recovered by civil suit brought by the city against the owner of the parcel of land. In the event the property owner is a nonresident of the county in which the property lies, the city shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner. The last known address shall be that address listed on the current tax rolls at the time the required notice was first published.

(1992 Code, §8-106) Penalty, see §94.99

Statutory reference:

Authority, see Neb. RS 17-563
§94.30 SALE AND CONVEYANCE; REAL PROPERTY.

(A) Except as provided in division (G) of this section, the power of the city to convey any real property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution, directing the sale at public auction or by sealed bid of that property and the manner and terms thereof, except that the property shall not be sold at public auction or by sealed bid when:

(1) The property is being sold in compliance with the requirements of federal or state grants or programs;

(2) The property is being conveyed to another public agency; or

(3) The property consists of streets and alleys.

(B) The City Council may establish a minimum price for real property at which bidding shall begin or shall serve as a minimum for a sealed bid.

(C) After the passage of the resolution directing the sale, notice of all proposed sales of property described in division (A) of this section and the terms thereof shall be published once each week for 3 consecutive weeks in a legal newspaper published in or of general circulation in the city.

(D) (1) If within 30 days after the third publication of the notice a remonstrance against the sale is signed by registered voters of the city equal in number to 30% of the registered voters of the city voting at the last regular city election held therein and is filed with the City Council, that property shall not then, nor within 1 year thereafter, be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the 30-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day.

(2) Upon the receipt of the remonstrance, the City Council, with the aid and assistance of the Election Commissioner or County Clerk, shall determine the validity and sufficiency of signatures on the remonstrance. The City Council shall deliver the remonstrance to the Election Commissioner or County Clerk by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested.
(3) Upon receipt of the remonstrance, the Election Commissioner or County Clerk shall issue to the City Council a written receipt that the remonstrance is in the custody of the Election Commissioner or County Clerk. The Election Commissioner or County Clerk shall compare the signature of each person signing the remonstrance with the voter registration records to determine if each signer was a registered voter on or before the date on which the remonstrance was filed with the City Council. The Election Commissioner or County Clerk shall also compare the signer’s printed name, street and number or voting precinct, and city or post office address with the voter registration records to determine whether the signer was a registered voter. The signature and address shall be presumed to be valid only if the Election Commissioner or County Clerk determines that the printed name, street and number or voting precinct, and city or post office address match the registration records and that the registration was received on or before the date on which the remonstrance was filed with the City Council. The determinations of the Election Commissioner or County Clerk may be rebutted by any credible evidence which the City Council finds sufficient. The express purpose of the comparison of names and addresses with the voter registration records, in addition to helping to determine the validity of the remonstrance, the sufficiency of the remonstrance, and the qualifications of the signer, shall be to prevent fraud, deception, and misrepresentation in the remonstrance process.

(4) Upon completion of the comparison of names and addresses with the voter registration records, the Election Commissioner or County Clerk shall prepare in writing a certification under seal setting forth the name and address of each signer found not to be a registered voter and the signature page number and line number where the name is found, and if the reason for the invalidity of the signature or address is other than the nonregistration of the signer, the Election Commissioner or County Clerk shall set forth the reason for the invalidity of the signature. If the Election Commissioner or County Clerk determines that a signer has affixed his or her signature more than once to the remonstrance and that only 1 person is registered by that name, the Election Commissioner or County Clerk shall prepare in writing a certification under seal setting forth the name of the duplicate signature and shall count only the earliest dated signature.

(5) The Election Commissioner or County Clerk shall certify to the City Council the number of valid signatures necessary to constitute a valid remonstrance. The Election Commissioner or County Clerk shall deliver the remonstrance and the certifications to the City Council within 40 days after the receipt of the remonstrance from the City Council. The delivery shall be by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Not more than 20 signatures on 1 signature page shall be counted.

(6) The City Council shall, within 30 days after the receipt of the remonstrance and certifications from the Election Commissioner or County Clerk, hold a public hearing to review the remonstrance and certifications and receive testimony regarding them. The City Council shall, following the hearing, vote on whether or not the remonstrance is valid and shall uphold the remonstrance if sufficient valid signatures have been received.

(E) Real estate now owned or hereafter owned by the city may be conveyed without consideration to the state for state armory sites or, if acquired for state armory sites, shall be conveyed strictly in accordance with the conditions of Neb. RS 18-1001 through 18-1006.
§94.31 SALE AND CONVEYANCE; PERSONAL PROPERTY.

(A) The power of the city to convey any personal property owned by it shall be exercised by resolution directing the sale and the manner and terms of the sale. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in 3 prominent places within the city for a period of not less than 7 days prior to the sale of the property. If the fair market value of the property is greater than $5,000, notice of the sale shall also be published once in a legal newspaper published in or of general circulation in the city at least 7 days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale.

(B) Personal property may be conveyed notwithstanding the procedure in division (A) of this section when:

(1) Such property is being sold in compliance with the requirements of federal or state grants or programs; or

(2) Such property is being conveyed to another public agency.

§94.32 ACQUISITION OR CONSTRUCTION OF PUBLIC BUILDINGS; ELECTION REQUIREMENTS.

(A) The city is authorized and empowered to purchase, accept by gift or devise, purchase real estate upon which to erect, and erect a building or buildings for an auditorium, fire station, city building, or community house for housing city enterprises and social and recreation purposes, and other public buildings, including the construction of buildings authorized to be constructed by Neb. RS Chapter 72, article 14, and including construction of buildings to be leased in whole or in part by the city to any other political or governmental subdivision of the state authorized by law to lease such buildings, and maintain, manage, and operate the same for the benefit of the inhabitants of the city.
(B) Except as provided in division (C) of this section, before any such purchase can be made or building erected, the question shall be submitted to the electors of the city at a general city election or at an election duly called for that purpose, or as set forth in division (D) of this section, and be adopted by a majority of the electors voting on such question.

(Neb. RS 17-953)

(C) If the funds to be used to finance the purchase or construction of a building pursuant to this section are available other than through a bond issue, then either:

(1) Notice of the proposed purchase or construction shall be published in a newspaper of general circulation in the city and no election shall be required to approve the purchase or construction unless within 30 days after the publication of the notice, a remonstrance against the purchase or construction is signed by registered voters of the city equal in number to 15% of the registered voters of the city voting at the last regular city election held therein and is filed with the City Council. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the 30-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. If a remonstrance with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the city at a general city election or a special election duly called for that purpose. If the purchase or construction is not approved, the property involved shall not then, nor within 1 year following the election, be purchased or constructed; or

(2) The City Council may proceed without providing the notice and right of remonstrance required in division (C)(1) of this section if the property can be purchased below the fair market value as determined by an appraisal, there is a willing seller, and the purchase price is less than $25,000. The purchase shall be approved by the City Council after notice and public hearing as provided in §94.34.

(Neb. RS 17-953.01)

(D) (1) The Mayor and City Council adopting the proposition to make such purchase or erect such building or buildings for the purposes set forth in division (A) of this section shall have the power to borrow money and pledge the property and credit of the city upon its negotiable bonds. No such bonds shall be issued until after the same have been authorized by a majority vote of the electors voting on the proposition of their issuance, at a general city election or at a special election called for the submission of such proposition. The question of such purchase or erection of such a building or buildings, as set forth in division (A) of this section, and the question of the issuance of the negotiable bonds referred to in this division may be submitted as 1 question at a general city or special election if so ordered by resolution or ordinance.

(2) Notice of the time and place of the election shall be given by publication in some legal newspaper printed in or of general circulation in the city 3 successive weeks immediately prior thereto.

(3) No such election for the issuance of such bonds shall be called until a petition therefor signed by at least 10% of the legal voters of the city has been presented to the City Council. The number of voters voting at the last regular city election prior to the presenting of the petition shall be deemed the number of votes in the city for the purpose of determining the sufficiency of the petition.
(4) The question of bond issues for such purpose in the city when defeated shall not be resubmitted for 6 months from and after the date of such election.

(5) When the building to be constructed is to be used by the state or its agency or agencies under a lease authorized by Neb. RS Chapter 72, article 14, or the building is to be leased by any other political or governmental subdivision of the state, when the combined area of the building to be leased by the state or its agency or agencies and the political or governmental subdivision of the state is more than 50% of the area of the building, and when such sum does not exceed $2,000,000, then no such vote of the electors will be required.
(Neb. RS 17-954) (1992 Code, §8-107)

§94.33 ACQUISITION OF REAL PROPERTY; APPRAISAL.

Notwithstanding any other provision of law, the city shall not purchase, lease-purchase, or acquire for consideration real property having an estimated value of $100,000 or more unless an appraisal of such property has been performed by a certified real property appraiser.

§94.34 ACQUISITION OF REAL PROPERTY; PUBLIC MEETING; ACCESS FOR RECREATIONAL USE.

(A) The city shall acquire an interest in real property by purchase or eminent domain only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing.

(B) The city shall provide to the public a right of access for recreational use to real property acquired for public recreational purposes. Such access shall be at designated access points and shall be equal to the right of access for recreational use held by adjacent landowners. The right of access granted to the public for recreational use shall meet or exceed such right held by a private landowner adjacent to the real property.

§94.35 PUBLIC WORKS INVOLVING ARCHITECTURE OR ENGINEERING; REQUIREMENTS.

(A) (1) Except as otherwise provided in this section and Neb. RS 81-3449 and 81-3453, the city shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications, and estimates have been prepared and the construction has been observed by an architect, a professional engineer, or a person under the direct supervision of an architect, professional engineer, or those under the direct supervision of an architect or professional engineer.
(2) This division (A) shall not apply to any public work in which the contemplated expenditure for the complete project does not exceed $100,000 or the adjusted dollar amount set by the Board of Engineers and Architects.
(Neb. RS 81-3445)

(B) The provisions of division (A) of this section regulating the practice of architecture do not apply to the following activities or the other activities specified in Neb. RS 81-3449:

(1) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;

(2) A public service provider who employs a design professional performing professional services for itself;

(3) The practice of any other certified trade or legally recognized profession;

(4) Earthmoving and related work associated with soil and water conservation practices performed any land owned by the city that is not subject to a permit from the Department of Natural Resources; and

(5) The work of employees and agents of the city performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance.
(Neb. RS 81-3449)

(C) The provisions of division (A) of this section regulating the practice of engineering do not apply to the following activities, the activities specified in division (B) of this section, or the other activities specified in Neb. RS 81-3453:

(1) Those services ordinarily performed by subordinates under direct supervision of a professional engineer or those commonly designated as locomotive, stationary, marine operating engineers, power plant operating engineers, or manufacturers who supervise the operation of or operate machinery or equipment or who supervise construction within their own plant; and

(2) The construction of water wells as defined in Neb. RS 46-1212, the installation of pumps and pumping equipment into water wells, and the decommissioning of water wells, unless such construction, installation, or decommissioning is required by the city to be designed or supervised by an engineer or unless legal requirements are imposed upon the city as a part of a public water supply;
(Neb. RS 81-3453)

(D) For the purpose of this section, the city is considered a public service provider if it appoints a City Engineer or employs a full-time person licensed under the Engineers and Architects Regulation Act who is in responsible charge of architectural or engineering work.
(Neb. RS 81-3423)
§94.36 SPECIAL ASSESSMENTS FOR PUBLIC WORKS OR IMPROVEMENTS; NOTICE TO NONRESIDENT PROPERTY OWNERS.

(A) Before any political subdivision or special taxing district for public works or public improvements shall be formed, and before the city or any political subdivision or special taxing district may impose any special assessment for public works or public improvements, a copy of any notice required to be published by law shall be mailed to the last-known address of all nonresident property owners as shown on the current tax rolls at the time such notice is first published. (Neb. RS 13-310)

(B) The City Clerk or any other person upon whom the duty is imposed by law to publish notice required by law in regard to the formation of a special taxing district for public works or public improvements shall mail by certified mail with return receipt requested a copy of the published notice in regard to the formation of any special taxing district within the city to the last-known address as shown on the current tax rolls of each nonresident property owner. (Neb. RS 13-311)

(C) The City Clerk or any other person upon whom the duty is imposed by law to publish notice required by law in regard to any special assessment by a special taxing district shall mail by certified mail with return receipt requested a copy of such notice to be published to the last-known address as shown on the current tax rolls of each nonresident property owner. (Neb. RS 13-312)

(D) The failure of the City Clerk any other person upon whom the duty is imposed by law to mail a copy of a published notice as provided in this section shall invalidate the assessment against the property involved while permitting all other assessments and procedures to be lawful. (Neb. RS 13-313)

(E) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**NONRESIDENT PROPERTY OWNER.** Any person or corporation whose residence and mailing address as shown on the current tax rolls is outside the boundaries of the county and who is a record owner of property within the boundaries of the city, special assessment district, or taxing district involved. (Neb. RS 13-314)

**SIDEWALKS**

§94.50 REQUIREMENT TO KEEP CLEAN.

It shall be unlawful for the occupant of any lot or lots or the owner of any vacant lot or lots within the corporate limits to allow snow, sleet, mud, ice, or other substance to accumulate on the sidewalks or
to permit any snow, sleet, ice, mud, or other substance to remain upon the sidewalk. Unless the City Council has provided otherwise, all sidewalks within the business district shall be cleaned within 5 hours after the cessation of a storm, unless the storm or fall of snow shall have taken place during the night, in which case the sidewalk shall be cleaned before 9:00 a.m. the following day, and sidewalks within the residential areas of the city shall be cleaned within 24 hours after the cessation of the storm.  
(1992 Code, §8-201) Penalty, see §10.99

§94.51 USE OF SPACE BENEATH.

No person shall be allowed to keep or use the space beneath the sidewalk lying between lot line and curb line unless a permit has been obtained from the City Council. Before any permit is granted, the applicant shall submit plans and specifications of any present or proposed construction to the City Engineer. If the plans or specifications are disapproved by the Engineer, no permit shall be granted. All permits hereafter granted shall continue only upon the condition that the party receiving them builds, maintains, and keeps in repair a sidewalk over the space used or constructed to be used and pays all damages that may be sustained by any person by reason of such use or by reason of the sidewalk being defective or in a dangerous condition. As a condition precedent to the issuance or continuance of any permit for the use of any space underneath the city sidewalks as contemplated in this section, the City Council may require the applicant to furnish a bond to the city as obligee for the benefit of any person who may suffer an injury or damage by reason of such use. The bond shall be in such sum as the City Council, in its discretion, may designate.  
(1992 Code, §8-203) Penalty, see §10.99

§94.52 CONSTRUCTION AT OWNER'S INITIATIVE.

(A) Any person desiring to construct, or cause to be constructed, any sidewalk shall do so only as provided in this section. It shall be unlawful for any person to construct any sidewalk without first having obtained a permit.

(B) The owner shall make application in writing for a permit and file such application in the office of the City Clerk. The permit shall give a description of the lot or piece of land along which the sidewalk is to be constructed. The Street Superintendent shall issue the desired permit unless good cause appears why the permit should be denied, except that if it is desired to construct the sidewalk at any other than the regularly prescribed location, grade, or elevation, the Street Superintendent shall submit the application to the City Council for determination as to whether the permit should be granted or denied. It shall be unlawful for any person to construct, or cause to be constructed, such sidewalk at any other location, grade, or elevation than so designated by the city. All sidewalks shall be built and constructed on the established grade or elevation, and if there is no established grade, then on the grade or elevation indicated by the Street Superintendent.  
(1992 Code, §8-206)
§94.53 CONSTRUCTION AND REPAIR AT CITY DIRECTION.

(A) (1) The Mayor and City Council may construct and repair sidewalks or cause the construction and repair of sidewalks in such manner as the Mayor and City Council deem necessary and assess the expense thereof on the property in front of which such construction or repairs are made, after having given notice:

(a) By publication in one issue of a legal newspaper of general circulation in the city; and

(b) By either causing a written notice to be served upon the occupant in possession of the property involved or to be posted upon such premises 10 days prior to the commencement of such construction or repair.

(2) The powers conferred under this section are in addition to those provided in Neb. RS 17-509 to 17-521 and may be exercised without creating an improvement district.

(3) If the owner of any property abutting any street or avenue or part thereof fails to construct or repair any sidewalk in front of the owner's property within the time and in the manner as directed and requested by the Mayor and City Council, after having received due notice to do so, the Mayor and City Council may cause the sidewalk to be constructed or repaired and may assess the cost thereof against the property.
(Neb. RS 17-522)

(B) All sidewalks shall be constructed and repaired in conformity with such plans and specifications as may be approved by the City Council.

(C) (1) Before the city imposes any special assessments for sidewalk construction or repair, a copy of the notice that is required to be published shall be mailed to the last-known address of all nonresident property owners as shown on the current tax rolls at the time such notice is first published.
(Neb. RS 13-310)

(2) The City Clerk shall mail the notice by certified mail with return receipt requested.
(Neb. RS 13-312)

(3) For purposes of this division (C), the following definition shall apply unless the context clearly indicates or requires a different meaning.

NONRESIDENT PROPERTY OWNER. Any person or corporation whose residence and mailing address as shown on the current tax rolls is outside the boundaries of the county in which the property subject to assessment is located and who is a record owner of the property.
(Neb. RS 13-314)

(D) Assessments made under this section shall be made and assessed in the manner provided in Neb. RS 17-524.
(Neb. RS 17-524) (1992 Code, §8-204, 8-205 and 8-207)
§94.54 CONSTRUCTION BIDS.

Whenever the city shall construct, widen, replace, or reconstruct any sidewalk, notice prepared by the City Attorney, specifying the work to be done and calling for bids for doing the work and supplying the necessary materials and labor, shall be published in at least 1 issue of a legal newspaper of general circulation in the city; provided, bids so invited shall be filed in the office of the City Clerk within 10 days after the date of publication. Bids shall be opened at the next regular or special meeting of the City Council, and the City Council shall then award the work to the lowest responsible bidder. Upon approval of the work, the City Council may require the contractor to accept payment in certificates issued to him or her by the City Clerk entitling him or her to all assessments or special taxes against the real estate whenever those assessments or special taxes shall be collected, together with the interest or penalty collected thereon. Each certificate shall give the legal description of the lot, lots, or parcel of ground against which the assessments or special taxes are assessed. The certificate or certificates may be assigned and transferred, entitling the holder to the same rights as if held by the original contractor. The County Treasurer shall pay over to the contractor or other holder of the certificate or certificates all assessments or special taxes against the real estate, together with interest and penalty thereon, at any time upon presentation of the certificate or certificates after the assessments or special taxes against the real estate, together with interest or penalty thereon, shall have been collected.

(1992 Code, §8-208)

§94.55 OBSTRUCTION.

(A) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**OBSTRUCTION OF A SIDEWALK.** The placing of any material or objects on the sidewalk or sidewalk area which prohibits or inhibits the passage of pedestrians.

(B) Purpose.

(1) It is found and declared that an obstruction on the sidewalks in the city creates an inconvenience and endangerment to pedestrian traffic within the city, causing pedestrians to walk in the street, enhances the probability of tripping and falling and causes other dangers to pedestrians within the city.

(2) It is the purpose of this section to regulate the obstruction of sidewalks within the city.

(C) No obstruction shall be placed or allowed to remain on any sidewalk within the city, except as set forth in divisions (D) and (E). The responsibility to maintain an obstruction free sidewalk shall be with the abutting property owner.

(D) Central Business District exception. Obstructions may be placed on sidewalks in the Central
Business Zoning District of the city provided a clear, unobstructed passageway of not less than 5 feet in width at all points, parallel to the line of the street, abutting the edge of the street, and generally in the line of pedestrian traffic shall be maintained at all times.

(E) *Special circumstances.* If the City Council shall find that circumstances exist involving site characteristics or the flow of pedestrian traffic at locations within the city that reasonably require it, the City Council may require a passageway of greater than 5 feet, or, if the City Council finds that circumstances exist that reasonably require the allowance of an obstruction on sidewalks outside of the Central Business District, such obstruction may be allowed for specific periods or for indefinite periods of time.

(Ord. 654, passed 10-7-2009) Penalty, see §94.99

---

**STREETS AND ALLEYS**

§94.65 DEDICATION TO PUBLIC USE.

No street or alley which shall hereafter be dedicated to public use, by the proprietor of ground in the city, shall be deemed a public street or alley, or be under the use or control of the City Council, unless the dedication shall be accepted and confirmed by an ordinance especially passed for such purpose.

(Neb. RS 17-567)

§94.66 GRADING, PAVING, AND OTHER IMPROVEMENTS.

The city has the power to provide for the grading and repair of any street, avenue, or alley and the construction of bridges, culverts, and sewers. No street, avenue, or alley shall be graded unless the grading is ordered to be done by the affirmative vote of 2/3 of the City Council.

(Neb. RS 17-508)

*Statutory reference:*

- Acquisition of additional land or easement, see Neb. RS 18-1705
- Boundary street with county or another municipality, see Neb. RS 18-2005
- Limited street improvement districts, see Neb. RS 19-2416

§94.67 IMPROVEMENTS WITHOUT PETITION OR CREATION OF DISTRICT.

(A) The city may, without petition or creating a street improvement district, grade, curb, gutter, and pave:
(1) Any portion of a street otherwise paved so as to make 1 continuous paved street, but the portion to be so improved shall not exceed 2 blocks, including intersections, or 1,325 feet, whichever is the lesser;

(2) Any unpaved street or alley which intersects a paved street for a distance of not to exceed 1 block on either side of that paved street; and

(3) Any side street or alley within its corporate limits connecting with a major traffic street for a distance not to exceed 1 block from that major traffic street.

(B) Those improvements may be performed upon any portion of a street or alley or any unpaved street or alley not previously improved to meet or exceed the minimum standards for pavement set by the city for its paved streets.

(C) In order to defray the costs and expenses of these improvements, the Mayor and City Council may levy and collect special taxes and assessments or issue paving bonds as provided in Neb. RS 18-2003.

§94.68 OPENING, WIDENING, IMPROVING, OR VACATING.

(A) (1) The city shall have power to open, widen, or otherwise improve or vacate any street, avenue, alley, or lane within the limits of the city and also to create, open, and improve any new street, avenue, alley, or lane. All damages sustained by the citizens of the city, or by the owners of the property therein, shall be ascertained in that manner as shall be provided by ordinance.

(2) Whenever any street, avenue, alley, or lane is vacated, the same shall revert to the owners of the abutting real estate, 2 on each side thereof, and become a part of that property, unless the city reserves title in the ordinance vacating such street or alley. If title is retained by the city, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the city.

(3) When a portion of a street, avenue, alley, or lane is vacated only on 1 side of the center thereof, the title to the land shall vest in the owner of the abutting property and become a part of that property, unless the city reserves title in the ordinance vacating a portion of such street or alley. If title is retained by the city, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the city.

(4) When the city vacates all or any portion of a street, avenue, alley, or lane, the city shall, within 30 days after the effective date of the vacation, file a certified copy of the vacating ordinance with the Register of Deeds for the county in which the vacated property is located to be indexed against all affected lots.
(5) The title to property vacated pursuant to this section shall be subject to the following:

(a) There is reserved to the city the right to maintain, operate, repair, and renew public utilities existing at the time title to the property is vacated there; and

(b) There is reserved to the city, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on, or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish such purposes at any and all reasonable times.

(Neb. RS 17-558)

(B) The city shall have power to create, open, widen, or extend any street, avenue, alley, off-street parking area, or other public way, or annul, vacate, or discontinue the same.

(Neb. RS 17-559)

(1992 Code, §8-303)

§94.69 VACATING PUBLIC WAYS; PROCEDURE.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SPECIAL DAMAGES. Only those losses or damages or injuries which a property owner suffers that are peculiar or special or unique to his or her property and which result from the City Council vacating a street, avenue, alley, lane, or similar public way. SPECIAL DAMAGES shall not mean those losses or damages or injuries that a property owner suffers that are in common with the rest of the city or public at large, even though those losses or damages or injuries suffered by the property owner are greater in degree than the rest of the city or public at large.

(B) Whenever the City Council decides that it would be in the best interests of the city to vacate a street, avenue, alley, lane, or similar public way, the City Council shall comply with the following procedure.

(1) Notice. Notice shall be given to all abutting property owners either by first class mail to their last known address or if there is no known address then by publishing the notice in a newspaper that is of general circulation in the city. The content of the notice shall advise the abutting property owners that the City Council will consider vacating that street, avenue, alley, lane, or similar public way at its next regular meeting, or, if a special meeting is scheduled for the discussion, then the date, time, and place of that meeting.

(2) Consent; waiver. The City Council may have all the abutting property owners sign a form stating that they consent to the action being taken by the City Council and waive their right of access. The signing of this form shall have no effect on claims for special damages by the abutting
property owners but shall create the presumption that the City Council’s action was proper. If the abutting property owners do not sign the consent/waiver form, the City Council may still proceed with vacating the street, avenue, alley, lane, or similar public way under the authority granted by Neb. RS 17-558 and 17-559.

(3) **Ordinance.** The City Council shall pass an ordinance that includes essentially the following provisions:

(a) A declaration that the action is expedient for the public good or in the best interests of the city;

(b) A statement that the city will have an easement for maintaining all utilities; and

(c) A method or procedure for ascertaining special damages to abutting property owners.

(C) The Mayor shall appoint 3 or 5 or 7 disinterested residents of the city to a special commission to ascertain the amount of special damages that the abutting property owners are entitled to receive and which resulted from the City Council vacating the street, avenue, alley, lane, or similar public way. The appointees of the special commission shall be approved by the City Council. Only special damages shall be awarded to the abutting property owners.

(D) In determining the amount of compensation to award the abutting property owners as special damages, the commission shall use the following rule:

An abutting property owner is entitled to recover as compensation the difference between the value of the property immediately before and immediately after the vacating of the street, avenue, alley, lane, or similar public way. If no difference in value exists, the abutting property owner is entitled to no compensation.

(1992 Code, §8-319 and 8-320)

§94.70 **CROSSINGS.**

The City Council may order and cause to be constructed, under the supervision of the Street Superintendent, those street, avenue, and alley crossings as the City Council deems necessary. When a petition for the construction of any such crossings is filed by an interested resident in the office of the City Clerk, the City Clerk shall refer the application to the Street Superintendent, who shall investigate and make a recommendation to the City Council. Action by the City Council on the application, whether the application is approved or rejected, shall be considered final.

(1992 Code, §8-302)
§94.71 NAMES AND NUMBERS.

The City Council may at any time, by ordinance, rename any street or provide a name for any new street. Buildings used for residence or business purposes and located along those streets shall retain those numbers as the City Council may require. It shall be the duty of the Street Superintendent, upon the erection of any new building, to assign the proper numbers to the building and give notice to the owner and occupant of the same.

(1992 Code, §8-301) Penalty, see §10.99

§94.72 DRIVEWAY APPROACHES.

(A) The Street Superintendent may require the owner of property served by a driveway approach constructed or maintained upon the street right-of-way to repair or replace any such driveway approach which is cracked, broken, or otherwise deteriorated to the extent that it is causing or is likely to cause damage to or interfere with any street structure, including pavement or sidewalks.

(B) The City Clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of the owner or the agent of the owner, directing the repair or replacement of the driveway approach. If within 30 days of mailing the notice the property owner fails or neglects to cause the repairs or replacements to be made, the Street Superintendent may cause the work to be done and assess the cost upon the property served by the approach.


§94.73 EXCAVATION.

It shall be unlawful for any person to make an excavation in any street or streets for any purpose whatsoever unless a written permit is issued by the Street Superintendent authorizing those excavations.

(1992 Code, §8-304) Penalty, see §10.99

§94.74 DRIVING STAKES.

It shall be unlawful for any person to drive any peg or stake of any kind into the pavement in any street or alley without first procuring the written consent of the Street Superintendent.

(1992 Code, §8-305) Penalty, see §10.99

§94.75 MIXING CONCRETE.

It shall be unlawful for any person to mix any concrete or plastering material directly on the street pavement for any reason whatsoever.

(1992 Code, §8-306) Penalty, see §10.99
§94.76 HARMFUL LIQUIDS.

It shall be unlawful for any person to place or permit to leak in the gutter of any street any waste gasoline, kerosene, or high lubricating oils, which damage or act as a solvent upon the streets.
(1992 Code, §8-307) Penalty, see §10.99

§94.77 SNOW, DEBRIS, AND THE LIKE ON STREET PROHIBITED.

It shall be unlawful to place, push, or deposit snow, sleet, ice, or mud, or any debris, including leaves, grass, and branches, from private property onto the streets of the city.
Penalty, see §10.99
Statutory reference:
Authority to regulate, see Neb. RS 17-557

§94.78 CONSTRUCTION NOTICE.

The Street Superintendent shall notify the owners in fee simple of real estate abutting a street, alley, or a part thereof which is to be put under contract for paving or repaving. Notice shall also be given to all gas, electric service, and telephone companies. Notice shall also be given to all consumers of gas, water, and sewer services which will be discontinued during the construction. The notice shall be published 1 time in a legal newspaper at least 20 days prior to the beginning of construction by the party undertaking the construction, and the notice shall state at what date connections must be made and excavation completed. All gas, water, sewer, and underground connections must be made prior to the paving or repaving of the street under construction. After expiration of that time, permits for excavation will not be issued, nor will excavation be allowed, until after the completion of the pavement in that street or alley, and the formal final acceptance thereof by the proper officials of the city.
(1992 Code, §8-310)

§94.79 CONSTRUCTION ASSESSMENT.

To defray the costs and expenses of street improvements, as may be authorized by law, the City Council shall have power and authority to levy and collect special taxes and assessments upon the lots and pieces of ground adjacent to, abutting upon, or especially benefitting from the street, avenue, alley, or sidewalk in whole or in part opened, widened, curbed, curbed and guttered, graded, paved, repaired, graveled, macadamized, parked, extended, constructed, or otherwise improved or repaired. The City Council sitting as the Board of Equalization shall review all such improvements in accordance with the procedure provided by law. All special assessments shall be made by the City Council at a regular or special meeting by resolution, taking into account the benefits derived or injuries sustained in consequence of the improvements and the amount charged against same. The vote shall be recorded in the minutes. Notice of the time of holding the meeting and the purpose for which it is to be held shall be published in some legal newspaper published, or of general circulation, in the city at least 4 weeks
before the same shall be held. In lieu of the aforementioned notice, personal service may be had upon the persons owning or occupying the property to be assessed. Such assessments shall be known as “special assessments for improvements,” and with the cost of notice shall be levied and collected as a special tax in addition to the taxes for general revenue purposes, subject to the same penalties and collected in like manner as other city taxes, and shall be certified to the County Clerk by the City Clerk forthwith after the date of levy, for collection by the Treasurer of the county unless otherwise specified. After it shall become delinquent, the assessment shall draw interest at the legal interest rate per annum. In the event the property owner is a nonresident of the county in which the property lies, the city shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner. The last known address shall be that address listed on the current tax rolls at the time the required notice was first published.

(Neb. RS 17-511, 17-524, 19-2428 through 19-2431, and 45-104.01) (1992 Code, §8-312)

§94.80 IMPROVEMENT DISTRICTS; OBJECTIONS.

Whenever the City Council shall deem it necessary to make any improvements allowed by statute, the City Council shall by ordinance create a paving, graveling, or other improvement district or districts, and after the passage, approval, and publication or posting of that ordinance, shall publish notice of the creation of any such district or districts for 6 days in a legal newspaper of the city, if a daily newspaper, or for 2 consecutive weeks if the same be a weekly newspaper. If the owners of the record title representing more than 50% of the front footage of the property directly abutting on the street, streets, alley, or alleys to be improved shall file with the City Clerk, within 20 days after the first publication of that notice, written objections to the creation of the district or districts, the improvements shall not be made as provided in the ordinance, but the ordinance shall be repealed. If objections are not filed against the district in the time and manner stated above, the City Council shall forthwith cause the work to be done or the improvement to be made, and shall contract therefor, and shall levy assessments on the lots and parcels of land abutting on or adjacent to the street, streets, alley, or alleys especially benefitted thereby in the district in proportion to the benefits, to pay the cost of the improvement.

(Neb. RS 17-511) (1992 Code, §8-313)

§94.81 IMPROVEMENT OF STREETS ON CORPORATE LIMITS.

The Mayor and Council shall have the power to improve any street or part thereof which divides the city corporate area and the area adjoining the city. When creating an improvement district including land adjacent to the city, the Council shall have power to assess, to the extent of special benefits, the costs of the improvements upon the properties found especially benefitted thereby.

(Neb. RS 17-509) (1992 Code, §8-314)

§94.82 IMPROVEMENT OF MAIN THOROUGHFARES.

The Mayor and City Council shall have the power by a 3/4 vote of the City Council to create by
ordinance a paving, graveling, or other improvement district and to order that work done upon any federal or state highway in the city or upon a street or route designated by the Mayor and City Council as a main thoroughfare that connects, on both ends, to either a federal or state highway or a county road. The City Council shall contract therefor and shall have the power to assess, to the extent of special benefits, the costs of the improvements upon the properties found especially benefitted thereby. (Neb. RS 17-512) (1992 Code, §8-315)

§94.83 PETITION FOR IMPROVEMENTS.

Whenever a petition signed by the owners of record title representing more than 60% of the front footage of the property directly abutting upon the street, streets, alley, alleys, public way, or the public grounds proposed to be improved shall be presented and filed with the City Clerk, petitioning therefor, the City Council shall by ordinance create a paving, graveling, or other improvement district or districts, and shall cause the work to be done or the improvement to be made, and shall contract therefor, and shall levy assessments on the lots and parcels of land abutting on or adjacent to the street, streets, alley, or alleys especially benefitted thereby in the district in proportion to the benefits, to pay the cost of the improvement. The City Council shall have the discretion to deny the formation of the proposed district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the City Council should deny a requested improvement district formation, it shall state the grounds for the denial in a written letter to interested parties. (Neb. RS 17-510) (1992 Code, §8-316)

§94.84 DEFERRAL FROM SPECIAL ASSESSMENTS.

(A) Whenever the City Council creates an improvement district as specified in §94.13 which includes land adjacent to the city which is within an agricultural use zone and is used exclusively for agricultural use, the owners of record title of that adjacent land may apply for a deferral from special assessments. For purposes of this section, the terms agricultural use and agricultural use zone shall have the meaning specified in Neb. RS 77-1343.

(B) Any owner of record title eligible for the deferral granted by this section shall, to secure the assessment, make application to the City Council within 90 days after creation of an improvement district as specified in §94.14. Any owner of record title who makes application for the deferral provided by this section shall notify the County Register of Deeds of the application in writing prior to approval by the City Council. The City Council shall approve the application of any owner of record title upon determination that the property:

(1) Is within an agricultural use zone and is used exclusively for agricultural use; and

(2) The owner has met the requirements of this section.

(C) The deferral provided for in this section shall be terminated upon any of the following events:

(1) Notification by the owner of record title to the City Council to remove the deferral;
(2) Sale or transfer to a new owner who does not make a new application within 60 days of the sale or transfer, except as provided in division (C)(3) of this section;

(3) Transfer by reason of death of a former owner to a new owner who does not make application within 125 days of the transfer;

(4) The land is no longer being used as agricultural land; or

(5) Change of zoning to other than an agricultural zone.

(D) Whenever property which has received a deferral pursuant to this section becomes disqualified for that deferral, the owner of record title of the property shall pay to the city an amount equal to:

(1) The total amount of special assessments which would have been assessed against the property, to the extent of special benefits, had the deferral not been granted; and

(2) Interest upon the special assessments not paid each year at the rate of 6% from the dates at which the assessments would have been payable if no deferral had been granted.

(E) In cases where the deferral provided by this section is terminated as a result of a sale or transfer described in division (C)(2) or (C)(3) of this section, the lien for assessments and interest shall attach as of the day preceding the sale or transfer.


**§94.99 PENALTY.**

(A) Any person who violates any provisions of this chapter for which no other specific penalty is provided shall be subject to the provisions of §10.99.

(B) Any person who shall violate the provisions of §94.55 shall be liable to prosecution and upon conviction thereof shall be liable to a fine that shall not exceed $500. Each day of violation shall be a separate violation.

(Ord. 654, passed 10-7-2009)
CHAPTER 95: ANIMALS

Section

General Provisions

95.01 Definitions
95.02 Running at large
95.03 Wild animals
95.04 Killing, poisoning, and injuring
95.05 Enclosures
95.06 Abandonment, neglect, and mistreatment
95.07 Equine; bovine; prohibited acts
95.08 Pitting
95.09 Impoundment
95.10 Officer's compensation
95.11 Interference with police
95.12 Miniature pigs; licensing; regulations

Rabies

95.20 Definitions
95.21 Vaccination required; cost; exemptions
95.22 Seizure by authority; confinement by owner; testing
95.23 Domestic animal bitten by rabid animal
95.24 Animal pound; impoundment; release; fees
95.25 Proclamation of danger
95.26 Enforcement

Dogs

95.40 License and tax required; exemption; tags
95.41 Collar or harness required
95.42 Removal of collar, harness, or tags
95.43 Liability of owner
95.44 Barking and chasing; complaints
95.45 Dangerous dogs
95.46 Animal Warden; interference prohibited
95.47 Vicious dogs
95.48 Number of dogs restricted; kennels
95.49 License application; false statements

95.99 Penalty
GENERAL PROVISIONS

§95.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any vertebrate member of the animal kingdom other than an uncaptured wild creature.

ANIMAL CONTROL OFFICER. Any person authorized by law or employed or appointed for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing, control, seizure, or impoundment of animals.

OWNER. Any person who owns, possesses, keeps, harbors, or has charge, custody, or control of an animal or permits an animal to habitually remain or be lodged or fed within his or her house, store, building, enclosure, yard, lot, grounds, or premises. OWNER does not include any veterinarian or kennel operator temporarily maintaining on his or her premises an animal owned by another person for not more than 30 days.

RUN AT LARGE. Not being under the actual control of the owner by means of:

(a) A leash, cord, chain, or other suitable means of physical restraint which is securely fastened or tethered in a manner sufficient to keep the animal on the premises where tethered;

(b) A leash, cord, chain, or other suitable means of physical restraint of 6 feet or less in length physically held by the owner;

(c) Being confined within a cage, receptacle, enclosed vehicle, fenced enclosure, or shelter; or

(d) Being within the real property limits of the owner and in the owner's presence and under direct and effective voice or other control.

(1992 Code, §6-101)
§95.02 RUNNING AT LARGE.

It shall be unlawful for the owner, keeper or harborer of any animal, or any person having the charge, custody, or control thereof, to permit a horse, mule, cow, sheep, goat, swine, or other animal to be driven or run at large on any of the public ways and property, or upon the property of another, or to be tethered or staked out in such a manner so as to allow such animal to reach or pass into any public way. Provided, this section shall not be construed to prohibit the herding, driving, or running at large of an animal or animals on public ways when prior approval of the City Council has been granted, and is part of a parade, festival, community celebration, fair, or community activity.
(1992 Code, §6-201) (Am. Ord. 674, passed 7-20-2011) Penalty, see §95.99

Statutory reference:
Authority, see Neb. RS 17-547

§95.03 WILD ANIMALS.

No wild animals may be kept within the corporate limits except wild animals kept for exhibition purposes by circuses and educational institutions.
(1992 Code, §6-202) Penalty, see §95.99

§95.04 KILLING, POISONING, AND INJURING.

It shall be unlawful for any person to kill, administer or cause to be administered poison of any sort to, or in any manner injure, maim, or destroy or attempt to injure, maim, or destroy any animal or to place any poison or poisoned food where it is accessible to an animal, except that:

(A) This section shall not apply to any law enforcement officer or animal control officer acting within his or her power and duty;

(B) This section shall not apply if the animal is vicious, dangerous, or showing characteristics of rabies and cannot be captured without danger to the persons attempting to effect a capture of the animal; and

(C) Any owner of a dog that he or she wishes to be destroyed may place the dog in an animal pound or shelter or with a licensed veterinarian to be humanely destroyed and disposed of according to the provisions in this chapter or other provisions of law.
Penalty, see §95.99
(1992 Code, §6-112)
§95.05 ENCLOSURES.

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 enclosure is located. Penalty, see §95.99

§95.06 ABANDONMENT, NEGLECT, AND MISTREATMENT.

(A) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDON.** To leave any animal in one’s care, whether as owner or custodian, for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health.

**ANIMAL.** Any vertebrate member of the animal kingdom. **ANIMAL** does not include an uncaptured wild creature or a livestock animal as defined in this section.

**BOVINE.** A cow, an ox, or a bison.

**CRUELLY MISTREAT.** To knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal.

**CRUELLY NEGLECT.** To fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health.

**HUMANE KILLING.** The destruction of an animal by a method which causes the animal a minimum of pain and suffering.

**LAW ENFORCEMENT OFFICER.** Any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of the city or any other city or village, or any other public official authorized by the city or any other city or village to enforce state or local animal control laws, rules, regulations, or ordinances.

**LIVESTOCK ANIMAL.** Any bovine, equine, swine, sheep, goats, domesticated cervine animals, ratite birds, or poultry.

(Neb. RS 28-1008) (1992 Code, §6-205)

(B) Enforcement powers; immunity.

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

(2) Any law enforcement officer who has reason to believe that an animal has been
abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed in Neb. RS 29-422 to 29-429.

(3) Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence.
(Neb. RS 28-1012)

(C) Violation. A person who intentionally, knowingly, or recklessly abandons, cruelly neglects, or cruelly mistreats an animal is guilty of an offense.
(Neb. RS 28-1009) (1992 Code, §6-207) Penalty, see §95.99
Statutory reference:
Authority to prohibit cruelty to animals, see Neb. RS 17-138
Serious illness or injury to animal; death of animal; felony, see Neb. RS 28-1008 and 28-1009
Exemptions, see Neb. RS 28-1013

§95.07 EQUIINE; BOVINE; PROHIBITED ACTS.

(A) (1) No person shall intentionally trip or cause to fall, or lasso or rope the legs of, any equine by any means for the purpose of entertainment, sport, practice, or contest.

(2) The intentional tripping or causing to fall, or lassoing or roping the legs of, any equine by any means for the purpose of entertainment, sport, practice, or contest shall not be considered a commonly accepted practice occurring in conjunction with sanctioned rodeos, animal racing, or pulling contests.
(Neb. RS 54-911)

(B) (1) No person shall intentionally trip, cause to fall, or drag any bovine by its tail by any means for the purpose of entertainment, sport, practice, or contest.

(2) The intentional tripping, causing to fall, or dragging of any bovine by its tail by any means for the purpose of entertainment, sport, practice, or contest shall not be considered a commonly accepted practice occurring in conjunction with sanctioned rodeos, animal racing, or pulling contests.
(Neb. RS 54-912) Penalty, see §95.99
Statutory reference:
Livestock Animal Welfare Act, see Neb. RS 54-907 through 54-912

§95.08 PITTING.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEARBAITING. The pitting of any animal against a bear.

COCKFIGHTING. The pitting of a fowl against another fowl.
DOGFIGHTING. The pitting of a dog against another dog.

PITTING. Bringing animals together in combat.

(B) (1) No person shall knowingly:

(a) Promote, engage in, or be employed at dogfighting, cockfighting, bearbaiting, or pitting an animal against another;

(b) Receive money for the admission of another person to a place kept for such purpose;

(c) Own, use, train, sell, or possess an animal for such purpose; or

(d) Permit any act as described in this division (B)(1) to occur on any premises owned or controlled by him or her.

(2) No person shall knowingly and willingly be present at and witness as a spectator dogfighting, cockfighting, bearbaiting, or the pitting of an animal against another as prohibited in division (B)(1) of this section.

(C) (1) No person shall knowingly or intentionally own or possess animal fighting paraphernalia with the intent to commit a violation of this section.

(2) (a) For purposes of this section, except as provided in subdivision (C)(2)(b) of this subsection, ANIMAL FIGHTING PARAPHERNALIA means equipment, products, and materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of the pitting of an animal against another as defined in division (A) of this section. ANIMAL FIGHTING PARAPHERNALIA includes, but is not limited to, the following:

(i) A breaking stick, which means a device designed for insertion behind the molars of a dog for the purpose of breaking the dog’s grip on another animal or object;

(ii) A cat mill, which means a device that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit, or other small animal beyond the grasp of the dog;

(iii) A treadmill, which means an exercise device consisting of an endless belt on which the animal walks or runs without changing place;

(iv) A fighting pit, which means a walled area designed to contain an animal fight;
(v) A springpole, which means a biting surface attached to a stretchable device, suspended at a height sufficient to prevent a dog from reaching the biting surface while touching the ground;

(vi) A heel, which means any edged or pointed instrument designed to be attached to the leg of a fowl;

(vii) A boxing glove or muff, which means a fitted protective covering for the spurs of a fowl; and

(viii) Any other instrument commonly used in the furtherance of pitting an animal against another.

(b) **ANIMAL FIGHTING PARAPHERNALIA** does not include equipment, products, or materials of any kind used by a veterinarian licensed to practice veterinary medicine and surgery in this state.

(3) Any person violating division (C)(1) of this section is guilty of a Class I misdemeanor.


§95.09 IMPOUNDMENT.

(A) This section shall apply to the impoundment of animals to which §95.24 does not apply.

(B) Any animal found in violation of the provisions of this chapter shall be impounded. All impounded domestic animals shall be given proper care, treatment, and maintenance.

(C) Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound.

(D) Each impounded domestic animal shall be kept and maintained at the pound for a period of not less than 5 days after public notice has been given unless reclaimed earlier by the owner. The owner may reclaim the animal during the period of impoundment by payment of any general impoundment and daily board fees set by resolution of the City Council and on file in the office of the City Clerk, except that in addition, an unusual or other nondomesticated or wild animal shall only be released upon condition that the owner shall immediately remove the animal from the city or destroy it. A diseased animal may be released upon a determination that the health and safety of the public is no longer threatened. The owner of any released animal shall be required to comply with any licensing and rabies vaccination requirements applicable to such animal within 72 hours after release.
(E) If the animal is unclaimed at the end of required waiting period after public notice has been given, the animal control officer may destroy and dispose of the animal in a humane manner in accordance with applicable rules and regulations, except that if in the judgment of the officer a suitable home can be found for the animal, the animal shall be turned over to the person who can provide such home and the new owner shall be required to pay all fees and meet all applicable licensing and vaccinating requirements. The city shall acquire legal title to any unlicensed dog or any other animal impounded in the animal shelter for a period longer than the required waiting period after giving notice. The owner of the animal shall remain liable for payment of the fees established by the City Council.

Statutory reference:
Authority to establish pens and pounds, see Neb. RS 17-548 and 71-4408
Authority to impound and sell animals, see Neb. RS 17-526 and 17-547

§95.10 OFFICER'S COMPENSATION.

If the City Council so provides, any official appointed or designated to destroy and dispose of animals under the provisions of this chapter shall be paid, in addition to his or her regular salary or other compensation, the sum set by the Council for each animal so destroyed and disposed of.

Statutory reference:
Authority to compensate keeper of pound, see Neb. RS 17-548

§95.11 INTERFERENCE WITH POLICE.

It shall be unlawful for any person to hinder, delay, or interfere with any police officer or animal control officer who is performing any duty enjoined upon that person by the provisions of this chapter 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 any other vehicle used for the collecting or conveying of animals to the shelter.

(1992 Code, §6-111)

§95.12 MINIATURE PIGS; LICENSING; REGULATIONS.

(A) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MINIATURE PIG. Any registered purebred miniature Vietnamese potbelly pig, or other similar registered purebred miniature pig that does not exceed 100 pounds.

(B) No more than 2 miniature pigs shall be allowed per household.

(C) Any person, group of persons, or corporation owning, keeping, or harboring 1 or more miniature pigs shall confine within a building or secure enclosure the miniature pigs and shall not take a miniature pig out of the building or secure enclosure unless that pig is under restraint, and shall not permit a pig to be at large, off the premises or property of the owner, unless under the control of a
competent person.

(D) No person shall own, keep, or harbor any miniature pig within the city limits unless the miniature pig is licensed as herein provided. Written application for this license shall be made to the City Clerk, and shall state the name and address of the owner and a description of the miniature pig including age and sex of the pig. In addition, the applicant shall present to the City Clerk a certificate of immunization against pseudo-rabies or a certificate indicating that the miniature pig does not have pseudo-rabies signed by a licensed veterinarian showing a brief description of the pig, the name of the owner, and the date of the vaccination or certification that the pig does not have pseudo-rabies. Upon furnishing the written application, the required veterinarian’s certificate, and the payment of the license fee, a receipt shall be given to the applicant and a metallic tag shall be issued to the owner. This metallic tag shall be worn by the miniature pig at all times that the miniature pig is not confined within the house of the owner of the miniature pig.

(E) The yearly license fee shall be $2 for each miniature pig over the age of 3 months. Miniature pigs 3 months or older shall be licensed as provided by the ordinances of the city.

(F) All licenses shall be issued for 1 year beginning the first day of May. Applications for licenses may be made prior to and for 30 days after the start of the licensing year has lapsed, or after the miniature pig has attained the age of 3 months, whichever is later, the applicant shall be assessed a penalty of $1 which amount shall be added and collected with the regular license fee for each miniature pig.

(G) Miniature pigs found running at large and unlicensed shall be taken up by the Animal Warden and impounded and confined in a humane manner for a period of not less than 72 hours, and may thereafter be destroyed in a humane manner, if not claimed by their owners. The Animal Warden may transfer title to miniature pigs held by the Animal Warden after 72 hours have expired and the animal has not been claimed by its owner. When a miniature pig is found running at large and its ownership is known to the Animal Warden, the pig need not be impounded, but the Animal Warden may, at his or her discretion, cite the owner of the miniature pig to appear in court to answer to charges of violation of this chapter.

(1992 Code, §6-203) Penalty, see §95.99

RABIES

§95.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAT. A cat which is a household pet.

DEPARTMENT. The state Department of Health and Human Services.
DOMESTIC ANIMAL. Any dog or cat.

HYBRID ANIMAL. Any animal which is the product of the breeding of a domestic dog with a nondomestic canine species.

OWN. To possess, keep, harbor, or have control of, charge of, or custody of a domestic or hybrid animal. This term does not apply to domestic or hybrid animals owned by other persons which are temporarily maintained on the premises of a veterinarian or kennel operator for a period of not more than 30 days.

OWNER. Any person possessing, keeping, harboring, or having charge or control of any domestic or hybrid animal or permitting any domestic animal to habitually be or remain on or be lodged or fed within the person's house, yard, or premises. This term does not apply to veterinarians or kennel operators temporarily maintaining on their premises domestic or hybrid animals owned by other persons for a period of not more than 30 days.

RABIES CONTROL AUTHORITY. City health and law enforcement officials who shall enforce the provisions of this subchapter relating to the vaccination and impoundment of domestic or hybrid animals. Such public officials shall not be responsible for any accident or disease of a domestic or hybrid animal resulting from the enforcement of such sections.

VACCINATION AGAINST RABIES. The inoculation of a domestic or hybrid animal with a rabies vaccine as approved by the rules and regulations adopted and promulgated by the department. The vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine in the state. (Neb. RS 71-4401)

§95.21 VACCINATION REQUIRED; COST; EXEMPTIONS.

(A) Every domestic animal in the city shall be vaccinated against rabies with a licensed vaccine and revaccinated at intervals specified by rules and regulations adopted and promulgated by the department. Young domestic animals shall be initially vaccinated at the age specified in the rules and regulations. Unvaccinated domestic animals acquired or moved into the city shall be vaccinated within 30 days after purchase or arrival unless under the age for initial vaccination.

(B) (1) Except as provided in division (B)(3) of this section, every hybrid animal in the city shall be vaccinated against rabies and shall be revaccinated at intervals specified by rules and regulations adopted and promulgated by the department. A young hybrid animal shall be initially vaccinated at the age specified in such rules and regulations. An unvaccinated hybrid animal acquired or moved into the city shall be vaccinated within 30 after purchase or arrival unless under the age for initial vaccination.

(2) The rabies vaccine used to vaccinate a hybrid animal pursuant to this section shall be sold only to licensed veterinarians.
(3) An owner of a hybrid animal in the city prior to the date of development of a licensed vaccine determined scientifically to be reliable in preventing rabies in a hybrid animal shall have one year after such date to comply with this section.
(Neb. RS 71-4402)

(C) The cost of rabies vaccination shall be borne by the owner of the domestic or hybrid animal.
(Neb. RS 71-4404)

(D) (1) The provisions of this subchapter with respect to vaccination shall not apply to any domestic or hybrid animal owned by a person temporarily remaining within the city for less than 30 days, to any domestic or hybrid animal brought into the city for field trial or show purposes, or to any domestic or hybrid animal brought into the city for hunting purposes for a period of less than 30 days. Such domestic or hybrid animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any domestic or hybrid animal into the city which does not comply with the animal health laws and import rules and regulations of the state which are applicable to domestic or hybrid animals.

(2) Domestic or hybrid animals assigned to a research institution or a similar facility shall be exempt from this subchapter.
(Neb. RS 71-4405) Penalty, see §95.99

§95.22 SEIZURE BY AUTHORITY; CONFINEMENT BY OWNER; TESTING.

(A) (1) Any animal which is owned by a person and has bitten any person or caused an abrasion of the skin of any person shall be seized by the rabies control authority for a period of not less than 10 days if:

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

(b) The animal is not vaccinated and is a dog, cat, or another animal of a species determined by the department to be a rabid species; or

(c) The animal is of a species which has been determined by the department to be a rabid species not amenable to rabies protection by immunization, whether or not the animal has been vaccinated.

(2) If, after observation and examination by a veterinarian, at the end of the 10-day period the animal shows no clinical signs of rabies, the animal may be released to its owner.

(B) (1) Except as provided in division (B)(2) of this section, whenever any person has been bitten or has an abrasion of the skin caused by an animal owned by another person, which animal has been vaccinated in accordance with §95.21, or if such an injury to a person is caused by an owned dog, cat, or other animal determined by the department to be a rabid species amenable to rabies protection by immunization which has been vaccinated, the animal shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least 10 days and shall
be observed and examined by a veterinarian at the end of the 10-day period. If no clinical signs of rabies are found by the veterinarian, the animal may be released from confinement.

(2) A vaccinated animal owned by a law enforcement or governmental military agency which bites or causes an abrasion of the skin of any person during training or the performance of the animal's duties may be confined as provided in division (B)(1) of this section. The agency shall maintain ownership of and shall control and supervise the actions of the animal for a period of 15 days following the injury. If during such period the death of the animal occurs for any reason, a veterinarian shall within 24 hours of the death examine the tissues of the animal for clinical signs of rabies.

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

(Neb. RS 71-4406) (1992 Code, §6-116) Penalty, see §95.99

§95.23 DOMESTIC ANIMAL BITTEN BY RABID ANIMAL.

In the case of domestic or hybrid animals known to have been bitten by a rabid animal, the following rules shall apply:

(A) If the bitten or exposed domestic or hybrid animal has not been vaccinated in accordance with §95.21, the bitten or exposed domestic or hybrid animal shall be immediately destroyed unless the owner is willing to place the domestic or hybrid animal in strict isolation in a kennel under veterinary supervision for a period of not less than 6 months; and

(B) If the bitten or exposed domestic or hybrid animal has been vaccinated in accordance with §95.21, the domestic or hybrid animal shall be subject to the following procedure:

(1) The domestic or hybrid animal shall be immediately revaccinated and confined for a period of not less than 30 days following vaccination;

(2) If the domestic or hybrid animal is not immediately revaccinated, the domestic or hybrid animal shall be confined in strict isolation in a kennel for a period of not less than 6 months under the supervision of a veterinarian; or

(3) The domestic or hybrid animal shall be destroyed if the owner does not comply with either division (B)(1) or (2) of this section.

(Neb. RS 71-4407) Penalty, see §95.99
§95.24 ANIMAL POUND; IMPOUNDMENT; RELEASE; FEES.

(A) (1) The rabies control authority may authorize an animal pound or pounds or may enter into a cooperative agreement with a licensed veterinarian for the establishment and operation of a pound.

(2) Any dog or hybrid of the family Canidae found outside the owner's premises whose owner does not possess a valid certificate of rabies vaccination and valid rabies vaccination tag for the dog or hybrid of the family Canidae shall be impounded. The rabies control authority may require the impoundment of domestic or hybrid animals other than dogs or hybrid of the family Canidae. All impounded domestic or hybrid animals shall be given proper care, treatment, and maintenance. Each impounded domestic or hybrid animal shall be kept and maintained at the pound for a period of not less than 72 hours unless reclaimed earlier by the owner.

(3) Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated domestic or hybrid animal may be reclaimed by its owner during the period of impoundment by payment of prescribed pound fees and by complying with the rabies vaccination requirement of this subchapter within 72 hours of release. Any vaccinated domestic or hybrid animal impounded because its owner has not presented a valid certificate of rabies vaccination and a valid rabies vaccination tag for the domestic or hybrid animal may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

(4) At the expiration of impoundment a domestic or hybrid animal may be claimed by payment of established pound fees and by compliance with the rabies vaccination requirement of this subchapter within 72 hours of release. If the domestic or hybrid animal is unclaimed at the end of 5 days, the authorities may dispose of the domestic or hybrid animal in accordance with applicable laws or rules and regulations.
(Neb. RS 71-4408)

(B) Impoundment fees shall be paid by the owner. Fees for impoundment at public facilities shall be established by the rabies control authority.
(Neb. RS 71-4411)

§95.25 PROCLAMATION OF DANGER.

Whenever in its opinion the danger to the public safety from a species of rabid animals is great or imminent, the City Council shall issue a proclamation ordering all owners of any such species to muzzle the animal or to confine it for a period of not less than 30 days or more than 90 days from the date of the proclamation or until the danger is passed. The animal may be harbored by any good and sufficient means in a house, garage, or yard on the premises on which the owner may reside. Upon issuance of a proclamation, all owners of any such species shall muzzle or confine the animal as provided in this section.
(1992 Code, §6-108) Penalty, see §95.99
§95.26 ENFORCEMENT.

(A) When the owner of any domestic or hybrid animal or other animal fails or refuses to comply with §95.22 or 95.23, the rabies control authority shall obtain an order for seizure of the animal pursuant to Neb. RS Chapter 29, article 8.
(Neb. RS 71-4410)

(B) In the city, all ordinances, codes, or rules and regulations concerning the control of rabies or the vaccination of domestic or hybrid animals against rabies shall be enforced by the city health and law enforcement officials or those other officers with regulatory authority as specified by the City Council.
(Neb. RS 71-4412)

DOGS

§95.40 LICENSE AND TAX REQUIRED; EXEMPTION; TAGS.

(A) Any owner of a dog over the age of 6 months within the city shall, within 30 days after acquisition of the dog, acquire a license for the dog annually by or before the May 1 of each year. Licenses shall be issued by the City Clerk upon payment of a license tax in the amount established by the City Council, plus the $1 fee required under Neb. RS 54-603(3). It shall be unlawful for the owner of a dog to wrongfully and knowingly license an unspayed female dog as a male or spayed female dog if the Council has established different license taxes for such dogs.

(B) The tax shall be delinquent from and after May 10. The owner of any dog brought into or harbored within the corporate limits subsequent to May 1 of any year shall be liable for payment of the dog tax, and such tax shall be delinquent if not paid within 10 days thereafter. The license shall not be transferable, and no refund will be allowed in case of death, sale, or other disposition of the licensed dog.

(C) The owner shall state, at the time the application is made and upon printed forms provided for such purpose, his or her name and address and the name, breed, color, and sex of each dog owned by him or her. A certificate of rabies vaccination, effective for the ensuing year of the license, shall be presented when application for a license is made, and no license or tag shall be issued until the certificate is shown.

(D) Every service animal shall be licensed as required by this section, but no license tax shall be charged. Upon the retirement or discontinuance of the animal as a service animal, the owner of the animal shall be liable for the payment of the required license tax.
(Neb. RS 54-603)
(E) (1) Upon the payment of the license tax, the Clerk shall issue to the owner of the dog a license certificate and a metallic tag, which shall be valid until April 30 following such licensing. The Clerk shall issue tags of a suitable design that are different in appearance each year.

(2) The metallic tag and the rabies tag shall be properly attached to the collar or harness of the dog. It shall be unlawful for the owner of any dog to permit or allow such dog to wear any licensing identification other than the metallic tag issued by the Clerk.

(3) If a license tag is lost, upon satisfactory evidence that the original tag was issued in accordance with the provisions of this section, the Clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee established by the City Council for each duplicate or new tag so issued.

(F) All license taxes, fees, and other collections shall be credited to the general fund of the city, except as otherwise provided by Neb. RS 54-603.

(1992 Code, §6-104, 6-105) Penalty, see §95.99

Statutory reference:
Authority to impose license tax, require rabies certificate, and destroy unlicensed dogs, see Neb. RS 17-526, 54-603, and 71-4412

**§95.41 COLLAR OR HARNESS REQUIRED.**

(A) It shall be the duty of every owner of a dog to securely place upon the neck of the dog a good and sufficient collar with a metallic plate thereon. The plate shall be plainly inscribed with the name of the owner.

(Neb. RS 54-605)

(B) The owner of a dog may use a harness instead of a collar as long as the harness meets all other requirements of division (A) of this section.

Penalty, see §95.99

**§95.42 REMOVAL OF COLLAR, HARNESS, OR TAGS.**

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

(1992 Code, §6-115) Penalty, see §95.99
§95.43 LIABILITY OF OWNER.

It shall be unlawful for the owner to allow a dog to injure or destroy any real or personal property of any description belonging to another person. The owner of the dog, in addition to the usual judgment upon conviction, may be made to be liable to the person injured in an amount equal to the value of the damage sustained.

(1992 Code, §6-114) Penalty, see §95.99

Statutory reference:
Authority to guard against injuries or annoyances, see Neb. RS 17-526
Statutory liability for damages, see Neb. RS 54-601, 54-602, and 54-606

§95.44 BARKING AND CHASING; COMPLAINTS.

(A) It shall be unlawful for the owner to allow a dog to annoy or disturb any neighborhood or person by loud, continued, or frequent barking, howling, or yelping or to habitually bark at or chase pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the city.

(B) Upon the written complaint of 2 or more affected persons from different households, filed within any 30-day period with the City Clerk or animal control officer, that any dog owned by the person named in the complaint is an annoyance or disturbance, or otherwise violates the provisions of this section, the city police or animal control officer shall investigate the complaint and, if in his or her opinion the situation warrants, notify the owner to silence and restrain the dog.

(C) The provisions of this section shall not be construed to apply to any city animal shelter.


Statutory reference:
Authority to guard against annoyances, see Neb. RS 17-526

§95.45 DANGEROUS DOGS.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL AUTHORITY. An entity authorized to enforce the animal control laws of the city, and includes any local law enforcement agency or other agency designated by the city to enforce the animal control laws of the city.

ANIMAL CONTROL OFFICER. Any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of this section or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.
**DANGEROUS DOG.**

(a) Any dog that, according to the records of the animal control authority:
   (i) Has killed a human being;

   (ii) Has inflicted injury on a human being that requires medical treatment;

   (iii) Has killed a domestic animal without provocation; or

   (iii) Has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice of such determination from an animal control authority or an animal control officer, and the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

(b) A dog shall not be defined as a **DANGEROUS DOG** if the individual was tormenting, abusing, or assaulting the dog at the time of the injury or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog.

(c) A dog shall not be defined as a **DANGEROUS DOG** if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass as defined in Neb. RS 20-203, 28-520, or 28-521, was committing any other tort upon the property of the owner of the dog, was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(d) A dog shall not be defined as a **DANGEROUS DOG** if the dog is a police animal as defined in Neb. RS 28-1008.

**DOMESTIC ANIMAL.** A cat, a dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit.

**MEDICAL TREATMENT.** Treatment administered by a physician or other licensed health care professional that results in sutures or surgery or treatment for one or more broken bones.

**OWNER.** Any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog.

**POTENTIALLY DANGEROUS DOG.**

(a) Any dog that when unprovoked:

   (i) Inflicts an injury on a human being that does not require medical treatment; or

   (ii) Injures a domestic animal; or

   (iii) Chases or approaches a person upon streets, sidewalks, or any public grounds in
a menacing fashion or apparent attitude of attack.

(b) Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

(Neb. RS 54-617)  (1992 Code, §6-121)

(B) (1) A dangerous dog that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within 30 days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog. Written proof of both procedures and the microchip identification number shall be provided to the animal control authority after the procedures are completed.

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

(3) Except as provided in division (B)(4) of this section or for a reasonable veterinary purpose, no owner of a dangerous dog shall transport such dog or permit such dog to be transported to another county, city, or village in this state.

(4) An owner of a dangerous dog may transport such dog or permit such dog to be transported to another county, city, or village in this state for the purpose of permanent relocation of the owner if the owner has obtained written permission prior to such relocation from the animal control authority of the county, city, or village in which the owner resides and from the county, city, or village in which the owner will reside. Each animal control authority may grant such permission based upon a reasonable evaluation of both the owner and the dog, including if the owner has complied with the laws of this state and of the county, city, or village in which he or she resides with regard to dangerous dogs after the dog was declared dangerous. An animal control authority shall not grant permission under this section if the county, city, or village has an ordinance or resolution prohibiting the relocation of dangerous dogs. After the permanent relocation, the animal control authority of the county, city, or village in which the owner resides shall monitor the owner and such dog for a period of at least 30 days but not to exceed 90 days to ensure the owner's compliance with the laws of this state and of such county, city, or village with regard to dangerous dogs. Nothing in this division shall permit the rescindment of the declaration of dangerous dog.

(Neb. RS 54-618)  (1992 Code, §6-122)

(C) (1) No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog without such dog being confined so as to protect the public from injury.

(2) While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at least one foot. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of a dangerous dog shall post warning signs on the property where the dog is kept that are
Animals

clearly visible from all areas of public access and that inform persons that a dangerous dog is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background. (Neb. RS 54-619) (1992 Code, §6-123)

(D) Failure to comply.

(1) Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this section. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this section. (Neb. RS 54-620)

(2) In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner. (Neb. RS 54-621) (1992 Code, §6-124)

(E) (1) Any owner whose dangerous dog inflicts on a human being a serious bodily injury as defined in Neb. RS 28-109 is guilty of a Class I misdemeanor for the first offense, whether or not the same dangerous dog is involved.

(2) It is a defense to a violation of division (E)(1) of this section that the dangerous dog was, at the time of the infliction of the serious bodily injury, in the custody of or under the direct control of a person other than the owner or the owner’s immediate family. (Neb. RS 54-622.01)

(F) Effect of prior conviction. If a dangerous dog of an owner with a prior conviction under this section attacks or bites a human being or domestic animal, in addition to any other penalty, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. (Neb. RS 54-623)

Statutory reference:

Owner felony liability; serious bodily injury second offense, see Neb. RS 54-622.01
Prior conviction; ownership of dangerous dog prohibited for ten years after, see Neb. RS 54-623

§95.46 ANIMAL WARDEN; INTERFERENCE PROHIBITED.

(A) The Mayor may appoint an Animal Warden and give him or her the authority of a police officer under the supervision of the City Council, to be responsible for the enforcement of all dog regulations as well as other stray animals. He or she shall operate the animal shelter and all fees collected by him or her shall be turned over to the Treasurer. In the absence of such an appointment the Chief of Police shall serve as Animal Warden.
(1992 Code, §6-102)

(B) It shall be unlawful for any person to hinder, delay, or interfere with the Animal Warden while performing any duty enjoined upon him or her by the provisions of this chapter.

(Neb. RS 28-906) (1992 Code, §6-103)
Penalty, see §95.99

§95.47 VICIOUS 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, without that dog being securely held by a chain. If any vicious or dangerous dog is allowed to run at large, the city police shall have the authority to put the dog to death. A new violation shall be deemed to have been committed every 24 hours of failure to comply.


§95.48 NUMBER OF DOGS RESTRICTED; KENNELS.

(A) Number of dogs restricted. No residence within any residential area of the city, unless licensed as a kennel, shall be allowed to have more than 4 dogs over the age of 9 months on the premises. The residence shall include the entire tract with common ownership, regardless of the number of lots or the area of the tract. All adults residing at any residence with a dog shall have the joint and several responsibility for the compliance with the licensing requirements. The person licensing the dog shall fill out the licensing form and shall present proof that the dog has received the vaccinations required by resolution.

(B) Kennels. A person or entity may operate a kennel within the city, provided:

(1) Each dog over 9 months of age is kept in a separate enclosure;

(2) Each dog has access to a separate area that is sheltered from the weather;

(3) The kennel is kept in a clean and sanitary condition and all animal waste is removed from the premises on at least a daily basis;

(4) All dogs must have the vaccinations required for licensing dogs;

(5) The person or entity operating a kennel obtains a kennel license having an annual license as provided by resolution; and

(6) The kennel license shall authorize the licensee to keep up to 10 dogs over 9 months of age on the licensed premises. The City Council may grant a waiver of the maximum number of dogs set forth in this division.

(Ord. 498, passed 5-16-1995) Penalty, see §95.99
§95.49 LICENSE APPLICATION; FALSE STATEMENTS.

It shall be unlawful for any person to make a false statement or to falsely represent any facts in any application for a dog license.

(1992 Code, §6-107) Penalty, see §95.99

§95.99 PENALTY.

(A) Any violation of this chapter for which no other penalty is prescribed shall be punishable as set forth in §10.99 of this code.

(B) (1) Any person who shall violate or refuse to comply with the enforcement of §95.02 shall be liable for a civil monetary penalty in the amount of $100 together with the costs of the action.

(2) Any person who has, within 90 days, twice violated or refused to comply with the enforcement, as adjudged by a court of competent jurisdiction, shall be liable for a civil monetary penalty in the amount of $250 together with the costs of the action.


(C) Any person who shall violate or refuse to comply with the enforcement of §95.45 shall be liable for a civil monetary penalty in the amount of $500 together with the costs of the action.


(D) (1) Any person who shall violate or refuse to comply with the enforcement of §95.47 shall be liable for a civil monetary penalty in the amount of $250 together with the costs of the action.

(2) Any person who has, within 365 days, twice violated or refused to comply with the enforcement, as adjudged by a court of competent jurisdiction shall be liable for a civil monetary penalty in the amount of $500 together with the costs of the action.


(E) (1) Any person who shall violate or refuse to comply with the enforcement of §95.44 shall be liable for a civil monetary penalty in the amount of $50 together with the costs of the action.

(2) Any person who has twice violated or refused to comply with the enforcement within 365 days, as adjudged by a court of competent jurisdiction, shall be liable for a civil monetary penalty in the amount of $100 together with the costs of the action.

(3) Any person who has 3 times violated or refused to comply with the enforcement within 365 days, as adjudged by a court of competent jurisdiction, shall be liable for a civil monetary penalty in the amount of $200 together with the costs of the action.

CHAPTER 96: TREE BOARD; TREES

Section

General Provisions

96.01 Definitions
96.02 City Tree Board

Trees

96.15 Tree species list
96.16 Distances and clearances for planting public trees
96.17 Public tree care
96.18 Public tree topping
96.19 Street tree clearance
96.20 Removal of dead public trees
96.21 Interference with Tree Board; right of access
96.22 Tree service registration

GENERAL PROVISIONS

§96.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK TREES. Trees in public parks or other city property.

PRIVATE TREES. All trees within city boundaries but not owned by the city.

PUBLIC TREES. All street and park trees and other trees owned by the city.

STREET TREES. Trees on land lying between the property lines on either side of all streets and avenues within the city.

(1992 Code, §2-109)
§96.02 CITY TREE BOARD.

(A) Establishment. There is hereby created and established a City Tree Board for this city, which shall consist of 3 members, citizens and residents of this city, who shall be appointed by the Mayor with the approval of the City Council.

(1992 Code, §2-110)

(B) Term of office; compensation. The term of the 3 persons to be appointed by the Mayor shall be 3 years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the remaining term. The initial Board shall consist of 1 member being appointed for 1 year, 1 member being appointed for 2 years, and 1 member being appointed for 3 years. Members of the Tree Board shall serve without compensation.

(1992 Code, §2-111)

(C) Duties and responsibilities; operation. It shall be the responsibility of the Tree Board to develop and administer an active comprehensive city tree program. The Tree Board, when requested by the City Council, shall consider, investigate, make finding, report, and recommend upon any special matter or question relating to trees. The Tree Board shall choose its own officers, make its own rules and regulations, and keep minutes of its proceedings. The minutes shall be filed with the City Clerk. A majority of the members shall be a quorum for the transaction of business.

(1992 Code, §2-112)

TREES

§96.15 TREE SPECIES LIST.

The city shall maintain a list of recommended trees for planting in public areas. The purpose of this list will be to maintain diversity in the total tree population. This list shall be available to residents of the city to aid in the selection of trees for private and public properties. The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest.

(1992 Code, §2-113)

§96.16 DISTANCES AND CLEARANCES FOR PLANTING PUBLIC TREES.

(A) Trees may be planted in the tree lawn where there are at least 6 feet between the edge of the sidewalk and the curb of the street. Trees shall be planted no closer than 3 feet from a sidewalk, driveway, or street.

(B) No tree shall be planted closer than 35 feet from any street corner, measured from the point of the nearest intersection of curbs or curb lines.
(C) No tree shall be planted closer than 10 feet from any fireplug.

(D) No trees other than small trees recommended per the tree species list under §96.15 herein may be planted under or within 10 lateral feet of any overhead utility line, nor over or within 5 lateral feet of any underground utility line.

(E) The spacing of trees will be in accordance with the 2 species size classes recommended per the tree species list under §96.15 herein, and no trees may be planted closer together than 20 feet for small trees and 40 feet for large trees.

(1992 Code, §2-114) Penalty, see §10.99

§96.17 PUBLIC TREE CARE.

(A) The city shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the right-of-way or bounds of all public parks as may be necessary to ensure the public safety.

(B) The city may remove any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to electric power lines or other public improvements, or is seriously affected with any fatal disease.

(1992 Code, §2-115)

§96.18 PUBLIC TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the trees. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Tree Board.


§96.19 STREET TREE CLEARANCE.

Clearance over streets and walkways shall be the responsibility of the abutting property owner. A clearance of 10 feet must be maintained over walkways, and a clearance of 15 feet must be maintained over streets and alleys. Property owners are responsible for trees on their own property as well as trees on the public way that abuts their property.

(1992 Code, §2-117) Penalty, see §10.99
§96.20 REMOVAL OF DEAD PUBLIC TREES.

The city shall have the right to cause to be removed any dead public tree. Removal is the responsibility of the city.
(1992 Code, §2-118)

§96.21 INTERFERENCE WITH TREE BOARD; RIGHT OF ACCESS.

(A) It shall be unlawful for any person to prevent, delay, or interfere with the Tree Board or any of its representatives or agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any public trees.

(B) It shall be unlawful for any person to prevent, delay, or interfere with the access to private property by the city or its representative in the legal performance of any section of this chapter.
(1992 Code, §2-119) Penalty, see §10.99

§96.22 TREE SERVICE REGISTRATION.

Persons or firms engaged in the business or occupation of pruning, treating, or removing any street tree, park tree, or other privately owned tree must be registered at the City Office. Criteria for registration includes physical evidence of liability insurance, worker’s compensation, and a valid EPA certified pesticide applicator license number. No registration shall be required by any public employee doing this work in the pursuit of their public service endeavors.
(1992 Code, §2-120) Penalty, see §10.99
CHAPTER 97: FAIR HOUSING

Section

97.01 Public policy
97.02 Definitions
97.03 Discriminatory practices
97.04 Commission established; membership
97.05 Complaint procedures
97.06 State law
97.07 Time limit for complaint

§97.01 PUBLIC POLICY.

It is hereby declared that discriminatory practices as defined in §97.03 are against the public policy of the city.
(1992 Code, §10-901)

§97.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGRIEVED PERSON. A bona fide resident of the city, including persons who have accepted employment in the city, and students admitted to educational programs in the city, who is acting in good faith in his or her attempt to provide himself or herself or his or her family with housing in the city. When the Fair Housing Commission finds a person has acted in bad faith, the person cannot invoke the provisions of this chapter in any subsequent proceeding.

DISCRIMINATE. To make distinctions in treatment.

PERSON. Includes any individual, firm, partnership, or corporation.
(1992 Code, §10-902)
§97.03 DISCRIMINATORY PRACTICES.

(A) It shall be a discriminatory practice:

(1) For any person having the right, responsibility, or authority to sell, rent, lease, assign, or sublease any dwelling unit, commercial unit, or real property, or any part or portion thereof or interest therein, to refuse to sell, rent, lease, assign, or sublease any dwelling unit, commercial unit, real property, or part or portions thereof or interest therein, to any person because of the race, color, creed, religion, sex, or national origin of that person;

(2) For any person having the right, responsibility, or authority to sell, rent, lease, assign, or sublease any dwelling unit, commercial unit, or real property, or any part or portion thereof or interest therein, to impose upon any person because of the race, color, creed, religion, sex, or national origin of that person unusual, extraordinarily onerous terms, conditions, or privileges in the sale, rental, leasing, assignment, or subleasing of any dwelling unit, commercial unit, or real property, or any part or portion thereof or interest therein;

(3) For any person having the right, responsibility, or authority to sell, rent, lease, assign, or sublease any dwelling unit, commercial unit, or real property, or any part or portion thereof or interest therein, to directly or indirectly advertise, or in any manner indicate or publicize that the purchase, rental, lease, sublease, or assignment, listing, showing, or the lending of funds in connection with any dwelling unit, commercial unit, real property, or any part or portion thereof or interest therein, by persons of any particular race, color, creed, religion, sex, or national origin is unwelcome, objectionable, not acceptable, or not solicited;

(4) For any person engaged in lending money, guaranteeing loans, accepting mortgages, or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair, or maintenance of any dwelling unit, commercial unit, or real property, or any part or portion thereof or interest therein, to discriminate because of race, color, creed, religion, sex, or national origin of any person applying for loans or guarantees or mortgages in lending money, guaranteeing loans, accepting mortgages, or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair, or maintenance of any dwelling unit, commercial unit, or real property, or any part or portion thereof or interest therein, or to place unusual, extraordinary, onerous rates of interest, terms, or conditions on the lending of that money, the guaranteeing of those loans, the acceptance of those mortgages, or the availability of those funds;

(5) For any person to discriminate in furnishing any facilities or services to any dwelling unit, commercial unit, real property, or part or portion thereof, because of the race, color, creed, religion, sex, or national origin of any person making application for those facilities or services;

(6) For any person in the real estate business in any capacity whatsoever to discriminate in the selling, renting, leasing, assigning, or subleasing of any dwelling unit, commercial unit, real property, or any part or portion thereof or interest therein, to any person because of race, color, creed, religion, sex, or national origin of any person, that any dwelling unit, commercial unit, real property, or any part or portion thereof or interest therein is not available for inspection, sale, rental, lease, assignment, or sublease; or otherwise to deny or withhold any dwelling unit, commercial unit, real
property, or any part or portion thereof or interest therein, to any person because of race, color, creed, religion, sex, or national origin of that person;

(7) For any person to include in any sale, rental, lease, assignment, or sublease of any dwelling unit, commercial unit, or real property, or any part or portion thereof or interest therein, as a condition of the transaction, that the purchaser, renter, tenant, occupant, or assignee agree not to sell, rent, lease, assign, or sublease the dwelling unit, commercial unit, or real property, or part or portion thereof or interest therein, to any person because of race, color, creed, religion, sex, or national origin of that person;

(8) For any person to discriminate against another person in any of the rights protected under the provisions of this chapter because that person complies with the provisions of this chapter or has opposed any practice forbidden under this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter; or

(9) For any person to aid, abet, incite, compel, coerce, cooperate, or participate in the doing of any act declared to be a discriminatory practice under the provisions of this chapter, or to obstruct or prevent compliance with the provisions of this chapter or any proceedings of the Fair Housing Commission pursuant to this chapter, or to attempt directly or indirectly to commit any act declared by this chapter to be a discriminatory practice.

(B) The provisions of this chapter and particularly this section shall not apply to the following:

(1) Any bona fide religious institution with respect to any qualifications it may impose based upon religion, when those qualifications are related to bona fide religious purpose;

(2) A rental or leasing of a housing accommodation in a building which contained housing accommodations for not more than 2 families living independently of each other, if the owner or members of his or her family reside in 1 of those housing units; or

(3) The rental or leasing to less than 7 persons within a single housing accommodation by the occupant or owner of the housing accommodation if he or she or members of his or her family reside therein.

(1992 Code, §10-903) Penalty, see §10.99

§97.04 COMMISSION ESTABLISHED; MEMBERSHIP.

There is hereby established the Fair Housing Commission which shall consist of 5 members appointed by the Mayor with the advice and consent of the City Council. Appointments shall take into consideration the various racial, religious, cultural, and social groups and geographical areas within the city insofar as may be practicable. The term of appointment shall be 3 years from the first meeting in December of the year in which the appointment is made, except that for the purpose of maintaining an appropriate staggering of terms, the Mayor may prescribe a shorter term for any appointment or reappointment. In the event that a vacancy occurs in the membership of the Board by death, resignation, or otherwise prior to the normal expiration of the appointee’s term, the Mayor, with the
approval of the City Board, shall appoint a person to serve out the remainder of the unexpired term. Any member or all members of the Commission may be removed from office at any time by the Mayor with the approval of the City Council. No person shall serve on the Commission for more than 6 years. (1992 Code, §10-904)

§97.05 COMPLAINT PROCEDURES.

(A) Purpose. In order to ensure that the rights of all parties will be adequately protected, the following procedures have been formulated for the filing, investigating, and hearing of complaints involving discrimination. These procedures are designed to ensure all parties concerned an adequate and fair opportunity to present their case.

(B) Complaints. In the event any person is alleged to have committed an act of discrimination, any aggrieved person may file a sworn complaint in writing with the secretary of the Fair Housing Commission. The complaint shall set out the name or names of the person or persons alleged to have committed the act of discrimination, the statement of the act, and the time and place of the commission of the act.

(C) Investigation and conciliation. The Fair Housing Commission of the city, sitting in executive session, shall consider each complaint and in each instance where a 2/3 majority of the members of the Commission are of the opinion that an act of discrimination under the provisions of this chapter may have been committed, it shall appoint a committee of 1 or more members of the Commission to call upon the person alleged to have committed the act of discrimination (hereinafter referred to as respondent) and attempt to determine whether or not such an act has in fact been committed, and to effect conciliation between the parties in the event a discriminatory act has been committed, and to obtain commitments designed to prevent the recurrence of the matter complained of. In the event that the committee is successful in effecting conciliation between the parties and becomes convinced that no discriminatory act was committed, the complaint and all proceedings by the Commission and the committee shall be and remain confidential; and any disclosure thereof except as hereinafter authorized, by the secretary or any member of the Commission, shall be grounds for removal from office. The Commission may, however, publish results of its work in official reports omitting the names of the parties and any factual items which would identify the parties.

(D) Waiting period. Before a public hearing is held, under division (E) below, a 30-day period of time shall pass in an attempt to effect a reconciliation.

(E) Public hearing. In the event the respondent refuses to meet with the committee selected by the Fair Housing Commission, or conciliation and the obtaining of the commitments against recurrence fails, the committee shall so report the matter to the Fair Housing Commission, at which time the Mayor may fix a time and place for public hearing on the complaint. The Commission shall serve upon the respondent a written statement of the charges made in the complaint and a written notice of the time and place of the hearing. The hearing shall be held not less than 20 days after the service of the statement of charges. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person or to be represented by an attorney, and to examine and cross-examine witnesses. The hearing shall not be conducted following the strict rules of evidence prevailing
in courts of law, except that the respondent shall have the right to confront any and all witnesses against him or her and the right to refuse to testify against himself or herself. All testimony taken at the hearing shall be under oath. If, upon all the evidence presented, the Commission finds that the respondent has committed an act of discrimination, the Commission shall set forth its findings of fact and shall issue and cause to be served upon the respondent such orders as the Commission deems just and equitable.

(F) *Enforcement.* In the event the respondent fails to comply with any order issued by the Commission, the Commission shall certify the matter to the City Council for appropriate action including enforcement proceedings in the District Court.

(1992 Code, §10-905)

§97.06 STATE LAW.

Nothing in this chapter shall diminish or restrict the city, the Commission, or any person exercising the rights provided for and the procedures set out in Neb. RS 20-101 *et seq.*, and the Commission or the City Council may at any stage of the proceedings provided for herein decline to take further action and refer the matter to the State Equal Opportunity Commission.

(1992 Code, §10-906)

§97.07 TIME LIMIT FOR COMPLAINT.

No action shall be brought under the provisions of this chapter unless the written complaint shall have been filed within 30 days of the commission of the alleged offense.

(1992 Code, §10-907)
CHAPTER 98: ABANDONED AND WRECKED VEHICLES

Section

98.01 Title
98.02 Definitions
98.03 Storage prohibited; exceptions
98.04 Notice to remove
98.05 Responsibility for removal
98.06 Notice procedure
98.07 Notice content
98.08 Request for hearing
98.09 Hearing procedure
98.10 Removal by city
98.11 Notice of removal
98.12 Disposition of removed vehicles
98.13 Notice of public sale; content
98.14 Public sale; certificate
98.15 Redemption of impounded vehicles
98.16 Liability of owner or occupant
98.99 Penalty

§98.01 TITLE.

This chapter shall be known and may be cited as the “Abandoned, Wrecked, Dismantled, or Inoperative Motor Vehicle Chapter.”
(1992 Code, §4-601)

§98.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHIEF OF POLICE. The Chief of Police of the city.
JUNKED MOTOR VEHICLE. Any motor vehicle, as defined by this section, which does not have lawfully affixed thereto an unexpired license plate or plates, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

MOTOR VEHICLE. Any vehicle which is self-propelled and designed to travel along the ground, including, but not limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, campers, and trailers.

PERSON. Any person, firm, partnership, association, corporation, company, or organization of any kind.

PRIVATE PROPERTY. Any real property within the city and the zoning jurisdiction which is privately owned which is not public property as defined in this section.

PUBLIC PROPERTY. Any street or highway, which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also any other publicly owned property or facility.

(1992 Code, §4-602)

§98.03 STORAGE PROHIBITED; EXCEPTIONS.

No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not upon any public or private property within the city or its zoning jurisdiction for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled vehicle or parts thereof, on private or public property, is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise lawfully licensed by the city and property operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways.

(1992 Code, §4-603) Penalty, see §98.99

§98.04 NOTICE TO REMOVE.

Whenever it comes to the attention of the Chief of Police that any nuisance as defined in §98.03 of this code exists in the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his or her agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in §98.06.

(1992 Code, §4-604)
§98.05 RESPONSIBILITY FOR REMOVAL.

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, or either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the private property where same is located shall be liable for the expenses incurred.
(1992 Code, §4-605) Penalty, see §98.99

§98.06 NOTICE PROCEDURE.

The Chief of Police of the city shall give notice of removal to the owner or occupant of the private property where it is located, at least 10 days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his or her last known address.
(1992 Code, §4-606)

§98.07 NOTICE CONTENT.

The notice shall contain the request for removal within the time specified in §98.06, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake the removal with the cost of removal to be levied against the owner or occupant of the property.
(1992 Code, §4-607)

§98.08 REQUEST FOR HEARING.

The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the City Council or the City Clerk, if so designated by the City Council, within the 10-day period of compliance prescribed in §98.06 for the purpose of defending the charges by the city.
(1992 Code, §4-608)

§98.09 HEARING PROCEDURE.

The hearing shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least 10 days in advance thereof. At any such hearing the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.
(1992 Code, §4-609)
§98.10 REMOVAL BY CITY.

If the violation described in the notice has not been remedied within the 10-day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the City Council or the City Clerk as its designee, the Chief of Police or his or her designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. (1992 Code, §4-610) Penalty, see §98.99

§98.11 NOTICE OF REMOVAL.

Within 48 hours of the removal of the vehicle, the Chief of Police shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that the vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle, or vehicles, is stored and the costs incurred by the city for removal. (1992 Code, §4-611)

§98.12 DISPOSITION OF REMOVED VEHICLES.

Upon removing a vehicle under the provisions of §98.10, the city shall after 10 days cause it to be appraised. If the vehicle is appraised at $75 or less, the Chief of Police shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The Chief of Police, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over $75, the Chief of Police shall give notice of public sale not less than 10 days before the date of the proposed sale. (1992 Code, §4-612)

§98.13 NOTICE OF PUBLIC SALE; CONTENT.

The notice of sale shall state:

(A) The sale is of abandoned property in the possession of the city;

(B) A description of the vehicle, including make, model, license number, and any other information which will accurately identify the vehicle;

(C) The terms of the sale; and

(D) The date, time, and place of the sale. (1992 Code, §4-613)
§98.14 PUBLIC SALE; CERTIFICATE.

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale in duplicate, the original of which to be given to the purchaser, and the copy thereof to be filed with the City Clerk. Should the sale for any reason be invalid, the city’s liability shall be limited to the return of the purchase price.
(1992 Code, §4-614)

§98.15 REDEMPTION OF IMPOUNDED VEHICLES.

The owner of any vehicle seized under the provisions of this chapter may redeem the vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Chief of Police of such sum as he or she may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, not to exceed $10 plus $5 per day for storage for each vehicle redeemed.
(1992 Code, §4-615)

§98.16 LIABILITY OF OWNER OR OCCUPANT.

Upon the failure of the owner or occupant of property on which abandoned vehicles have been removed by the city to pay the unrecovered expenses incurred by the city in that removal, a lien shall be placed upon the property for the amount of the expenses.

§98.99 PENALTY.

(A) Any violation of this chapter for which no other penalty is prescribed shall be punishable as set forth in §10.99 of this code.

(B) Any person who shall violate or refuse to comply with the enforcement of any provisions of this chapter shall be liable for a civil monetary penalty in the amount of $100, together with the costs of the action. A new violation shall be deemed to have been committed every 24 hours of failure to comply. Any person who has twice violated or refused to comply with the enforcement of any of the provisions of this chapter within 180 days, as adjudged by a court of competent jurisdiction, shall be liable for a civil monetary penalty in the amount of $500, together with the costs of the action.
TITLE XI: BUSINESS REGULATIONS

Chapter

110. BUSINESS LICENSING

111. ALCOHOLIC BEVERAGES

112. PEDDLERS AND SOLICITORS

113. AMUSEMENTS

114. LOTTERY

115. RAILROAD COMPANIES

116. FOOD SERVICE
CHAPTER 110: BUSINESS LICENSING

Section

General Provisions

110.01 Sale of water or electricity

Building Contractors; Registration

110.20 Definition
110.21 Registration required
110.22 Notice
110.23 Compliance required
110.24 Revocation; procedure
110.25 Appeal
110.26 Violations

GENERAL PROVISIONS

§110.01 SALE OF WATER OR ELECTRICITY.

(A) Commencing November 1, 2003, there is hereby levied upon every person, firm, partnership, corporation, municipality, or association engaged in the business of offering or providing water or electricity to the public in the city an occupation tax of 4% on the gross receipts resulting from the sale of water or electricity.

(B) On or before the last day of each and every month, any company providing water or electricity shall pay to the city 4% of the gross receipts as provided in division (A) herein from the preceding month as an occupation tax. All deferred payments shall draw interest at the rate of 1% per month. After default for 6 months, a penalty of 5% shall be added in addition to the interest charges.

(C) All companies providing electricity or water on the last day of each month shall submit to the City Treasurer a full, complete, and detailed statement of the income and gross receipts for the sale of water and electricity. All businesses of this type shall at any reasonable times during business hours permit the city, through its officers, agents, or representatives, to inspect the books and records of any such business for the purpose of verifying the report or reports.
(D) The occupation taxes levied and provided for by this section shall be paid to the City Treasurer, who shall, upon payment thereof, give a receipt, properly dated, and specifying the person paying the same, and the amount thereof, and the time for which the same takes effect. The Treasurer shall keep a record of the receipts so issued.

(E) It is hereby made the duty of any person, firm, partnership, corporation, municipality, or association desiring to exercise, carry on, or engage in any occupation within the provisions of this section to pay to the City Treasurer the amounts specified for the occupation tax, as provided for in this chapter. The amount of the occupation tax shall be due and payable to the City Treasurer immediately after the person shall begin business in any occupation within the provisions of this section.

(F) The City Attorney may bring suit in the name of the city against any person, corporation, firm, partnership, municipality, or association in any court of competent jurisdiction for the amount of the tax levied by this section upon the failure of that person, corporation, firm, partnership, municipality, or association to pay the same as provided.

(Ord. 613, passed 10-21-2003) Penalty, see §10.99

§110.20 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

BUILDING CONTRACTOR. An individual or other legal entity engaged in the business of contracting with an owner or with another building contractor to provide labor for the construction, alteration, repair or improvement of buildings or other structures, including sidewalks and streets. An employee of a building contractor who does not directly contract with an owner or another building contractor is not a building contractor within this definition.

(Ord. 670, passed 3-2-2011)

§110.21 REGISTRATION REQUIRED.

(A) It shall be unlawful for anyone to engage in the business of a building contractor within the city or its zoning jurisdiction without having first registered with the city as follows:

(B) The City Administrator or the city employee designated by the City Administrator may register building contractors to do business in the city or its zoning jurisdiction. Before registering a contractor, the City Administrator or his or her designee will require the building contractor to complete an application to:

(1) Furnish references;
(2) Describe the general nature of the work the applicant proposes to do;

(3) Describe the applicant’s experience;

(4) Identify the employees of the applicant;

(5) Describe any liability insurance insuring the applicant (such insurance is not required);

(6) Describe whether a license to conduct business as a building contractor has been revoked or suspended by any other jurisdiction, and if so, to fully describe the circumstances; and

(7) State the applicant’s business and residence addresses, and telephone numbers, including cell phones if any.

(C) Upon the applicant’s furnishing the required information on an application and paying a fee in the amount of $25 per year for the initial registration, and $15 per year to renew such registration, the applicant shall be registered unless the City Administrator or the designee of the City Administrator articulates written reasons why, for reasons associated with the competence or integrity of the applicant, it is not in the best interest of the city that applicant be registered. The applicant shall either be registered or shall be sent a written explanation why the applicant will not be registered within 14 days after the date of application.

(D) Such registration will be valid for 1 calendar year after the date of issuance, after which time it will expire without further notice to the registrant. Upon application for renewal of such registration, the applicant will advise the City Administrator or the designee of the City Administrator in writing if any statement in the original application is no longer accurate.

(Ord. 670, passed 3-2-2011) Penalty, see §10.99

§110.22 NOTICE.

In the event of a change of address, the City Administrator shall be notified in writing of any such change. Any notice required by this chapter to be sent to an applicant or building contractor shall be properly given if sent by regular U.S. mail to the address shown on the application or, in the event the City Administrator has been given written notice of a change of address, to such changed address. Notice may also be given in any other manner reasonably calculated to give the recipient of the notice actual knowledge of its contents.

(Ord. 670, passed 3-2-2011)
§110.23 COMPLIANCE REQUIRED.

All building contractors shall comply with all applicable provisions of this code and all building codes adopted by the city, and shall comply with all lawful orders given by employees of the city. All building contractors shall be responsible to insure that their employees comply with the provisions of this section.
(Ord. 670, passed 3-2-2011)

§110.24 REVOCATION; PROCEDURE.

Any registration issued or granted to a building contractor may be revoked by the City Administrator or the designee of the City Administrator in writing upon a showing of good cause after notice and a hearing. Good cause for revocation shall include but not be limited to:

(A) Falsification of information on the application for registration; and

(B) Any improper construction practice that endangers life or property.
(Ord. 670, passed 3-2-2011)

§110.25 APPEAL.

If registration is denied or revoked by a designee of the City Administrator, the applicant may appeal to the City Clerk by filing a notice of appeal with the City Clerk within 14 days of the revocation or denial. The City Clerk, after an appropriate hearing in which the Nebraska Rules of Evidence shall not apply, may affirm or reverse the decision denying or revoking the registration. The hearing shall be de novo. Evidence shall not be restricted to the evidence presented to the City Administrator or designee, and the City Clerk shall owe no deference to the decision of the City Administrator or designee. If registration was denied or revoked by the City Clerk, any appeal shall be to an appropriate court.
(Ord. 670, passed 3-2-2011)

§110.26 VIOLATIONS.

Any person who falsifies information on an application for a building contractor registration, or who violates any provision of §110.20 through 110.25 shall be guilty of violating this code and shall be subject to the penalty as set forth in §10.99.
(Ord. 670, passed 3-2-2011)
CHAPTER 111: ALCOHOLIC BEVERAGES

Section

General Provisions

111.01 Definitions
111.02 Sale or gift to minor or mentally incompetent person prohibited
111.03 Consumption in public places or places open to the public; restrictions
111.04 Removal of intoxicated persons from public or quasi-public property

Licenses Required

111.20 Manufacture, sale, delivery, and possession; general prohibitions; exceptions
111.21 Acquisition and possession; restrictions
111.22 Licensee requirements
111.23 Licenses; city powers and duties
111.24 Licensed premises; inspections
111.25 License renewal; city powers and duties
111.26 Catering licenses
111.27 Display of license
111.28 Owner of premises or agent; liability
111.29 Licensee; liability for acts of officer, agent, or employee
111.30 Citizen complaints

Retail Establishments

111.45 Location
111.46 Access to dwellings
111.47 Sanitary conditions
111.48 Hours of sale
111.49 Credit sales prohibited
111.50 Original package required
111.51 Minor’s presence restricted
111.52 Keg sales; requirements; prohibited acts
GENERAL PROVISIONS

§111.01 DEFINITIONS.

For purposes of this chapter, the definitions found in Neb. RS 53-103.01 through 53-103.42 shall be used.

§111.02 SALE OR GIFT TO MINOR OR MENTALLY INCOMPETENT PERSON PROHIBITED.

No person shall sell, furnish, give away, dispose of, exchange, or deliver, or permit the sale, gift, or procuring of any alcoholic liquors, to or for any minor or to any person who is mentally incompetent.
(Neb. RS 53-180) Penalty, see §10.99
Statutory reference:
Authority, see Neb. RS 17-135

§111.03 CONSUMPTION IN PUBLIC PLACES OR PLACES OPEN TO THE PUBLIC; RESTRICTIONS.

(A) Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. RS 53-186(2) or as provided in Neb. RS 60-6,211.08, it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property.
(Neb. RS 53-186)

(B) It is unlawful for any person owning, operating, managing, or conducting any dance hall, restaurant, café, or club or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises except as permitted by a license issued for such premises pursuant to the Nebraska Liquor Control Act. It is unlawful for any person to consume alcoholic liquor in any dance hall, restaurant, café, or club or any place open to the general public except as permitted by a license issued for such premises pursuant to the Act. This division does not apply to a retail licensee while lawfully engaged in the catering of alcoholic beverages or to limousines or buses operated under Neb. RS 60-6,211.08.
(Neb. RS 53-186.01)

§111.04 REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY.

(A) Any law enforcement officer with the power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others, or who is otherwise incapacitated, from any public or quasi-public property. An officer removing an intoxicated
person from public or quasi-public property shall make a reasonable effort to take the intoxicated person to his or her home or to place the person in any hospital, clinic, alcoholism center, or with a medical doctor as may be necessary to preserve life or to prevent injury. The effort at placement shall be deemed reasonable if the officer contacts such facilities or doctor which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If these efforts are unsuccessful or are not feasible, the officer may then place the intoxicated person in civil protective custody, except that civil protective custody shall be used only as long as is necessary to preserve life or to prevent injury, and under no circumstances longer than 24 hours.

(B) The placement of the person in civil protective custody shall be recorded at the facility or jail at which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to the person designated by the person taken into civil protective custody.

(C) The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for these actions.

(D) The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(E) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PROPERTY. Any public right-of-way, street, highway, alley, park, or other state, county, or city-owned property.

QUASI-PUBLIC PROPERTY. Private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.

(Neb. RS 53-1,121) Penalty, see §10.99

LICENSES REQUIRED

§111.20 MANUFACTURE, SALE, DELIVERY, AND POSSESSION; GENERAL PROHIBITIONS; EXCEPTIONS.

(A) No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes except as specifically provided in this chapter and the Nebraska Liquor Control Act.

(B) Nothing in this chapter shall prevent:
(1) The possession of alcoholic liquor legally obtained as provided in this chapter or the Act for the personal use of the possessor and his or her family or guests;

(2) The making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains, or the product thereof, by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests;

(3) Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of that hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in the compounding of prescriptions of licensed physicians;

(4) The possession and dispensation of alcoholic liquor by an authorized representative of any religion on the premises of a place of worship, for the purpose of conducting any bona fide religious rite, ritual, or ceremony;

(5) Persons who are 16 years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor;

(6) Persons who are 16 years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment;

(7) Persons who are 16 years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; or

(8) Persons who are 19 years old or older from serving or selling alcoholic liquor in the course of their employment.

Penalty, see §10.99

§111.21 ACQUISITION AND POSSESSION; RESTRICTIONS.

(A) It shall be unlawful for any person to purchase, receive, acquire, accept, or possess any alcoholic liquor acquired from any other person other than one duly licensed to handle alcoholic liquor under this chapter and the Nebraska Liquor Control Act unless within specific exemptions or exceptions provided in this chapter or the Act.

(Neb. RS 53-175)

(B) It shall be unlawful for any person to transport, import, bring, ship, or cause to be transported, imported, brought, or shipped into this state for the personal use of the possessor, his or her family, or guests a quantity of alcoholic liquor in excess of 9 liters in any 1 calendar month.

(Neb. RS 53-194.03)

Penalty, see §10.99
§111.22 LICENSEE REQUIREMENTS.

(A) No license shall be issued to:

(1) A person who is not a resident of this state, except in case of railroad, airline, or boat licenses;

(2) A person who is not of good character and reputation in the community in which he or she resides;

(3) A person who is not a citizen of the United States;

(4) A person who has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States;

(5) A person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant Neb. RS Chapter 28, art. 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state, except that any additional requirements imposed by this division on May 18, 1983, shall not prevent any person holding a license on that date from retaining or renewing that license if the conviction or plea occurred prior to May 18, 1983;

(6) A person whose license issued under the Nebraska Liquor Control Act has been revoked for cause;

(7) A person who at the time of application for renewal of any license issued under the Act would not be eligible for that license upon initial application;

(8) A partnership, unless 1 of the partners is a resident of this state and unless all the members of that partnership are otherwise qualified to obtain a license;

(9) A limited liability company, unless 1 of the members is a resident of this state and unless all the members of that company are otherwise qualified to obtain a license;

(10) A corporation, if any officer or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of that corporation would be ineligible to receive a license under this section for any reason other than the reasons stated in divisions (A)(1) and (A)(3) of this section, or if a manager of a corporate licensee would be ineligible to receive a license under this section for any reason. This division shall not apply to railroad licenses;

(11) A person whose place of business is conducted by a manager or agent, unless that manager or agent possesses the same qualifications required of the licensee;

(12) A person who does not own the premises for which a license is sought or does not have a lease or combination of leases on the premises for the full period for which the license is to be issued;

(13) Except as provided in this division, an applicant whose spouse is ineligible under this
section to receive and hold a liquor license. Such an applicant shall become eligible for a liquor license only if the Nebraska Liquor Control Commission finds from the evidence that the public interest will not be infringed upon if the license is granted. It shall be prima facie evidence that when a spouse is ineligible to receive a liquor license, the applicant is also ineligible to receive a liquor license. This prima facie evidence shall be overcome if it is shown to the satisfaction of the Commission:

(a) The licensed business will be the sole property of the applicant; and

(b) The licensed premises will be properly operated.

(14) A person seeking a license for premises which do not meet standards for fire safety as established by the State Fire Marshal;

(15) A law enforcement officer, except that this division shall not prohibit a law enforcement officer from holding membership in any nonprofit organization holding a liquor license or from participating in any manner in the management or administration of a nonprofit organization; or

(16) A person less than 21 years of age.

(B) When a trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or person who is mentally incompetent.

(Neb. RS 53-125)

§111.23 LICENSES; CITY POWERS AND DUTIES.

(A) The City Council is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, craft brewery, and microdistillery licensees carried on within the corporate limits of the city.

(Neb. RS 53-134.03)

(B) During the period of 45 days after the date of receipt by mail or electronic delivery from the Nebraska Liquor Control Commission notice and a copy of an application for a new license to sell alcoholic liquor at retail, a craft brewery license, or a microdistillery license, the City Council may make and submit to the Commission recommendations relative to the granting or refusal to grant the license to the applicant.

(Neb. RS 53-131)

(C) The City Council, with respect to licenses within the corporate limits of the city, has the following powers, functions, and duties with respect to retail, craft brewery, and microdistillery licenses:

(1) To cancel or revoke for cause retail, craft brewery, or microdistillery licenses to sell or dispense alcoholic liquor issued to persons for premises within its jurisdiction, subject to the right of appeal to the Nebraska Liquor Control Commission;
(2) To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation adopted by the City Council has been or is being violated, and at that time examine the premises of the licensee in connection with such determination. Any law enforcement officer who determines that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation adopted by the local governing body has been or is being violated shall report such violation in writing to the Executive Director of the Commission:

(a) Within 30 days after determining that such violation has occurred;

(b) Within 30 days after the conclusion of an ongoing police investigation; or

(c) Within 30 days after the verdict in a prosecution related to such an ongoing police investigation if the prosecuting attorney determines that reporting such violation prior to the verdict would jeopardize such prosecution, whichever is later;

(3) To receive a signed complaint from any citizen within its jurisdiction that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon these complaints in the manner provided in the Act;

(4) To receive retail, craft brewery, and microdistillery license fees as provided in Neb. RS 53-124 and 53-124.01 and pay the same, after the license has been delivered to the applicant, to the City Treasurer;

(5) To examine or cause to be examined any applicant or any retail, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the Act, to examine or cause to be examined the books and records of any applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the City Council may authorize its agent or attorney to act on its behalf;

(6) To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in §111.30, it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. The order of cancellation or revocation may be appealed to the Commission within 30 days after the date of the order by filing a notice of appeal with the Commission. The Commission shall handle the appeal in the manner provided for hearing on an application in Neb. RS 53-133; and

(7) Upon receipt from the Commission of the notice and copy of application as provided in Neb. RS 53-131, to fix a time and place for a hearing at which the City Council shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of the hearing shall be published in a legal
newspaper in or of general circulation in the city, 1 time not less than 7 and not more than 14 days before the time of the hearing. The notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the City Council in support of or in protest against the issuance of the license may do so at the time of the hearing. The hearing shall be held not more than 45 days after the date of receipt of the notice from the Commission, and after the hearing the City Council shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of the license. The City Clerk shall mail to the Commission by first class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the Commission. If the Commission refuses to issue such a license, the cost of publication of notice shall be paid by the Commission from the security for costs.
(Neb. RS 53-134)

(D) (1) When the Nebraska Liquor Control Commission mails or delivers to the City Clerk a retail, craft brewery, or microdistillery license issued or renewed by the Commission, the Clerk shall deliver the license to the licensee upon receipt from the licensee of proof of payment of:

(a) The license fee if by the terms of Neb. RS 53-124 the fee is payable to the City Treasurer;

(b) Any fee for publication of notice of hearing before the City Council upon the application for the license;

(c) The fee for publication of notice of renewal, if applicable, as provided in Neb. RS 53-135.01; and

(d) Occupation taxes, if any, imposed by the city.

(2) Notwithstanding any ordinance or charter power to the contrary, the city shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the city in any sum which exceeds 2 times the amount of the license fee required to be paid under the Act to obtain that license.
(Neb. RS 53-132)

§111.24 LICENSED PREMISES; INSPECTIONS.

The City Council shall cause frequent inspection to be made on the premises of all retail licensees. If it is found that any such licensee is violating any provision of this chapter, the Nebraska Liquor Control Act, or the rules and regulations of the Nebraska Liquor Control Commission, or is failing to observe in good faith the purposes of this chapter or the Act, the license may be suspended, canceled, or revoked after the licensee is given an opportunity to be heard in his or her defense.
(Neb. RS 53-116.01)
§111.25 LICENSE RENEWAL; CITY POWERS AND DUTIES.

(A) A retail license issued by the Nebraska Liquor Control Commission and outstanding may be automatically renewed by the Commission in the absence of a written request by the City Council to require the licensee to submit an application for renewal. Any licensed retail premises located in an area which is annexed to the city shall file a formal application for a license, and while the application is pending, the licensee may continue all license privileges until the original license expires or is canceled or revoked. If that license expires within 60 days following the annexation date of the area, the license may be renewed by order of the Commission for not more than 1 year.  
(Neb. RS 53-135)

(B) The City Clerk shall cause to be published in a legal newspaper in or of general circulation in the city, 1 time between January 10 and January 30 of each year, individual notice in the form prescribed by law of the right of automatic renewal of each retail liquor and beer license within the city, except that notice of the right of automatic renewal of Class C licenses shall be published between the dates of July 10 and July 30 of each year. If written protests to the issuance of automatic renewal of a license are filed in the office of the City Clerk by 3 or more residents of the city on or before February 10, or August 10 for Class C licenses, the City Council shall hold a hearing to determine whether continuation of the license should be allowed. Upon the conclusion of any hearing required by this section, the City Council may request a licensee to submit an application as provided in Neb. RS 53-135.  
(Neb. RS 53-135.01)

§111.26 CATERING LICENSES.

(A) The holder of a license to sell alcoholic liquor at retail issued under Neb. RS 53-124, a craft brewery license, a microdistillery license, or a farm winery license may obtain an annual catering license by filing an application and license fee with the Nebraska Liquor Control Commission.

(B) Upon receipt from the Commission of the notice and a copy of the application as provided in Neb. RS 53-124.12, the City Council shall process the application in the same manner as provided in §111.23.

(C) The City Council, with respect to catering licensees within its corporate limits, may cancel a catering license for cause for the remainder of the period for which that catering license is issued. Any person whose catering license is canceled may appeal to the District Court.

(D) The City Council may impose an occupation tax on the business of a catering licensee doing business within the liquor license jurisdiction of the City Council. The tax may not exceed double the license fee for a catering license.  
(Neb. RS 53-124.12)
§111.27 DISPLAY OF LICENSE.

Every licensee under the Nebraska Liquor Control Act shall cause his or her license to be framed and hung in plain view in a conspicuous place on the licensed premises.
(Neb. RS 53-148) Penalty, see §10.99

§111.28 OWNER OF PREMISES OR AGENT; LIABILITY.

If the owner of the licensed premises or any person from whom the licensee derives the right to possession of the premises, or the agent of that owner or person, knowingly permits the licensee to use the licensed premises in violation of the terms of the Nebraska Liquor Control Act or any city ordinance, that owner, agent, or other person shall be deemed guilty of a violation of the Act or ordinance to the same extent as the licensee and be subject to the same punishment.
(Neb. RS 53-1,101) Penalty, see §10.99

§111.29 LICENSEE; LIABILITY FOR ACTS OF OFFICER, AGENT, OR EMPLOYEE.

Every act or omission of whatsoever nature constituting a violation of any of the provisions of the Nebraska Liquor Control Act or any city ordinance by any officer, director, manager, or other agent or employee of any licensee, if the act is committed or omission is made with the authorization, knowledge, or approval of the licensee, shall be deemed and held to be the act of the employer or licensee, and the employer or licensee shall be punishable in the same manner as if the act or omission had been done or omitted by the licensee personally.
(Neb. RS 53-1,102) Penalty, see §10.99

§111.30 CITIZEN COMPLAINTS.

Any 5 residents of the city shall have the right to file a complaint with the City Council stating that any retail licensee subject to the jurisdiction of the City Council has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the Act. The complaint shall be in writing in the form prescribed by the City Council and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the City Council is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for that belief, it shall set the matter for hearing within 10 days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of the hearing and of the particular charge in the complaint. The complaint shall in all cases be disposed of by the City Council within 30 days from the date the complaint was filed by resolution thereof, which resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission as provided in Neb. RS 53-1,115.
(Neb. RS 53-134.04)
§111.45 LOCATION.

(A) Except as otherwise provided in division (B) of this section, no license shall be issued for the sale at retail of any alcoholic liquor within 150 feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children. This prohibition does not apply to any location within such distance of 150 feet:

(1) For which a license to sell alcoholic liquor at retail has been granted by the Nebraska Liquor Control Commission for two years continuously prior to making of application for license;

(2) To hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935; or

(3) To a college or university in the state which is subject to Neb. RS 53-177.01.

(B) If a proposed location for the sale at retail of any alcoholic liquor is within 150 feet of any church, a license may be issued if the commission gives notice to the affected church and holds a hearing as prescribed in Neb. RS 53-133.

(Neb. RS 53-177)

(C) No alcoholic liquor, other than beer, shall be sold for consumption on the premises within 300 feet from the campus of any college or university within the city, except that this section:

(1) Does not prohibit a nonpublic college or university from contracting with an individual or corporation holding a license to sell alcoholic liquor at retail for the purpose of selling alcoholic liquor at retail on the campus of such college or university at events sanctioned by such college or university but does prohibit the sale of alcoholic liquor at retail by such licensee on the campus of such nonpublic college or university at student activities or events; and

(2) Does not prohibit sales of alcoholic liquor by a community college culinary education program pursuant to Neb. RS 53-124.15.

(Neb. RS 53-177.01) Penalty, see §10.99

Statutory reference:

State commission may waive 300-feet requirement, see Neb. RS 53-177.01

§111.46 ACCESS TO DWELLINGS.

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which have any access which leads from the premises to any other portion of the same building or structure used for dwelling or lodging purposes, and which is permitted to be used or kept accessible
for use by the public. This provision shall not prevent any connection between the premises and such
other portion of the building or structure which is used only by the licensee, his or her family, or
personal guests.
(Neb. RS 53-178) Penalty, see §10.99

§111.47 SANITARY CONDITIONS.

It shall be unlawful to open for public use any retail liquor establishment that is not in a clean and
sanitary condition. Toilet facilities shall be adequate and convenient for customers and patrons. The
licensed premises shall be subject to any health inspections the City Council or the city police may
make or cause to be made. All applications for liquor licenses shall be viewed in part from the
standpoint of the sanitary conditions, and a report concerning the sanitary conditions shall be made at
all hearings concerning the application for or renewal of a liquor license.
Penalty, see §10.99

Statutory reference:
Authority to regulate licensed premises, see Neb. RS 53-134.03
State sanitary rules and regulations authorized, see Neb. RS 53-118

§111.48 HOURS OF SALE.

(A) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the
hours of 1 a.m. and 6 a.m. except that the City Council with respect to area inside the corporate limits
of the city may by ordinance require closing prior to 1 a.m. on any day or if adopted by a vote of at
least two-thirds of the members of the City Council, permit retail sale or dispensing of alcoholic liquor
for consumption on the premises, excluding sales for consumption off the premises, later than 1 a.m.
and prior to 2 a.m. on any day.

(B) Except as provided for and allowed by ordinance of the City Council, no alcoholic liquor,
including beer, shall be sold at retail or dispensed inside the corporate limits of the city between the
hours of 6 a.m. Sunday and 1 a.m. Monday. No such ordinance shall permit alcoholic liquor, other than
beer and wine, to be sold at retail or dispensed between the hours of 6 a.m. Sunday and 12 noon
Sunday. This division (B) shall not apply after 12 noon on Sunday to a licensee which is a nonprofit
corporation and the holder of a Class C license or a Class I license.

(C) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic
liquor in open containers to remain or be in possession or control of any person for purposes of
consumption between the hours of 15 minutes after the closing hour applicable to the licensed premises
and 6 a.m. on any day.

(D) Nothing in this section shall prohibit licensed premises from being open for other business on
days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.
(Neb. RS 53-179)
§111.49 CREDIT SALES PROHIBITED.

(A) No person shall sell or furnish alcoholic liquor at retail to any person on credit, on a passbook, on an order on a store, in exchange for any goods, wares, or merchandise, or in payment for any services rendered, and if any person extends credit for any such purpose, the debt thereby attempted to be created shall not be recoverable at law.

(B) Nothing in this section shall prevent the following:

(1) Any club holding a Class C license from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the bylaws of such club;

(2) Any hotel or restaurant holding a retail license from permitting checks or statements for liquor to be signed by regular guests residing at such hotel or eating at such restaurant and charged to the accounts of such guests; or

(3) Any licensed retailer engaged in the sale of wine from issuing wine-tasting cards to customers.
(Neb. RS 53-183) Penalty, see §10.99

§111.50 ORIGINAL PACKAGE REQUIRED.

No person, except a manufacturer or wholesaler, shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor. It shall be unlawful for any person to have in his or her possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor except in original packages. Nothing in this section shall prohibit the refilling of original packages of alcoholic liquor for strictly private use and not for resale.
(Neb. RS 53-184) Penalty, see §10.99

§111.51 MINOR'S PRESENCE RESTRICTED.

It shall be unlawful for any person who owns, manages, or leases an establishment selling alcoholic beverages at retail to allow any minor under the age of 18 years of age to frequent or otherwise remain in the establishment unless the minor is accompanied by his or her parent or legal guardian, and unless the minor remains seated with and under the immediate control of the parent or legal guardian.
Penalty, see §10.99

Statutory reference:
Authority to regulate, see Neb. RS 53-134.03
§111.52 KEG SALES; REQUIREMENTS; PROHIBITED ACTS.

(A) When any person licensed to sell alcoholic liquor at retail sells beer for consumption off the premises in a container with a liquid capacity of 5 or more gallons or 18.92 or more liters, the seller shall record the date of the sale, the keg identification number, the purchaser’s name and address, and the number of the purchaser’s motor vehicle operator’s license, state identification card, or military identification, if the military identification contains a picture of the purchaser, together with the purchaser’s signature. This record shall be on a form prescribed by the Nebraska Liquor Control Commission and shall be kept by the licensee at the retail establishment where the purchase was made for not less than 6 months. The records kept pursuant to this section shall be available for inspection by any law enforcement officer during normal business hours or at any other reasonable time. Any person violating this section shall be guilty of an offense.

(Neb. RS 53-167.02)

(B) Any person who unlawfully tampers with, alters, or removes the keg identification number from a beer container or is in possession of a beer container described in division (A) with an altered or removed keg identification number after the container has been taken from the licensed premises pursuant to a retail sale and before its return to the licensed premises or other place where returned kegs are accepted shall be guilty of an offense.

(Neb. RS 53-167.03) Penalty, see §10.99
CHAPTER 112: PEDDLERS AND SOLICITORS

Section

112.01 Definitions
112.02 Exemptions
112.03 Permit
112.04 Permit application
112.05 Permit fee
112.06 Refusal to leave premises unlawful
112.07 Sale of goods on public ways unlawful
112.08 Permit revocation; notice and hearing
112.09 Permit revocation; appeal

§112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER or HAWKER. Any person, firm, or corporation, whether as owner, agent, consignee, or employee, and whether a resident of the city or not, who engages temporarily within the city in the business of selling and delivering goods, wares, and merchandise or taking orders for goods or merchandise.

SOLICITOR. Any person who requests orders as described above for charitable, civic, religious, or patriotic purposes or who engages in requesting financial assistance for such purposes.


§112.02 EXEMPTIONS.

(A) This chapter shall not apply to any established organization organized and operated exclusively for charitable, civic, religious, or patriotic purposes, and not operated for the pecuniary profit of any person, if the solicitations by that established person or organization are conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies or services of any such established organization.

(B) This chapter shall not apply to any person who has been invited to a house by an occupant thereof. The invitation must be extended prior to the person entering upon the premises.
(C) This chapter shall not apply to persons exercising First Amendment rights under the U.S. Constitution, such as those who represent religious organizations, and incidentally sell religious tracts or take orders for religious periodicals, or those who are circulating petitions. (1992 Code, §10-302)

§112.03 PERMIT.

(A) To prevent the sale of fraudulent, dangerous, and unhealthful goods and services, and to protect the public by maintaining records of the products sold and the persons and companies responsible for those sales, all peddlers and hawkers shall, before doing business within the city, make application for, and be issued a permit.

(B) Application for this permit shall be made to the City Police Department, and shall contain all the necessary information and documents required for the protection of the residents of the city. Any person or persons granted a permit shall be subject to any fees, occupation taxes, and other rules and regulations which the City Council deems appropriate for the purposes stated herein. Any permit so granted shall be subject to revocation for good and sufficient cause by the City Police Department. (Neb. RS 17-134 and 17-525) (1992 Code, §10-303) Penalty, see §10.99

§112.04 PERMIT APPLICATION.

(A) Any person required to obtain a permit under the above provisions shall first fill out an application for the same upon a form to be prescribed by the City Police Department.

(B) Applicants for a permit shall file a written, sworn application signed by the applicant if an individual, by all partners if a partnership, and by the president if a corporation, with the Police Department, showing:

1) The name or names of the person or persons having the management or supervision of the applicant’s business during the time that it is proposed that it will be carried on in the city; the local address or addresses of the person or persons while engaged in that business; the permanent address or addresses of the person or persons: the capacity in which the person or persons will act (that is, whether as proprietor, agent, or otherwise); the name and address of the person, firm, or corporation for whose account the business will be carried on, if any; and if a corporation, under the law of what state the same is incorporated;

2) The place or places in the city where it is proposed to carry on the applicant’s business, and the length of time during which it is proposed that the business shall be conducted;

3) A statement of the nature of merchandise to be sold or offered for sale by the applicant;

4) A brief statement of the nature of the advertising done or proposed to be done in order to attract customers;
(5) Credentials from the person for whom the applicant proposes to do business, authorizing the applicant to act as a representative; and

(6) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of the applicant’s business or the method or plan of doing that business as the Police Department may deem proper.
(Neb. RS 17-134) (1992 Code, §10-304) Penalty, see §10.99

§112.05 PERMIT FEE.

The applicant shall pay a permit fee set by resolution of the City Council to cover the cost of processing the application and issuing the permit. These fees may be waived by the Police Department for any charity, public, or nonprofit group or organization as provided in §112.02.
(Neb. RS 17-134 and 17-525) (1992 Code, §10-305) Penalty, see §10.99

§112.06 REFUSAL TO LEAVE PREMISES UNLAWFUL.

Any solicitor, peddler, or hawker of goods or merchandise who enters upon premises owned or leased by another and willfully refuses to leave the premises after having been notified by the owner or possessor of the premises or his or her agent to leave the same, shall be deemed guilty of a misdemeanor.
(1992 Code, §10-307) Penalty, see §10.99

§112.07 SALE OF GOODS ON PUBLIC WAYS UNLAWFUL.

It shall be unlawful for any person to sell or offer for sale or peddle goods, wares, or merchandise upon the public streets, alleys, or sidewalks in the city without first having obtained a permit as provided in this chapter.
(1992 Code, §10-308) Penalty, see §10.99

§112.08 PERMIT REVOCATION; NOTICE AND HEARING.

(A) The permits issued may be revoked by the City Council after notice and a hearing, for any of the following causes:

(1) Any fraud, misrepresentation, or false statement contained in the application for a permit;

(2) Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, or merchandise;

(3) Any violation of this chapter;
(4) Conviction of the permit holder of any felony or of a misdemeanor involving moral turpitude; or

(5) Conducting the business permitted under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

(B) Notice of a hearing for the revocation of a permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be sent by registered mail, postage prepaid, to the permit holder, at his or her last known address, at least 5 days prior to the date set for the hearing.
(Neb. RS 17-134) (1992 Code, §10-309)

§112.09 PERMIT REVOCATION; APPEAL.

Any person aggrieved by the decision of the City Police Department in regard to the denial of an application for a permit, or in connection with the revocation of a permit, shall have the right to appeal to the City Council. The appeal shall be taken by filing with the City Council, within 14 days after notice of the decision has been mailed to the person’s last known address, a written statement setting forth the grounds for appeal. The City Council shall set the time and place for a hearing on the appeal, and notice shall be given to the person by registered mail, postage prepaid, at his or her last known address. The order of the City Council on the appeal shall be final.
(Neb. RS 17-134) (1992 Code, §10-310)
CHAPTER 113: AMUSEMENTS

Section

Pool Halls, Bowling Alleys, and Skating Rinks

113.01 Definitions
113.02 Hours of operation
113.03 Gambling prohibited

POOL HALLS, BOWLING ALLEYS, AND SKATING RINKS

§113.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOWLING ALLEY. Any room, building, or structure in which a game consisting of rolling a heavy ball down a wooden lane in an attempt to knock over wooden pins set upright at the opposite end of the lane is played, whether or not it is in connection with any other business.

POOL AND BILLIARDS. A game played on a table in which the object is to drive balls into the pockets, and which is conducted for profit or gain. All ordinances relating to POOL AND BILLIARDS shall apply to any such game whether or not it is conducted in connection with any other business.

POOL HALL. Any building or place in which any pool, snooker, or billiard table shall be offered for use for hire, profit, or gain.

SKATING RINK. Any building or place in which facilities for roller skating or ice skating are offered for use for hire, profit, or gain.

(1992 Code, §10-201)
§113.02   HOURS OF OPERATION.

   It shall be unlawful for the owner or operator of a pool hall, bowling alley, or skating rink to open or make available for public use that pool hall, bowling alley, or skating rink between the hours of 1:00 a.m. and 6:00 a.m.
(1992 Code, §10-203)  Penalty, see §10.99

§113.03  GAMBLING PROHIBITED.

   It shall be unlawful for any person to allow any patron of his or her business, in which pool or bowling, or other mechanical devices used for amusement purposes are present, to use those machines for gambling purposes.
(NEb. RS 17-134 and 17-207) (1992 Code, §10-204)  Penalty, see §10.99
CHAPTER 114: LOTTERY

Section

114.01 Participation; restrictions
114.02 Allotment of net proceeds

§114.01 PARTICIPATION; RESTRICTIONS.

(A) No person under 19 years of age shall play or participate in any way in the lottery established and conducted by the city.

(B) No owner or officer of a lottery operator with whom the city contracts to conduct its lottery shall play any lottery conducted by the city. No employee or agent of the city, lottery operator, or authorized sales outlet location shall play the lottery of the city for which he or she performs work during such time as he or she is actually working at the lottery or while on duty.

(C) Nothing shall prohibit any member of the City Council, a city official, or the immediate family of such a member or official, or an owner or officer of an authorized sales outlet location for the city, from playing any lottery conducted by the city; provided that the person is 19 years of age or older.

(D) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

IMMEDIATE FAMILY. Includes:

(a) A person who is related to the member or official by blood, marriage, or adoption and resides in the same household; or

(b) A person who is claimed by the member or official, or spouse of the member or official, as a dependent for federal income tax purposes.

(Neb. RS 9-646) (Ord. 495, passed __ ) Penalty, see §10.99

§114.02 ALLOTMENT OF NET PROCEEDS.

(A) The city currently conducts a lottery pursuant to the provisions of the Nebraska County and City Lottery Act, Neb. RS 9-601 through 9-612. Pursuant to Neb. RS 9-609, the gross proceeds can be used only for community betterment purposes, awarding prizes, taxes, and expenses. The city hereby
establishes the community betterment purposes, pursuant to Neb. RS 9-604, for which the proceeds, after awarding prizes, taxes, and expenses, will be used.

(B) All net proceeds from the city lottery, otherwise known as KENO, after payment of prizes, taxes, and expenses as allowed by law, shall be used for community betterment purposes as follows:

(1) Twenty-five percent shall be used in initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures;

(2) Twenty-five percent shall be used for the purpose of enabling or furthering the erection or maintenance of public structures; and

(3) Fifty percent shall be kept in a trust fund and may be donated or paid over to other entities in the community (including but not limited to charitable organizations or foundations) for purposes allowed pursuant to Neb. RS 9-604, including but not limited to initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures and voluntarily supporting, augmenting, or supplementing services which government would normally render to the people; however, such gifts shall be conditioned on the requirement that the funds remain as an endowment and that only the interest or other income from the funds be used and not the principal.

(C) Funds described in division (B)(2) above may be spent either on projects initiated by the city or by making grants to organizations or individuals pursuant to requests made to the City Council. These requests shall be made on forms specified by the City Administrator and the funds shall be disbursed on such donations as the City Council deems appropriate.

CHAPTER 115: RAILROAD COMPANIES

Section

115.01 Safe street crossing conditions
115.02 Obstruction of streets prohibited

§115.01 SAFE STREET CROSSING CONDITIONS.

It shall be the duty of every railroad company doing business in, or traveling through, the city to keep in a suitable and safe condition the crossings and right-of-way in the city. If any such crossing shall at any time fall into disrepair and become unsafe or inconvenient for public travel, the City Council may, by resolution, call upon the company to make whatever repairs that it may deem necessary to correct the dangerous condition. Notice of this resolution shall be served upon the local agent of the company. In the event that the railroad shall fail or neglect to repair and correct the condition as mentioned above within 48 hours, neglect for each 24 hours thereafter shall be deemed and is hereby made a separate and distinct offense against the provisions herein.

§115.02 OBSTRUCTION OF STREETS PROHIBITED.

It shall be unlawful for any railroad company, or its employees, agents, or servants, operating a railroad through the city to obstruct any of the public streets within the city by leaving trains or cars standing thereon so as to prevent the public from crossing the railroad tracks, for a longer period at 1 time than 5 minutes, except in cases of inevitable accident or emergency.
(Neb. RS 17-552) (1992 Code, §10-802) Penalty, see §10.99
CHAPTER 116: FOOD SERVICE

Section

Sidewalk Cafes

116.01 Definition
116.02 Purpose
116.03 Permits
116.04 Applications
116.05 Indemnity; insurance
116.06 Exterior lighting
116.07 Permits; conditions for issuance authorized
116.08 Permits; transfer prohibited
116.09 Fees
116.10 Term; revocation
116.11 Location
116.12 Clear passageway required
116.13 Immediate consumption
116.14 Use not exclusive
116.15 Alcoholic beverages; fence required
116.16 No alcohol; designation of area
116.17 Advertising
116.18 Excessive noise
116.19 Standards; maintenance
116.20 Litter
116.21 Adverse impact
116.22 Density
116.23 Alcoholic beverages; consumption
116.24 Waiver authorized

116.99 Penalty

Cross-reference:
Alcoholic beverages, see Ch. 111
§116.01 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**SIDEWALK CAFÉ.** The portion of the public right of way-kept, used, maintained and held out to the public as a place where food and/or drinks are served on a public right of way, which is public through dedication or easement, or public right-of-way that provides waiter or waitress service and contains tables and chairs and may contain railings and planters. It is otherwise unenclosed by fixed walls and open to the air, except that it shall be designated and marked as hereinafter described.

(Ord. 652, passed 8-19-2009)

§116.02 PURPOSE.

(A) It is found and declared that a sidewalk café promotes the public interests by:

(1) Making the downtown area an active and attractive pedestrian environment.

(2) Providing the opportunity for creative, colorful pedestrian focused commercial activities on a day, night and seasonal basis.

(3) Encouraging commercial activities which add excitement, charm, vitality, diversity and good design to the downtown area.

(4) Encouraging the upgrading of store fronts and the development of complete and well-designed elements within the downtown area.

(5) Promoting land conservation, redevelopment, energy savings and indirect tax revenue.

(B) It is the purpose of this subchapter to regulate the conditions under which a merchant in the downtown area may request and receive a permit to vend food and/or alcoholic and nonalcoholic beverages for consumption at tables placed in a designated area on a public sidewalk. The City Council is aware that the public sidewalk is intended for the orderly passage of pedestrians in the downtown area and that any conflict between users of the sidewalk and sidewalk eating areas is undesirable.

(C) The sidewalk café regulations as established in this ordinance are designed to allow sidewalk cafes on public property in locations where they are determined to be appropriate by the City Council and to promote and protect the public health, safety, general welfare and amenity. These general goals include the following specific purposes:

(1) To provide adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes and to ensure access to adjacent commercial and retail uses.
(2) To promote sidewalk cafes as useful and properly planned visual amenities which better relate to the streetscape.

(3) To promote the most desirable use of land and buildings and thereby protect the city’s tax revenues.

(Ord. 652, passed 8-19-2009)

§116.03 PERMITS.

(A) Sidewalk cafes may be located on public sidewalks subject to a permit or license issued by the City Council. Any establishment which is licensed by the state to sell food on its premises may apply to the city for a special permit, to conduct a portion of such licensed business on a sidewalk.

(B) No person shall operate a sidewalk café upon the streets, sidewalks, neutral grounds or other public lands in the city without a permit being granted by the City Council. The business must have a licensed kitchen and offer a wide selection of food and drinks during the hours and days of operation. Sidewalk cafes may only be an incidental use to an existing restaurant.

(C) The permit for a sidewalk café is temporary and the permit holder acquires no right, title or interest in the space permitted to be used.

(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.04 APPLICATION.

(A) Application for a sidewalk café permit shall be made to the City Clerk upon a form to be furnished by the City which application shall set forth the following:

(1) Owner and manager of applicant business.

(2) Hours and days of operation.

(3) How the extended premises will be supervised and maintained.

(4) Maximum number of patrons to be accommodated and description of the seating to accommodate the maximum number of patrons.

(5) Description of the food and drink (alcoholic and/or nonalcoholic) to be offered for sale. If alcoholic drinks are to be offered for sale, documentation must be included with the application demonstrating to the satisfaction of the city that the business will and can obtain the proper license to sell alcoholic beverages on the sidewalk café area.

(6) Such application shall also contain a statement by applicant that the applicant will, in consideration of being issued a permit for the use of surface space, agree to hold harmless the city and officers and employees of the city for any loss or damage arising out of the use, or the discontinuance
of any use; that the applicant understands that the use of the surface space is to be temporary and that the applicant shall not acquire any right, title or interest in such space; that the applicant may be required by the city at any time to vacate all or any part of the surface space that the applicant has been given permission to use; that upon demand to vacate the area permitted, or demand to reimburse the city for the cost of removing any personal property and restoring the surface space to its prior condition the permit holder shall do so within 15 days and that the applicant shall have no recourse against either the city nor its officers or agents, either for any loss or damage occasioned by being requested to vacate all or any part of the surface space which said applicant has been granted permission to use.

(7) Provide a plan, drawn to scale which illustrates the exact location of the proposed sidewalk café together with the distances and dimensions of adjoining buildings, the sidewalk, the clear area of the sidewalk, the distance to the curb and the distance to all obstructions in the vicinity.

(B) The application for the permit to establish a sidewalk café must be submitted to the City Clerk who shall set the application for review by the City Council.
(Ord. 652, passed 8-19-2009)

§116.05 INDEMNITY; INSURANCE.

Prior to the issuance of the permit, the applicant shall file with the City Clerk an agreement to indemnify and save harmless the city, its officers and employees against any loss or liability for damage, including expenses and costs for bodily injury, and for property damage, sustained by any person as a result of the applicants operation of a sidewalk café on public property. The applicant shall also file with the City Clerk a certificate of insurance demonstrating that the applicant has a satisfactory amount of public liability and property damage insurance and naming the city as coinsured for such insurance covering the operation of a sidewalk café in a sum not less than $1,000,000 and if alcoholic beverages are served, dram shop insurance in a sum not less than $300,000.
(Ord. 652, passed 8-19-2009)

§116.06 EXTERIOR LIGHTING.

All exterior lighting shall be shown on the plan submitted with the application and shall provide such shading as will prevent the source of the light from being seen from any adjacent residential property, nor shall it cause illumination beyond the boundaries of the property on which it is located in excess of 0.5 foot candle, nor shall it have an adverse impact on the flow of traffic nor shall its design and color be such as may be easily be confused with a traffic signal.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.07 PERMITS; CONDITIONS FOR ISSUANCE AUTHORIZED.

(A) The City Council may impose conditions upon the permit which, in the judgment of the City Council, protect and promote the health, safety and welfare of the public or prevent a nuisance from occurring.
(B) The conditions may include, but are not limited to:

1. Restrictions on hours, days and months of operation.
2. Special sanitation and clean up procedures.
3. Types of furnishings or fixtures to be used.
4. Restrictions upon audio, video or communication equipment.
5. Lighting, plantings or ornaments

(Ord. 652, passed 8-19-2009)

§116.08 PERMITS; TRANSFER PROHIBITED.

The permit issued under this subchapter shall be personal and cannot be assigned. In the event of the transfer of the supporting business, the new owner shall make application for a permit hereunder. (Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.09 FEES.

(A) The fee for the first permit granted for the use of the public sidewalk shall be $100 and the fee for the renewal of a permit shall be $50. If the ownership of the business is changed or the manner of use of the sidewalk is changed, application for a new permit shall be made, the fee for which shall $100. In the event any permit is revoked or suspended, no portion of the fee shall be refunded.

(B) A $1 per square foot license and administration fee shall be paid annually in addition to the fee for application for a permit. The fee shall be based on the area of the public sidewalk permitted for sidewalk café purposes. The square footage shall be based on the designated area in the application filed herein. (Ord. 652, passed 8-19-2009)
§116.10 TERM; REVOCATION.

(A) All permits granted hereunder shall expire on December 31 of the year for which it is granted. It may be renewed each year as long as all requirements of this subchapter and the rules and regulations established continue to be met. The City Council may revoke any permit issued hereunder at any time if it finds the use of the sidewalk area covered by the permit has been in violation of the provisions of the ordinances of the city, the rules and regulations established or the specific conditions of the permit. Prior to revoking a permit, the City Council shall hold a hearing and shall give notice of the hearing in writing to the permit holder as hereinafter provided. Any permit issued hereunder may also be revoked at any time the City Council finds it is in the public interest to amend or repeal this ordinance so as to not permit the use of public sidewalks or any portion thereof or determines to otherwise limit the use thereof.

(B) The permit may be revoked with or without cause by written notice to the address of the applicant contained on the application or latest written address change provided by the applicant. The city will provide 30 days written notice of revocation without cause and 10 days notice of revocation with cause. The following shall constitute grounds for immediate revocation with cause:

(1) Failure to use the area for 90 consecutive days.

(2) Violation of any the terms and conditions of the permit or violation of any local state or federal laws, ordinances or regulations applicable to the licensed area.

(3) Failure to maintain the primary business use and required licenses.

(4) Violation of alcoholic beverage laws and regulations.

(5) Conviction of the applicant for a felony or for violation of a state, federal or local law involving moral turpitude.

(C) Any permit issued pursuant to this section may be revoked at any time by the City Council when, in the judgment of the City Council such action is required to protect and promote the public health, safety and welfare. Any permit may be suspended for such period of time during which the City Council determines adequate grounds exist.

(D) A permit holder does not acquire any right of any nature or kind to receive a permit or renew an existing permit in a subsequent or successive year. Every application to renew a permit shall be reviewed annually based on the criteria set forth in this subchapter. The past performance of the permit holder and current circumstances may be taken into consideration when determining whether to approve, deny, suspend or revoke a permit for an applicant who has previously been granted such a permit.

(Ord. 652, passed 8-19-2009)
§116.11 LOCATION.

The area occupied by the sidewalk café shall abut and shall be operated as part of the food establishment and drink establishment operated by the applicant. No part of the sidewalk café shall extend from any premises other than the applicants food and drink establishment.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.12 CLEAR PASSAGEWAY REQUIRED.

A clear, unobstructed passage way of not less than 5 feet in width at all points, entirely across the frontage of the property to be occupied under the permit, parallel to the line of the street and generally in the line of pedestrian traffic shall be maintained at all times, except if the City Council shall find special circumstances involving site characteristics or the flow of pedestrian traffic at such location, the conditions of approval may require a passage way greater than 5 feet or may prohibit operation of the sidewalk café for certain specified periods. The 5 feet of clear distance shall be free of all obstructions (such as trees, parking meters, utility poles, and the like) in order to allow adequate pedestrian movement. The placement of tables, chairs or other items within the 5-foot clear passage, area is prohibited.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.13 IMMEDIATE CONSUMPTION.

Only food or beverages for immediate consumption on the premises may be offered for sale. Intoxicating liquors, beer or wine shall not be consumed outside of the permitted area on the public right-of-way.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.14 NOT AN EXCLUSIVE USE.

The permit for the use of a designated area of a public sidewalk as a sidewalk café shall not be an exclusive use. All public improvements including but not limited to trees, light poles, planters, traffic signals, refuse containers, benches or any other public initiated maintenance procedure shall take precedence on the sidewalk café area used at all times.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.15 FENCE FOR AREAS WHICH SERVE ALCOHOLIC BEVERAGES.

(A) If alcoholic beverages are served, the perimeter of the sidewalk café area shall be separated from the pedestrian passage way of the sidewalk by a fence or barrier not less than 48 inches in height and not more than 60 inches in height. The barrier shall be approved by the City Council and the applicant shall be fully responsible for the proper maintenance and removal of any such barrier.
(B) Sidewalk cafes approved for the sale of alcohol shall have no more than one open entrance not exceeding 6 feet in width, which shall be within the view of the manager, owner or employees of the eating and/or drinking establishment at all times.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.16 NO ALCOHOL; DESIGNATION OF AREA.

If no alcoholic beverages are served in the permitted area, the permitted area shall be designated in a proper manner by markings, plants, or other means approved by City Council.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.17 ADVERTISING.

No advertising signs, banners or other advertising items shall be permitted in the sidewalk café area.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.18 EXCESSIVE NOISE.

No bell, chime, siren, whistle or devise for non-emergency purpose shall be emitted. No loud speaker, public address, radio, sound amplifier or similar devise may be heard beyond 50 feet from its source.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.19 STANDARDS; MAINTENANCE.

(A) All tables, chairs, trash receptacles, umbrellas and bases shall be of a high quality and maintained in a neat, clean and orderly manner and located in accordance with the application filed by the permit holder. Colors shall be harmonious and bright or brilliant colors shall be used only for accent.

(B) Sidewalk cafes and the public property on which they are located shall be kept neat and clean at all times and free from any substance that may damage the sidewalk or cause pedestrian injury.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.20 LITTER.

The permittee shall promptly remove any litter deposited on or in the vicinity of the sidewalk café space used by the permittee resulting from the activity or activities conducted by the permittee on or adjoining such sidewalk café space.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99
§116.21 ADVERSE IMPACT.

Operation of a sidewalk café shall not adversely impact on adjacent or nearby residential, religious, educational or commercial properties and shall be in accordance with all applicable codes and regulations.
(Ord. 652, passed 8-19-2009)

§116.22 DENSITY.

To assure accessibility to commercial, retail and residential premises, sidewalk cafes located on the same side of the street shall be separated by 2 store fronts or uses or 40 feet along the frontage, whichever is the lesser, unless the operator of the sidewalk café obtains a written consent of the owners and tenants of the premises which are located between the restaurants proposing the sidewalk cafes. Where the above situation is created, the applicant who must obtain this permission shall be the applicant who last filed the application or the applicant seeking to locate near an existing sidewalk café. Restaurants located next to each other, without intervening uses or entrance ways to buildings may have sidewalk cafes that abut each other.
(Ord. 652, passed 8-19-2009)

§116.23 CONSUMPTION OF ALCOHOLIC BEVERAGES.

All alcoholic beverages to be served at sidewalk cafes shall be prepared within the existing restaurant and alcoholic drinks shall only be served to patrons seated at tables. The drinking of alcoholic beverages by a member of the public while a patron at a sidewalk café, within the confines of the sidewalk café area, shall not be construed as violation of any ordinance controlling open containers in a public area. The operator of the sidewalk café shall take whatever steps are necessary to procure the appropriate license from the State Liquor Control Commission if it intends to serve alcoholic beverages in the sidewalk café area and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in this state.
(Ord. 652, passed 8-19-2009) Penalty, see §116.99

§116.24 WAIVER.

Any of the conditions and requirements of this subchapter may be waived by the City Council for good cause shown, provided, the health, safety and welfare of the community must always be held paramount, and the waiver shall not restrict the safe passage on the sidewalk by the public after taking into consideration the circumstances surrounding the application.
(Ord. 652, passed 8-19-2009)
§116.99 PENALTY.

Any person who shall violate the provisions of §116.01 through 116.24 shall be liable to prosecution and upon conviction thereof shall be liable to a fine that shall not exceed $500. Each day of violation shall be a separate violation.

(Ord. 652, passed 8-19-2009)
TITILE XIII: GENERAL OFFENSES

Chapter

130. PROPERTY OFFENSES

131. OFFENSES AGAINST PUBLIC ORDER

132. OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION

133. OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

134. OFFENSES AGAINST PUBLIC MORALS
CHAPTER 130: PROPERTY OFFENSES

Section

130.01 Criminal mischief
130.02 Criminal trespass
130.03 Electrical interference
130.04 Injury to trees
130.05 Posting
130.06 Trespassing
130.07 Malicious destruction of property
130.08 Admission fee; fraudulent avoidance of payment
130.09 Shoplifting

§130.01 CRIMINAL MISCHIEF.

(A) A person commits criminal mischief if he or she:

(1) Damages property of another intentionally or recklessly; or

(2) Intentionally tampers with property of another so as to endanger person or property; or

(3) Intentionally or maliciously causes another to suffer pecuniary loss by deception or threat.

(B) Criminal mischief is an offense:

(1) If the actor intentionally or maliciously causes pecuniary loss of $200 or more but less than $1,500; or

(2) If the actor intentionally, maliciously, or recklessly causes pecuniary loss in an amount of less than $200 or if his or her action results in no pecuniary loss.

(Neb. RS 28-519) Penalty, see §10.99

§130.02 CRIMINAL TRESPASS.

(A) A person commits first degree criminal trespass if:
(1) He or she enters or secretly remains in any building or occupied structure, or any separately secured or occupied portion thereof, knowing that he or she is not licensed or privileged to do so; or

(2) He or she enters or remains in or on a public power infrastructure facility knowing that he or she does not have the consent of a person who has the right to give consent to be in or on the facility.

(B) First degree criminal trespass is a Class I misdemeanor.

(C) For purposes of this section, **PUBLIC POWER INFRASTRUCTURE FACILITY** means a power plant, an electrical station or substation, or any other facility which is used by a public power supplier as defined in Neb. RS 70-2103 to support the generation, transmission, or distribution of electricity and which is surrounded by a fence or is otherwise enclosed.

(Neb. RS 28-520)

(B) (1) A person commits second degree criminal trespass if, knowing that he or she is not licensed or privileged to do so, to enter or remain in any place as to which notice against trespass is given by:

(a) Actual communication to the actor; or

(b) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

(c) Fencing or other enclosure manifestly designed to exclude intruders, except as otherwise provided in division (A) of this section.

(2) Second degree criminal trespass is a Class III misdemeanor, except as provided for in division (B)(3) of this section.

(3) Second degree criminal trespass is a Class II misdemeanor if the offender defies an order to leave personally communicated to him or her by the owner of the premises or other authorized person.

(Neb. RS 28-521) Penalty, see §10.99

§130.03 ELECTRICAL INTERFERENCE.

Any person operating, or causing to be operated, any motor, sign, or other electrical apparatus that is connected with the light and power system shall equip the apparatus with proper filtering attachments to eliminate interference, provided that the provisions herein shall not apply to the use of necessary medical equipment or apparatus where electrical interference cannot be reasonably and safely eliminated. Any person who so operates or causes to be operated any such electrical apparatus that interferes habitually with radio and television reception shall be deemed to be guilty of an offense.

(1992 Code, §6-345) Penalty, see §10.99

Statutory reference:

Provisions on nuisances, see Neb. RS 18-1720 and 28-1321
§130.04 INJURY TO TREES.

It shall be unlawful for any person purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade, or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the City Council to do so, and the written permit of the City Council in accordance with their decision to allow such an action shall constitute the only lawful authority on the part of the company to do so.

(1992 Code, §6-313) Penalty, see §10.99

§130.05 POSTING.

It shall be unlawful for any person to use the streets, sidewalks, or public grounds of the city for signs, signposts, or the posting of handbills or advertisements without written permission of the City Council.

Penalty, see §10.99

§130.06 TRESPASSING.

It shall be unlawful for any person to trespass upon any private grounds within the city, or to break, cut, or injure any tree, shrub, plant, flower, or grass growing thereon, or without the consent of the owner or occupant to enter upon an improved lot or grounds occupied for residence purposes and to loiter about the same.

(Neb. RS 28-588 and 28-588.01) (1992 Code, §6-324) Penalty, see §10.99

§130.07 MALICIOUS DESTRUCTION OF PROPERTY.

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


§130.08 ADMISSION FEE; FRAUDULENT AVOIDANCE OF PAYMENT.

It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert, or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

(1992 Code, §6-326) Penalty, see §10.99
§130.09 SHOPLIFTING.

(A) A person commits the crime of theft by shoplifting when he or she, with the intent of appropriating merchandise to his or her own use without paying for the same or to deprive the owner of possession of that property or its retail value, in whole or in part, does any of the following:

(1) Conceals or takes possession of the goods or merchandise of any store or retail establishment;

(2) Alters the price tag or other price marking on goods or merchandise of any store or retail establishment;

(3) Transfers the goods or merchandise of any store or retail establishment from one container to another;

(4) Interchanges the label or price tag from one item of merchandise with a label or price tag from another item of merchandise; or

(5) Causes the cash register or other sales recording device to reflect less than the retail price of the merchandise.

(B) In any prosecution for theft by shoplifting, in order to allow the owner or owners of shoplifted property the use of that property pending criminal prosecutions, photographs of the shoplifted property may be accepted as prima facie evidence as to the identity of the property. The photograph shall be accompanied by a written statement containing the following:

(1) A description of the property;

(2) The name of the owner or owners of the property;

(3) The time, date, and location where the shoplifting occurred;

(4) The time and date the photograph was taken;

(5) The name of the photographer; and

(6) Verification by the arresting officer.

(C) Prior to allowing the use of shoplifted property as provided in this section, legal counsel for the alleged shoplifter shall have a reasonable opportunity to inspect and appraise the property and may file a motion for retention of the property, which motion shall be granted if there is any reasonable basis for believing that the photographs and accompanying affidavit may be misleading.

(Neb. RS 28-511.01) (1992 Code, §6-344) Penalty, see §10.99
CHAPTER 131: OFFENSES AGAINST PUBLIC ORDER

Section

General Provisions

131.01 Disorderly conduct
131.02 Disturbing the peace
131.03 Encouraging delinquency
131.04 Disturbing lawful assembly
131.05 Loudspeakers and sound trucks
131.06 Rioting

Order on Public Ways

131.20 Street games
131.21 Obstruction of public ways
131.22 Obstructing water flow
131.23 Deposit of material on roadways or ditches
131.24 Water flowing onto roadway

Curfew

131.40 Definitions
131.41 Curfew for juveniles
131.42 Exceptions
131.43 Parental responsibility
131.44 Operator responsibility
131.45 Enforcement procedures
131.46 Construction; advisory opinions; application

131.99 Penalty
GENERAL PROVISIONS

§131.01 DISORDERLY CONDUCT.

It shall be unlawful for any person to engage in conduct or behavior which disturbs the peace and good order of the city by clamor or noise, intoxication, drunkenness, fighting, or using obscene or profane language in the streets or other public places or otherwise violating the public peace by indecent or disorderly conduct or lewd or lascivious behavior.

(1992 Code, §6-314) Penalty, see §131.99

Statutory reference:

Authority to prevent disorderly conduct, see Neb. RS 17-129
Authority to regulate noise, riots, and routs, see Neb. RS 17-556

§131.02 DISTURBING THE PEACE.

It shall be unlawful for any person intentionally to disturb the peace and quiet of any person, family, or neighborhood.


§131.03 ENCOURAGING DELINQUENCY.

It shall be unlawful for any person, by any act or neglect, to encourage, aid, or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for any person, after notice that a driver’s license of any child has been suspended or revoked, to permit that child to operate a motor vehicle during the period that the driver’s license is suspended.


§131.04 DISTURBING LAWFUL ASSEMBLY.

It shall be unlawful for any person or persons to disturb, interrupt, or interfere with any lawful assembly of people, whether religious or otherwise, by loud and unnecessary noise, threatening behavior, or indecent and shocking behavior.

§131.05 LOUDSPEAKERS AND SOUND TRUCKS.

It shall be unlawful to play, operate, or use any device known as a sound truck, loudspeaker or sound amplifier, radio or phonograph, with loudspeaker or sound amplifier, or any instrument of any kind or character, which emits loud and raucous noises and is attached to and upon any vehicle, unless the person in charge of the vehicle shall have first applied to and received permission from the Chief of Police to operate any such vehicle so equipped.

(1992 Code, §6-333) Penalty, see §131.99

§131.06 RIOTING.

It shall be unlawful for any person or persons to congregate together for the purpose of breaching the peace by rioting, or to induce others to riot through words, actions, or conduct, and whosoever shall congregate with others for the purpose of rioting or inducing others to riot shall be deemed to be guilty of a misdemeanor.


ORDER ON PUBLIC WAYS

§131.20 STREET GAMES.

It shall be unlawful for any person to play catch, bat a ball, or kick or throw a football, or to engage in any exercise or sport, upon the city streets and sidewalks. Nothing herein shall be construed to prohibit or prevent the City Council from ordering from time to time certain streets and public places blocked off for the purpose of providing a safe area to engage in such exercise and sport.

Penalty, see §10.99

Statutory reference:
Additional authority, see Neb. RS 17-555 and 17-557
Authority to regulate excavation and obstruction of streets, see Neb. RS 17-142

§131.21 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.

Penalty, see §10.99

Statutory reference:
Additional authority, see Neb. RS 17-555 and 17-557
Authority to regulate excavation and obstruction of streets, see Neb. RS 17-142
Penalties for injuring or obstructing roads, see Neb. RS 39-301 and 39-302
§131.22 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.

Penalty, see §10.99

Statutory reference:
- Authority to abate nuisances, see Neb. RS 17-555
- Authority to prevent water obstruction, see Neb. RS 17-920

§131.23 DEPOSIT OF MATERIAL ON ROADWAYS OR DITCHES.

(A) It shall be unlawful for any person to deposit any wood, stone, or other kind of material on any part of any lawful public road within the city limits, inside of the ditches of the road or outside of the ditches, but so near thereto as to cause the banks thereof to break into the same or cause the accumulation of rubbish or any kind of obstruction upon the public thoroughfares of the city. It shall be unlawful for any person to deposit, place, or allow to remain in or upon any public thoroughfare any material or substance injurious to persons or property.

(1992 Code, §6-331 and 6-338)

(B) No person shall throw, cast, lay, or place upon any street any thorns, nails, tacks, glass, bottles, window glass, or other articles made of or containing glass; and in case of an accident causing the breaking of any glass upon any street, the owner or person in charge of that glass, or the person responsible for the breakage, shall at once remove or cause the same to be removed from the street.


Penalty, see §131.99

§131.24 WATER FLOWING ONTO ROADWAY.

It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare.

(1992 Code, §6-337) Penalty, see §131.99

CURFEW

§131.40 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Kimball, Nebraska, with administrative offices at 223 S. Chestnut.
EMERGENCY. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT. Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

JUVENILE or MINOR. Any unemancipated person under the age of 18, or, in equivalent phrasing often herein employed, any person 17 or less years of age.

OPERATOR. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

PARENT. Any person having legal custody of a juvenile:

(1) As a natural or adoptive parent;

(2) As a legal guardian;

(3) As a person who stands in loco parentis; or

(4) As a person to whom legal custody has been given by court order.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access, and including, but not limited to, streets, common areas of schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, taverns, cafes, arcades, and similar areas that are open to the use of the public.

REMAIN. To stay behind, to tarry, and to stay unnecessarily in a public place, including the congregating of groups (or of interacting minors) totaling 4 or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home, or to fail to leave the premises of an establishment when requested to do so by a police officer or the operator of an establishment. To implement this provision with additional precision and precaution, numerous exceptions are expressly defined in this subchapter.

STREET. As a type of public place, a STREET is a way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. STREET includes that legal right-of-way, including but not limited to the cartway of traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

TIME OF NIGHT. Based upon the prevailing standard of time, whether Mountain Standard Time or Mountain Daylight Savings Time, generally observed at that hour by the public in the city; prima facie the time then observed in the city administrative offices and police station.
YEARS OF AGE. Continues from one birthday, such as the seventeenth, to (but not including the day of) the next, such as the eighteenth birthday, making it clear that 17 OR LESS YEARS OF AGE is herein treated as equivalent to the phrase UNDER EIGHTEEN YEARS OF AGE, the latter phrase in practice, unfortunately, having confused a number of persons into the mistaken thought that 18-year-olds might be involved. Similarly, for example, “11 or less years of age” means “under 12 years of age.”

(Ord. 560, passed 7-6-1999; Am. Ord. 598, passed 2-6-2001)

§131.41 CURFEW FOR JUVENILES.

It shall be unlawful for any person 17 or less years of age (under 18) to be or remain in or upon a public place within the city during the period ending at 5:00 a.m. and beginning:

(A) At 11:59 p.m. on Friday and Saturday nights; and

(B) At 11:00 p.m. on all other nights.

(Ord. 560, passed 7-6-1999; Am. Ord. 598, passed 2-6-2001) Penalty, see §131.99

§131.42 EXCEPTIONS.

(A) The following shall constitute valid exceptions to the operation of this subchapter:

(1) When a juvenile is accompanied by a parent of that juvenile;

(2) When a juvenile is accompanied by an adult authorized in writing by a parent of that juvenile to take that parent’s place in accompanying the juvenile for a designated period of time and purpose within a specified area;

(3) When the juvenile is on an errand as directed by his or her parent until the hour of 12:30 a.m.;

(4) When a juvenile is exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly, by first delivering to a city police officer a written communication, signed by the juvenile and countersigned by a parent of the juvenile with their home address and telephone number, specifying when, where, and in what manner the juvenile will be in a public place during hours when the subchapter is applicable to the minor in the exercise of a First Amendment right specified in that communication;
(5) In case of reasonable necessity for the juvenile remaining in a public place, but only after the juvenile’s parent has communicated to the Chief of Police or the person designated by the Chief of Police to receive such notifications the facts establishing the reasonable necessity relating to a specified public place at a designated time for a described purpose including points of origin and destination. A copy of the communication, or of the police record thereof, duly certified by the Chief of Police to be correct with an appropriate notation of the time it was received and of the names and addresses of the parent and juvenile, shall be admissible evidence;

(6) When a juvenile is on the sidewalk or property where the juvenile resides, or on either side of or across the street from the place where the juvenile resides and the adult owner or resident of that property has given permission for the juvenile to be there;

(7) When a juvenile is returning home by a direct route (without any unnecessary detour or stop) from and within 1 hour of the termination of a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play, or sporting event. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will or does end, the sponsoring organization must register the event with the City Police Department at least 24 hours in advance, informing the Police Department of the time that the event is scheduled to begin, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization;

(8) When authorized by special permit from a city police officer carried on the person of the juvenile thus authorized, as follows: when necessary nighttime activities of a juvenile may be inadequately provided for by other provisions of this subchapter, then recourse may be had to a city police officer, either for a regulation as provided in division (A)(9) or for a special permit as the circumstances warrant. Upon the findings of reasonable necessity for the use of a public place to the extent warranted by a written application signed by a juvenile and by a parent of the juvenile stating the name, age, and address of the juvenile; the name, address, and telephone number of a parent thereof; the height, weight, sex, color of eyes and hair, and other physical characteristics of the juvenile; the necessity that requires the juvenile to remain upon a public place during the curfew hours otherwise applicable; the public place; and the beginning and ending of the period of time involved by date and hour, a city police officer may grant a permit in writing for the juvenile’s use of a public place at such hours as in the opinion of the officer may reasonably be necessary and consistent with the purposes of this subchapter. In an emergency this may be handled by telephone or other effective communication, with a corresponding record being made contemporaneously, at the police station;

(9) When authorized by regulation issued by the Chief of Police, or his or her designee, in other similar cases of reasonable necessity, similarly handled by adapted to reasonably necessary nighttime activities of more juveniles than can readily be dealt with on an individual special permit basis. Normally such regulation permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the public places permitted, the period of time involved (not to extend more than 1 hour beyond the time for termination of the activity), and the reason for finding that the regulation is reasonably necessary and is consistent with the purposes of this subchapter;
(10) When the juvenile is legally employed and carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or re-issued not more than 45 days previously, signed by a city police officer and briefly identifying the juvenile, the addresses of the juvenile’s home and of the juvenile’s place of employment, and the juvenile’s hours of employment;

(11) When the juvenile is, with parental consent, engaged in normal interstate travel through the city or originating or terminating in the city;

(12) When the juvenile is married or has been married pursuant to state law; or

(13) In the case of an operator of an establishment, when the operator has notified the police that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

(B) Each of the foregoing exceptions, and their several limitations such as provisions for notification, are severable, and will be considered by Council when warranted by the future experience illuminated by the views of student government associations, school personnel, citizens, associations, parents, officers, and persons in authority concerned positively with juveniles as well as with juvenile delinquency.

(Ord. 560, passed 7-6-1999; Am. Ord. 598, passed 2-6-2001)

§131.43 PARENTAL RESPONSIBILITY.

It shall be unlawful for a parent having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to remain in any city public place under circumstances not constituting an exception to, or otherwise beyond the scope of, this subchapter. The term “knowingly” includes knowledge that a parent should be reasonably be expected to have concerning the whereabouts of a juvenile in that parent’s legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of the juvenile.

(Ord. 560, passed 7-6-1999; Am. Ord. 598, passed 2-6-2001) Penalty, see §131.99

§131.44 OPERATOR RESPONSIBILITY.

It shall be unlawful for any operator of an establishment to knowingly permit a juvenile to remain at the establishment under circumstances not constituting an exception to, or otherwise beyond the scope of, this subchapter. The term “knowingly” includes knowledge that an operator should reasonably be expected to have concerning the patrons of the establishment. The standard for “knowingly” shall be applied through an objective test: whether a reasonable person in the operator’s position should have known that the patron was a juvenile in violation of this subchapter.

(Ord. 560, passed 7-6-1999; Am. Ord. 598, passed 2-6-2001) Penalty, see §131.99
§131.45 ENFORCEMENT PROCEDURES.

(A) If a police officer reasonably believes that a juvenile is in a public place in violation of this subchapter, the officer shall notify the juvenile that he or she is in violation of this subchapter and shall require the juvenile to provide his or her name, address, and telephone number and how to contact his or her parent or guardian. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or a driver’s license, a police officer shall, in the first instance of violation of this subchapter, use his or her best judgment in determining age.

(B) The police officer may issue the juvenile a written warning that the juvenile is in violation of this subchapter and order the juvenile to go promptly home. The Chief of Police shall send the parent or guardian of the juvenile written notice of the violation pursuant to §131.43.

(C) Police procedures shall constantly be refined in the light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile whose identity and address may readily be ascertained or are known.

(D) In the case of a violation of this subchapter by a juvenile, the Chief of Police shall by certified mail send to a parent or guardian written notice of the violation with a warning that any subsequent violation may result in full enforcement of this subchapter, including enforcement of parental responsibility and of applicable penalties.

(E) For the first violation of this subchapter by an operator of an establishment who permits a juvenile to remain on the premises, a police officer shall issue a written notice of the violation with a warning that any subsequent violation may result in full enforcement of the subchapter, including enforcement of operator responsibility and of applicable penalties.

(F) In any event the police officer shall, within 24 hours, file a written report with the Chief of Police or shall participate to the extent of the information for which he or she is responsible in the preparation of a report on the curfew violation. It is not the intention of this section to require extensive reports that will prevent police officers from performing their primary police duties. The reports shall be as simple as is reasonably possible and may be completed by police departmental personnel other than sworn police officers.

(Ord. 560, passed 7-6-1999; Am. Ord. 598, passed 2-6-2001) Penalty, see §131.99

§131.46 CONSTRUCTION; ADVISORY OPINIONS; APPLICATION.

The Mayor, after consultation with the City Attorney, is hereby authorized to give advisory opinions in writing, which shall be binding and shall be adhered to by the police, until this subchapter is amended in that respect, interpreting terms, phrases, parts, or any provisions. Normally such advisory opinions shall be in response to good faith, signed letters addressed to the Mayor or to a member of the City Council, questioning the Curfew Ordinance as: ambiguous; having a potentially chilling effect on constitutional rights specifically invoked; or otherwise invalid, in all 3 categories with respect to proposed conduct definitely described. This administrative remedy must be exhausted prior to presenting to any court a question in any of the 3 categories. The City Council does not intend a
result through the enforcement of the subchapter that is absurd, impossible of execution, or unreasonable. The Council intends that the subchapter be held inapplicable in those cases, if any, where its application would be unconstitutional under the Nebraska Constitution or the U.S. Constitution.
(Ord. 560, passed 7-6-1999; Am. Ord. 598, passed 2-6-2001)

§131.99 PENALTY.

(A) Any violation of this chapter for which no other penalty is prescribed shall be punishable as set forth in §10.99 of this code.

(B) (1) Any person who shall violate or refuse to comply with the enforcement of any of the provisions of §131.40 et seq. shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 for each offense. A new violation shall be deemed to have been committed each quarter hour of that failure to comply.

(2) Any juvenile who shall violate any of the provisions of §131.40 et seq. more than 3 times shall be reported by the Chief of Police to the County Attorney as a juvenile in need of supervision.
(Ord. 560, passed 7-6-1999; Am. Ord. 598, passed 2-6-2001)
CHAPTER 132: OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION

Section

132.01 Impersonating a public servant
132.02 Impersonating a peace officer
132.03 Refusing to aid a peace officer
132.04 Resisting arrest without the use of a deadly or dangerous weapon
132.05 Obstructing a peace officer
132.06 Interfering with a firefighter
132.07 False reporting
132.08 Concealing knowledge of offenses
132.09 Unlawful act or failure to comply with required act

§132.01 IMPERSONATING A PUBLIC SERVANT.

It shall be unlawful for any person falsely to pretend to be a public servant other than a peace officer and perform any act in that pretended capacity. It is no defense that the office the actor pretended to hold did not in fact exist.

(Neb. RS 28-609) Penalty, see §10.99

§132.02 IMPERSONATING A PEACE OFFICER.

It shall be unlawful for any person to falsely pretend to be a peace officer and perform any act in that pretended capacity.


§132.03 REFUSING TO AID A PEACE OFFICER.

It shall be unlawful for any person, upon a request by a person known to him or her to be a peace officer, unreasonably to refuse or fail to aid the peace officer in:

(A) Apprehending any person charged with or convicted of any offense against any of the laws of this state or city; or

(B) Securing the offender when apprehended; or
(C) Conveying the offender to the jail of the county or this city.

§132.04 RESISTING ARREST WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON.

(A) It shall be unlawful for any person, without the use of a deadly or dangerous weapon, while intentionally preventing or attempting to prevent a peace officer, acting under color of his or her official authority, from effecting an arrest of the actor or another, to:

(1) Use or threaten to use physical force or violence against the peace officer or another;

(2) Use any other means which creates a substantial risk of causing physical injury to the peace officer or another; or

(3) Employ means requiring substantial force to overcome resistance to effecting the arrest.

(B) It is an affirmative defense to prosecution under this section if the peace officer involved was out of uniform and did not identify himself or herself as a peace officer by showing his or her credentials to the person whose arrest is attempted.
(Neb. RS 28-904) (1992 Code, §6-301) Penalty, see §10.99

§132.05 OBSTRUCTING A PEACE OFFICER.

(A) A person commits the offense of obstructing a peace officer when, by using or threatening to use violence, force, physical interference, or obstacle, he or she intentionally obstructs, impairs, or hinders:

(1) The enforcement of the penal law or the preservation of the peace by a peace officer or judge acting under color of his or her official authority; or

(2) A police animal assisting a peace officer acting pursuant to the peace officer's official authority.

(B) For purposes of this section, POLICE ANIMAL means a horse or dog owned or controlled by the city or the state for the purpose of assisting a city law enforcement officer or a state trooper acting pursuant to his or her official authority.

§132.06 INTERFERING WITH A FIREFIGHTER.

A person commits the offense of interfering with a firefighter if at any time and place where any firefighter is discharging or attempting to discharge any official duties, the person willfully:
(A) Resists or interferes with the lawful efforts of any firefighter in the discharge or attempt to discharge an official duty;

(B) Disobeys the lawful orders given by any firefighter while performing his or her duties;

(C) Engages in any disorderly conduct which delays or prevents a fire from being extinguished within a reasonable time; or

(D) Forbids or prevents others from assisting or extinguishing a fire, or exhorts another person, as to whom he or she has no legal right or obligation to protect or control, not to assist in extinguishing a fire.


§132.07 FALSE REPORTING.

(A) It shall be unlawful for any person to:

(1) Furnish material information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or impede the investigation of an actual criminal matter;

(2) Furnish information he or she knows to be false alleging the existence of the need for the assistance of an emergency medical service or out-of-hospital emergency care provider or an emergency in which human life or property are in jeopardy to any hospital, emergency medical service, or other person or governmental agency;

(3) Furnish any information, or cause information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such a department;

(4) Furnish any information he or she knows to be false concerning the location of any explosive in any building or other property to any person; or

(5) Furnish material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding the investigation.

(B) A person who violates this section commits the offense of false reporting.


§132.08 CONCEALING KNOWLEDGE OF OFFENSES.

It shall be unlawful for any person to conceal knowledge of the commission of any offense or to
conceal knowledge of any unlawful act as defined in this code.
(1992 Code, §6-327) Penalty, see §10.99

§132.09 UNLAWFUL ACT OR FAILURE TO COMPLY WITH REQUIRED ACT.

It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by state law, insofar as those laws are applicable to city government.
(1992 Code, §6-329) Penalty, see §10.99
CHAPTER 133: OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Section

General Provisions

133.01 Maintaining a nuisance
133.02 Appliances in yard
133.03 Putting carcass or filthy substance into well, spring, brook, or stream
133.04 Prohibited fences
133.05 Weeds; litter; stagnant water
133.06 Littering
133.07 Raising or producing stagnant water
133.08 Junk; keeping restricted
133.09 Entry into public pool area after closing

Substance Offenses

133.25 Use of tobacco by minors
133.26 Sale of tobacco to minors
133.27 Misrepresentation by minor to obtain tobacco
133.28 Misrepresentation by minor to obtain alcohol
133.29 Minors; prohibited acts involving alcoholic liquor
133.30 Drinking on public property; open beverage container
133.31 Tobacco purchase by minors prohibited

Motor Vehicle and Highway Offenses

133.45 Abandoned automobiles
133.46 Unlicensed or inoperable vehicles
133.47 Shooting highway signs, markers, or notices
133.48 Removal and possession of highway signs, markers, or notices

Weapons Offenses

133.60 Discharge of firearms
133.61 Slingshots, air guns, BB guns

389
Garbage

133.75 Offensive or unhealthy substances prohibited
133.76 Sweeping rubbish into public ways prohibited
133.77 Accumulation of rubbish prohibited

133.99 Penalty

Cross-reference: Abandoned and Wrecked Vehicles, see Chapter 98

GENERAL PROVISIONS

§133.01 MAINTAINING A NUISANCE.

(A) A person commits the offense of maintaining a nuisance if he or she erects, keeps up or continues, and maintains any nuisance to the injury of any part of the citizens of this city.

(B) The erecting, continuing, using, or maintaining of any building, structure, or other place for the exercise of any trade, employment, manufacture, or other business which, by occasioning noxious exhalations, noisome or offensive smells, becomes injurious and dangerous to the health, comfort, or property of individuals or the public; the obstructing or impeding, without legal authority, of the passage of any navigable river, harbor, or collection of water; or the corrupting or rendering unwholesome or impure of any watercourse, stream, or water; or unlawfully diverting any such watercourse from its natural course or state to the injury or prejudice of others; and the obstructing or encumbering by fences, building, structures or otherwise of any of the public highways or streets or alleys of the city, shall be deemed nuisances.

(C) A person guilty of erecting, continuing, using, maintaining, or causing any such nuisance shall be guilty of a violation of this section and in every such case the offense shall be construed and held to have been committed in any county whose inhabitants are or have been injured or aggrieved thereby.

(D) The court, in case of conviction of such offense, shall order every such nuisance to be abated or removed.

§133.02 APPLIANCES IN YARD.

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children whether on private or public property unless the person first removes all doors and makes the same reasonably safe.

(1992 Code, §6-308) Penalty, see §133.99

Statutory reference:
Authority to prohibit nuisances within zoning jurisdiction, see Neb. RS 18-1720

§133.03 PUTTING CARCASS OR FILTHY SUBSTANCE INTO WELL, SPRING, BROOK, OR STREAM.

Whoever shall put any dead animal, carcass or part thereof, or other filthy substance into any well, or into any spring, brook, or branch of running water, of which use is made for domestic purposes, shall be guilty of an offense.

(Neb. RS 28-1304) Penalty, see §10.99

§133.04 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 the fence abuts a public sidewalk, street, or alley.


Statutory reference:
Restrictions on barbed wire fences, see Neb. RS 39-307

§133.05 WEEDS; LITTERING; STAGNANT WATER.

(A) Lots or pieces of ground within the city shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(B) The owner or occupant of any lot or piece of ground within the city shall keep the lot or piece of ground and the adjoining streets and alleys free of any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation.

(C) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the city is prohibited, except that grass, leaves, and worthless vegetation may be used as a ground mulch or in a compost pile.

(D) It is hereby declared to be a nuisance to permit or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(E) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this
section, be guilty of an offense.

(F) (1) Notice to abate and remove this nuisance shall be given to each owner or owner’s duly authorized agent and to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. Within 5 days after receipt of the notice or publication or posting, whichever is applicable, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance, the city may have the work done. The costs and expenses of any such work shall be paid by the owner.

(2) If unpaid for 2 months after the work is done, the city may either:

(a) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefitted 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 lot or piece of ground and the adjoining streets and alleys.

(G) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LITTER.** Includes, but is not limited to:

(a) Trash, rubbish, refuse, garbage, paper, rags, and ashes;

(b) Wood, plaster, cement, brick, or stone building rubble;

(c) Grass, leaves, and worthless vegetation;

(d) Offal and dead animals; and

(e) Any machine or machines, vehicle or vehicles, 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.

**WEEDS.** Include, but are not limited to: bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

(Neb. RS 17-563) (1992 Code, §6-309) Penalty, see §133.99

**Statutory reference:**

Additional authority to regulate nuisances, see Neb. RS 18-1720
§133.06 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) The property is an area designated by law for the disposal of that type of material and the person is authorized by the proper public authority to so use the property; or

(2) The litter is placed in a receptacle or container installed on the property for that purpose.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*LITTER.* Includes all waste material susceptible of being dropped, deposited, discarded, or otherwise disposed of by any person upon any property in the state, but does not include wastes of primary processes of farming or manufacturing.

*WASTE MATERIAL.* Any material appearing in a place or in a context not associated with that material’s function or origin.

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


§133.07 RAISING OR PRODUCING STAGNANT WATER.

Whoever shall build, erect, continue, or keep up any dam or other obstruction in any river or stream of water in the city and thereby raise an artificial pond, or produce stagnant waters, which shall be manifestly injurious to the public health and safety shall be guilty of an offense and the court shall, moreover, order every such nuisance to be abated or removed.


§133.08 JUNK; KEEPING RESTRICTED.

It shall be unlawful for any person to store or keep any old articles or materials which may be classified as junk adjacent to or in close proximity to any schoolhouse, church, public park, public grounds, business building, or residence without first providing proper and tight buildings for the storage of the same. A new violation shall be deemed to have been committed every 24 hours of failure to comply.

§133.09 ENTRY INTO PUBLIC POOL AREA AFTER CLOSING.

It shall be unlawful for any person to be in a city swimming pool, the surrounding area enclosed by a fence, or the swimming pool building, except during those hours of the day when the swimming pool shall be open for public use; provided, that the employees of the city responsible for the operation of the pool may conduct activities which are necessary for the operation and maintenance of the pool after the pool is closed to the public; and provided further, that any person or group of persons authorized by the City Council or Swimming Pool Board may use the swimming pool facilities at such time as the swimming pool is not open for public use.

(1992 Code, §6-341) Penalty, see §133.99

SUBSTANCE OFFENSES

§133.25 USE OF TOBACCO BY MINORS.

Whoever, being a minor under the age of 18, shall smoke cigarettes or cigars, or use tobacco in any form whatever in this city, shall be guilty of an offense. Any minor so charged with the violation of this section may be free from prosecution when he or she shall have furnished evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, or tobacco.

(Neb. RS 28-1418) Penalty, see §10.99

§133.26 SALE OF TOBACCO TO MINORS.

Whoever shall 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 shall be guilty of an offense.


§133.27 MISREPRESENTATION BY MINOR TO OBTAIN TOBACCO.

Any person under the age of 18 years who shall obtain cigars, tobacco, cigarettes, or cigarette material from a licensee hereunder by representing that he or she is of the age of 18 years or over, shall be guilty of an offense.

(Neb. RS 28-1427) Penalty, see §10.99

§133.28 MISREPRESENTATION BY MINOR TO OBTAIN ALCOHOL.

No minor, as defined by Neb. RS 53-103.23, shall obtain, or attempt to obtain, alcoholic liquor by misrepresentation of age, or by any other method, in any tavern or other place where alcoholic liquor is sold.

(Neb. RS 53-180.01) Penalty, see §10.99

Statutory reference:

Penalty for manufacturing false identification intended for minors, see Neb. RS 53-180.05
§133.29 MINORS; PROHIBITED ACTS INVOLVING ALCOHOLIC LIQUOR.

(A) For purposes of this section, the definitions found in Neb. RS 53-103.01 through 53-103.42 shall apply, including, but not limited to, the definitions of the terms alcoholic liquor, consume, minor, sale, and to sell.

(B) Except as otherwise provided in §111.20, no minor may sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, or highways, upon property owned by the state or any subdivision thereof, or inside any vehicle while in or on any other place, including, but not limited to, the public streets, alleys, roads, or highways, or upon property owned by the state or any subdivision thereof, except that a minor may consume, possess, or have physical control of alcoholic liquor as a part of a bona fide religious rite, ritual, or ceremony or in his or her permanent place of residence.

(C) It shall be unlawful for any person under 21 years of age to transport, consume, or knowingly possess or have under his or her control beer or other alcoholic liquor in or transported by any motor vehicle.

(1992 Code, §6-318) Penalty, see §10.99

Statutory reference:
Minor Alcoholic Liquor Liability Act, see Neb. RS 53-401 through 53-409

§133.30 DRINKING ON PUBLIC PROPERTY; OPEN BEVERAGE CONTAINER.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOLIC BEVERAGE.

(a) Beer, ale, porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description, containing 0.5% or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor;

(b) Wine of not less than 0.5% alcohol by volume; or

(c) Distilled spirits, which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.

(d) ALCOHOLIC BEVERAGE does not include trace amounts not readily consumable as a beverage.

HIGHWAY. A road or street including the entire area within the right-of-way.
**LIMOUSINE.** A luxury vehicle used to provide prearranged passenger transportation on a dedicated basis at a premium fare that has a seating capacity of at least 5 and no more than 14 persons behind the driver with a physical partition separating the driver seat from the passenger compartment. **LIMOUSINE** does not include taxicabs, hotel or airport buses or shuttles, or buses.

**OPEN ALCOHOLIC BEVERAGE CONTAINER.** Except as provided in Neb. RS 53-123.04(3) and 53-123.11(1)(c), any bottle, can, or other receptacle:

(a) That contains any amount of alcoholic beverage; and

(b) (i) That is open or has a broken seal; or

(ii) The contents of which are partially removed.

**PASSENGER AREA.** The area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in the area. **PASSENGER AREA** does not include the area behind the last upright seat of the motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.

(B) Except as otherwise provided in this section, it is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this city.

(C) Except as provided in §111.03 or division (D) of this section, it is unlawful for any person to consume an alcoholic beverage:

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

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

(D) This section does not apply to persons who are passengers of, but not drivers of, a limousine or bus being used in a charter or special party service as defined by rules and regulations adopted and promulgated by the state Public Service Commission and subject to Neb. Admin. Code, Chapter 75, Article 3. Such passengers may possess open alcoholic beverage containers and may consume alcoholic beverages while such limousine or bus is in a public parking area or on any highway in this city if:

(1) The driver of the limousine or bus is prohibited from consuming alcoholic liquor; and

(2) Alcoholic liquor is not present in any area that is readily accessible to the driver while in the driver's seat, including any compartments in such area.

(Neb. RS 60-6,211.08)

(1992 Code, §6-316) Penalty, see §10.99
§133.31 TOBACCO PURCHASE BY MINORS PROHIBITED.

It shall be unlawful for any minor under the age of 18 years to smoke, purchase, or attempt to
acquire tobacco, cigarettes, or cigars of any kind.
(Neb. RS 28-1418) (1992 Code, §6-319) Penalty, see §133.99

MOTOR VEHICLE AND HIGHWAY OFFENSES

§133.45 ABANDONED AUTOMOBILES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly
indicates or requires a different meaning.

ABANDONED VEHICLE.

(a) A motor vehicle is an ABANDONED VEHICLE:

(i) If left unattended, with no license plates or valid In Transit stickers issued
pursuant to the Motor Vehicle Registration Act affixed thereto, for more than 6 hours on any public
property;

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

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

(iv) If left unattended for more than 7 days on private property if left initially without
permission of the owner, or after permission of the owner is terminated;

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

(vi) If removed from private property by the city pursuant to a city ordinance or this
code.

(b) An all-terrain vehicle or minibike is an ABANDONED VEHICLE:

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

(ii) If left unattended for more than 48 hours, after the parking of such vehicle has
become illegal, if left on a portion of any public property on which parking is legally permitted;
(iii) If left unattended for more than 7 days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

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

(vi) If removed from private property by the city pursuant to a city ordinance or this code.

(c) No motor vehicle subject to forfeiture under Neb. RS 28-431 shall be an **ABANDONED VEHICLE** under this division (A).

**PRIVATE PROPERTY.** Any privately owned property which is not included within the definition of public property.

**PUBLIC PROPERTY.** Any public right-of-way, street, highway, alley, or park or other state, county, or city-owned property.

(Neb. RS 60-1901)

(B) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit stickers issued pursuant to Neb. RS 60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of $250 or less, title shall immediately vest in the city. Any certificate of title issued under this division to the city shall be issued at no cost to the city.

(Neb. RS 60-1902)

(C) (1) Except for vehicles governed by division (B) of this section, the city shall make an inquiry concerning the last-registered owner of such vehicle as follows:

(a) Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or

(b) Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

(2) The city shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:

(a) It will be sold or will be offered at public auction after 5 days from the date such notice was mailed; or

(b) Title will vest in the city 30 days after the date such notice was mailed.

(3) If the agency described in division (C)(1)(a) or (b) of this section also notifies the city that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.
(4) Title to an abandoned vehicle, if unclaimed, shall vest in the city:

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

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

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

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

(Neb. RS 60-1903)

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

(2) This division shall not apply to motor vehicles subject to forfeiture under Neb. RS 28-431.

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

(Neb. RS 60-1903.01)

(E) If a state agency caused an abandoned vehicle described in division (A)(a)(5) or (A)(b)(4) of this section to be removed from public property in this city, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in division (A)(a)(1), (2), (3), or (4) or (A)(b)(1), (2), or (3) of this section to be removed from public property in this city, the state agency shall deliver the vehicle to the city which shall have custody.

(Neb. RS 60-1904)

(F) Any proceeds from the sale of an abandoned vehicle in the city's custody less any expenses incurred by the city shall be held by the city without interest, for the benefit of the owner or lienholders
of such vehicle for a period of 2 years. If not claimed within such 2-year period, the proceeds shall be paid into the general fund of the city.
(Neb. RS 60-1905)

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

(H) No person shall cause any vehicle to be an abandoned vehicle as described in division (A)(a)(1), (2), (3), or (4) or (A)(b)(1), (2), or (3) of this section.
(Neb. RS 60-1907)

(I) No person other than one authorized by the city or appropriate state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this division shall be guilty of an offense.
(Neb. RS 60-1908)

(J) The last-registered owner of an abandoned vehicle shall be liable to the city for the costs of removal and storage of such vehicle.
(Neb. RS 60-1909)

(K) Any person violating the provisions of this section shall be guilty of an offense.
(Neb. RS 60-1911) Penalty, see §10.99

Statutory reference:
Motor Vehicle Registration Act, see Neb. RS 60-301

§133.46 UNLICENSED OR INOPERABLE VEHICLES.

(A) No person in charge or control of any property within the city, other than city property, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, inoperable, wrecked, junked, or discarded vehicle to remain on that property longer than 30 days.

(B) No unlicensed vehicle shall be permitted to remain on any private or public property for any length of time, provided that this section shall not apply to the following:

(1) A vehicle bearing a valid “In Transit” sticker;

(2) A vehicle in an enclosed building;

(3) A vehicle on the premises of a business enterprise operated in a lawful place and manner when the vehicle is necessary to the lawful operation of the business; or
(4) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(C) Any vehicle allowed to remain on property in violation of this section shall constitute a nuisance and shall be abated, and any person violating this section shall be guilty of an offense. Penalty, see §10.99

Statutory reference:
“In Transit” stickers, see Neb. RS 60-376

§133.47 SHOOTING HIGHWAY SIGNS, MARKERS, OR NOTICES.

It shall be unlawful for any person willfully or maliciously to shoot upon the public highway and injure, deface, damage, or destroy any signs, monuments, road markers, traffic-control or surveillance devices, or other public notices lawfully placed upon the highways. (Neb. RS 60-6,130(1)) (1992 Code, §6-342) Penalty, see §133.99

§133.48 REMOVAL AND POSSESSION OF HIGHWAY SIGNS, MARKERS, OR NOTICES.

It shall be unlawful for any person, other than those authorized to do so, to remove any sign, traffic-control, or traffic surveillance device placed along a public street, road, or highway for traffic control, warning, or informational purposes. Moreover, it shall be unlawful for any person to possess such a sign or device which has been removed in violation of this section. (Neb. RS 60-6,130(3)) (1992 Code, §6-343) Penalty, see §133.99

WEAPONS OFFENSES

§133.60 DISCHARGE OF FIREARMS.

It shall be unlawful for any person, except an officer of the law in the discharge of official duty, to fire or discharge any gun, pistol, or other fowling piece within the city, except that nothing in this section shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the City Council. (1992 Code, §6-311) Penalty, see §133.99

Statutory reference:
Authority to regulate, see Neb. RS 17-556

§133.61 SLINGSHOTS, AIR GUNS, BB GUNS.

It shall be unlawful for any person to discharge a slingshot, air gun, bb gun, pellet gun, bow and arrow, crossbow or any other device capable of projecting a missile able to inflict harm to persons or
animals, or to injure property, except in places and under special permission by the City Council. Provided, the City Council may give permission for the use of such devices, or giving exhibitions or holding competitions in their use within the city if such use is supervised and is part of a festival, community celebration, exhibition or community activity. (1992 Code, §6-312) (Am. Ord. 675, passed 8-3-2011) Penalty, see §133.99

Statutory reference:
Authority to regulate, see Neb. RS 17-556

GARBAGE

§133.75 OFFENSIVE OR UNHEALTHY SUBSTANCES PROHIBITED.

It shall be unlawful for any person to keep in or about any dwelling house, building, or premises in the city any substances that may be injurious to the public health or offensive to the residents in the vicinity of the city. (1992 Code, §6-348) Penalty, see §133.99

§133.76 SWEEPING RUBBISH INTO PUBLIC WAYS PROHIBITED.

It shall be unlawful for any person to throw or sweep into the streets, sidewalks, alleys, parks, public buildings, or public grounds of the city any dirt, paper, nails, pieces of glass or board, fruit parings or skins, garbage, rubbish, waste, and litter of any kind. (1992 Code, §6-349) Penalty, see §133.99

§133.77 ACCUMULATION OF RUBBISH PROHIBITED.

It shall be unlawful for any person to throw, to deposit, to let fall, to accumulate, or to let stand any rubbish, waste, or litter upon private premises, streets, sidewalks, alleys, public buildings, public grounds, and vacant lots within the city. (1992 Code, §6-350) Penalty, see §133.99

§133.99 PENALTY.

(A) Any violation of this chapter for which no other penalty is prescribed shall be punishable as set forth in §10.99 of this code.

(B) (1) Any person who shall violate or refuse to comply with the enforcement of §133.08 shall be liable for a civil monetary penalty in the amount of $100 together with the costs of the action.

(2) Any person who has, within 365 days, twice violated or refused to comply with the
enforcement within 1 year, as adjudged by a court of competent jurisdiction, shall be liable for a civil monetary penalty in the amount of $250 together with the costs of the action.

(3) Any person who has, within 365 days, 3 times violated or refused to comply with the enforcement within 1 year, as adjudged by a court of competent jurisdiction, shall be liable for a civil monetary penalty in the amount of $500 together with the costs of the action.
(Ord. 588, passed 2-22-2000)
CHAPTER 134: OFFENSES AGAINST PUBLIC MORALS

Section

General Provisions

134.01  PROSTITUTION.
Any person who performs, offers, or agrees to perform any act of sexual contact or sexual penetration, as those terms are defined in Neb. RS 28-318, with any person not his or her spouse, in exchange for money or other thing of value, commits the offense of prostitution.

134.02  PUBLIC INDECENCY.
A person, 18 years of age or over, commits the offense of public indecency if such person performs or procures, or assists any other person to perform, in a public place and where the conduct may reasonably be expected to be viewed by members of the public:
   (A) An act of sexual penetration as defined in Neb. RS 28-318;

134.20  Definitions
134.21  Residence; prohibited location
134.22  Distance; measurement
134.23  Separate violations
134.24  Exceptions
134.99  Penalty

GENERAL PROVISIONS

§134.01  PROSTITUTION.

Any person who performs, offers, or agrees to perform any act of sexual contact or sexual penetration, as those terms are defined in Neb. RS 28-318, with any person not his or her spouse, in exchange for money or other thing of value, commits the offense of prostitution.

§134.02  PUBLIC INDECENCY.

A person, 18 years of age or over, commits the offense of public indecency if such person performs or procures, or assists any other person to perform, in a public place and where the conduct may reasonably be expected to be viewed by members of the public:
   (A) An act of sexual penetration as defined in Neb. RS 28-318;
Offenses Against Public Morals

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

(C) A lewd fondling or caressing of the body of another person of the same or opposite sex.
(Neb. RS 28-806) Penalty, see §10.99

§134.03 GAMBLING.

(A) For the purpose of this section, the definitions found in Neb. RS 28-1101 shall be used.

(B) A person commits the offense of promoting gambling if he or she knowingly:

(1) Advances or profits from any unlawful gambling activity by:

   (a) Engaging in bookmaking;

   (b) Receiving, in connection with any unlawful gambling scheme or enterprise, any amount of money played in the scheme or enterprise in any 1 day; or

   (c) Betting something of value in an amount of $300 or more with 1 or more persons in 1 day; or
   (Neb. RS 28-1102 and 28-1103)

   (2) Participates in unlawful gambling as a player by betting less than $300 in any one day.
   (Neb. RS 28-1104)

(C) (1) A person commits the offense of possession of a gambling device if he or she manufactures, sells, transports, places, possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that it shall be used in the advancement of unlawful gambling activity.

   (2) This division shall not apply to any coin-operated mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding free games, which is intended to be played and is in fact played for amusement only, and which may allow the player the right to replay such gaming device at no additional cost, which right to replay shall not be considered money or property, except that such mechanical game:

   (a) Can be discharged of accumulated free replays only by reactivating the game for one additional play for each accumulated free replay; and

   (b) Makes no permanent record directly or indirectly of free replays so awarded.
(3) Notwithstanding any other provisions of this division, any mechanical game or device classified by the federal government as an illegal gambling device and requiring a federal Gambling Device Tax Stamp as required by the Internal Revenue Service in its administration of 26 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, are hereby declared to be illegal and excluded from the exemption granted in this division.
(Neb. RS 28-1107)

(D) In any prosecution under this section, it shall be an affirmative defense that the writing, paper, instrument, or article possessed by the defendant was neither used nor intended to be used in the advancement of an unlawful gambling activity.
(Neb. RS 28-1108)

(E) Proof of possession of any gambling device shall be prima facie evidence of possession thereof with knowledge of its contents and character.
(Neb. RS 28-1109)

(F) It shall be no defense to a prosecution under any provision of this section relating to gambling that the gambling is conducted outside this city and is not in violation of the laws of the jurisdiction in which it is conducted.
(Neb. RS 28-1110)

(G) Any gambling device or gambling record possessed in violation of any provision of this section, or any money used as a bet or stake in gambling activity in violation of any provision of this section, shall be forfeited to the state.
(Neb. RS 28-1111)

(H) In any prosecution for an offense defined in this section, when the defendant's status as a player constitutes an excusing condition, the fact that the defendant was a player shall constitute an affirmative defense.
(Neb. RS 28-1112)

(I) Nothing in this section shall be construed to:

1. Apply to or prohibit wagering on the results of horseraces by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horserace meetings; or

2. Prohibit or punish the conducting or participating in any bingo, lottery by the sale of pickle cards, lottery, raffle, or gift enterprise when conducted in accordance with the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or Neb. RS 9-701.
(Neb. RS 28-1113)
(J) In any prosecution under this section in which it is necessary to prove the occurrence of a sporting event, a published report of its occurrence in any daily newspaper, magazine, or other periodically printed publication of general circulation shall be admissible in evidence and shall constitute prima facie evidence of the occurrence of the event.
(Neb. RS 28-1117)
(1992 Code, §6-322) Penalty, see §134.99

§134.04 OBSCENE CONDUCT.

It shall be unlawful for any person to urinate or stool in any place open to the public view, or to be guilty of any lewd, lascivious, or obscene conduct, or to sing any lewd or obscene song, ballad, or other words in any public place or any other place where other persons are present, or indecently to exhibit any animal.

§134.05 DISTRIBUTION OF OBSCENE LITERATURE.

It shall be unlawful for any person to exhibit, pass, give, or deliver to another, any obscene, lewd, or indecent book, pamphlet, picture, card, print, paper, writing, mold, cast, or figure, or to have same in his or her possession.
(Neb. RS 28-921) (1992 Code, §6-335) Penalty, see §134.99

SEXUAL PREDATOR RESIDENCY RESTRICTIONS

§134.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILD CARE FACILITY. A facility licensed pursuant to the Child Care Licensing Act.

RESIDE. To sleep, live, or dwell at a place, which may include more than 1 location, and may be mobile or transitory.

RESIDENCE. A place where an individual sleeps, lives, or dwells, which may include more than 1 location, and may be mobile or transitory.

SCHOOL. A public, private, denominational, or parochial school which meets the requirements for state accreditation or approval.

SEX OFFENDER. An individual who has been convicted of a crime listed in Neb. RS 29-4003
and who is required to register as a sex offender pursuant to the Sex Offender Registration Act.

**SEXUAL PREDATOR.** An individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in Neb. RS 29-4001.01, and who has victimized a person eighteen years or younger.

(Ord. 661, passed 2-3-2010)

§134.21 RESIDENCE; PROHIBITED LOCATION.

It is unlawful for any sexual predator to reside within 300 feet from a school or child care facility.

(Ord. 661, passed 2-3-2010) Penalty, see §134.99

§134.22 DISTANCE; MEASUREMENT.

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.

(Ord. 661, passed 2-3-2010)

§134.23 SEPARATE VIOLATIONS.

Each day that a person violates this section shall be considered a separate violation.

(Ord. 661, passed 2-3-2010)

§134.24 EXCEPTIONS.

This subchapter 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.

(Ord. 661, passed 2-3-2010)

§134.99 PENALTY.

(A) Any violation of this chapter for which no other penalty is prescribed shall be punishable as set forth in §10.99 of this code.
(B) Any person who shall violate or refuse to comply with the enforcement of §134.04 shall be liable for a civil monetary penalty in the amount of $100 together with the costs of the action.

(C) A person who violates §134.20 through 134.24 shall be punished by a fine not to exceed $500 nor less than $250 for each violation.
(Ord. 589, passed 2-22-2000; Am. Ord. 661, passed 2-3-2010)
TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. TRAILERS AND TRAILER COURTS

152. SIGNS AND BILLBOARDS

153. OIL AND GAS WELLS

154. ZONING AND SUBDIVISION REGULATIONS

155. WELLHEAD PROTECTION

156. FLOODPLAIN MANAGEMENT
CHAPTER 150: BUILDING REGULATIONS

Section

Building Permits and Regulations

150.001 Requirement
150.002 Limitation
150.003 Duplicate to County Assessor
150.004 Barricades and lights
150.005 Building Code; adopted by reference

Moving of Buildings

150.020 Regulations
150.021 Deposit

Unsafe Buildings

150.035 Definition
150.036 Prohibitions
150.037 Determination; notice
150.038 Hearing and appeal
150.039 Emergency
150.040 Special assessments

Wind Energy Conversion Systems

150.050 Definitions
150.051 Tower
150.052 Guy wires
150.053 Wind rotor
150.054 Electrical components
150.055 Noise
150.056 Electromagnetic interference
150.057 Aviation regulations
150.058 Building permit application
150.059 Permit application; electrical components
150.060 Warning sign; labeling

412
§150.001 REQUIREMENT.

Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish, or relocate any building or dwelling, or cause the same to be done, shall file with the City Clerk an application for a building permit. The application shall be in writing on a form to be furnished by the City Clerk for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor, and such other information as may be requested thereon. The application, plans, and specifications so filed with the City Clerk shall be checked and examined by the City Council or its designee, and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the City Clerk shall issue the applicant a permit upon payment of a permit fee set by the Council by resolution. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern.

(1992 Code, §9-201) Penalty, see §150.999

§150.002 LIMITATION.

If the work for which a permit has been issued shall not have begun within 6 months of the date thereof, or if the construction is discontinued for a period of 6 months, the permit shall be void. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

(1992 Code, §9-202) Penalty, see §150.999
§150.003 DUPLICATE TO COUNTY ASSESSOR.

Whenever a building permit is issued for the erection, alteration, or repair of any building within the city’s jurisdiction, if the improvement is $2,500 or more, a duplicate of the permit shall be issued to the County Assessor.

§150.004 BARRICADES AND LIGHTS.

Any owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the city shall protect all excavations, exposures, open basements, building materials, and debris by suitable barricades or guards by day and by warning lights at night. The failure, neglect, or refusal of the owner, tenant, or lessee to erect and maintain such protections shall constitute a violation of this section, and the Building Inspector or other city law enforcement authority may stop all work upon the buildings and improvements until suitable protections are erected and maintained in the required manner.
(1992 Code, §9-105) Penalty, see §150.999

§150.005 BUILDING CODE; ADOPTED BY REFERENCE.

To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction, and uses of materials and buildings hereinafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the International Building Code - 2006 Edition, published by the International Code Council, and the International Residential Code 1 and 2 Family Dwellings - 2006 Edition, published by the International Code Council, printed in book or pamphlet form, are now incorporated by reference in addition to all amended editions as though printed in full herein, and are adopted by the City Council, insofar as the codes do not conflict with the state statutes. One copy of the Building Code is on file at the office of the City Clerk and are available for public inspection at any reasonable time. The provisions of the Building Code shall be controlling throughout the city and throughout its zoning jurisdiction.
(Ord. 671, passed 1-19-2011)

MOVING OF BUILDINGS

§150.020 REGULATIONS.

(A) It shall be unlawful for any person, firm, or corporation to move any building or structure within the city without a written permit to do so. Application may be made to the City Clerk and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the City Council may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions
regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the building is presently located.

(B) The City Clerk shall refer the application to the City Council or its designee for approval of the proposed route over which the building is to be moved. Upon approval, the City Clerk shall issue the permit, provided that a good and sufficient corporate surety bond, check, or cash in an amount set by motion of the City Council and conditioned upon moving the building without doing damage to any private or city property is filed with the City Clerk prior to the granting of any permit.

(C) No moving permit shall be required to move a building that is 10 feet wide or less, and 20 feet long or less, and when in a position to move, 15 feet high or less.

(D) In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using, or operating the poles, wires, or line shall, upon proper notice of at least 24 hours, be present and assist by disconnecting the poles, wires, or line relative to the building moving operation. All expense of the disconnection, removal, or related work shall be paid in advance by the licensee unless the disconnection or work is furnished on different terms as provided in the company’s franchise.

(E) Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the city, notice in writing of the time and route of the building moving operation shall be given to the various officials in charge of the city utility departments, who shall proceed in behalf of the city and at the expense of the mover to make such disconnections and do such work as is necessary.

(1992 Code, §9-301) Penalty, see §150.999

Statutory reference: Authority to regulate moving of buildings, see Neb. RS 17-142

§150.021 DEPOSIT.

At such time as the building moving has been completed, the Building Inspector or other designated official shall inspect the premises and report to the City Clerk as to the extent of damages, if any, resulting from the relocation and whether any city laws have been violated during the operation. Upon a satisfactory report from the Building Inspector or other designated official, the City Clerk shall return the corporate surety bond, cash, or check deposited by the applicant. In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the City Council may apply the money deposited for the purpose of defraying the expense of correcting the conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by the City Council, the City Council may recover the excess expense by civil suit or otherwise as prescribed by law.

(1992 Code, §9-302)
§150.035 DEFINITION.

(A) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

UNSAFE BUILDING. Includes any building, shed, fence, or other human-made structure:

(a) Which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures;

(b) Which because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard; or

(c) Which by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of the structure.

(B) Any such unsafe building in the city is hereby declared to be a nuisance.
(1992 Code, §9-401) Penalty, see §150.999

§150.036 PROHIBITIONS.

It shall be unlawful to maintain or permit the existence of any unsafe building in the city, and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy the building or permit it to be occupied while it is in an unsafe condition.
(1992 Code, §9-402) Penalty, see §150.999

Statutory reference:
Authority to prevent and abate nuisances, see Neb. RS 18-1720

§150.037 DETERMINATION; NOTICE.

(A) (1) Whenever the City Council or its designee has made a determination that a building or other structure in the city is an unsafe building, it shall be the duty of the City Clerk to post the property accordingly and to file a copy of such determination or resolution in the office of the County Register of Deeds to be recorded.
(Neb. RS 18-1722.01)

(2) The Clerk shall also serve written notice upon the owner and any occupant of the building or other structure by certified mail or personal service.
(B) This notice shall state that the building has been declared to be in an unsafe condition, that the dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it, and that the condition must be remedied within 60 days from the date of receipt. The notice may be in the following terms:

A To ________________________________ (owner-occupant of premises), of the premises known and described as ________________________________.

You are hereby notified that _______________________________ (describe building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by ________________________________. The causes for this decision are ________________________________. (here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building within 60 days from the date of receipt of this notice or the city will proceed to do so. Appeal of this determination may be made to the City Council, acting as the Board of Appeals, by filing with the City Clerk within 10 days from the date of receipt of this notice a request for a hearing.

(C) If the person receiving the notice has not complied within 60 days from the date of receipt of the notice, or taken an appeal from the determination that a dangerous building exists within 10 days from the time when this notice is served upon that person by personal service or certified mail, the Building Inspector or other designated official may, upon orders of the City Council, proceed to remedy the condition or demolish the unsafe building.

(Neb. RS 77-1725.01) (1992 Code, §9-403)

§150.038 HEARING AND APPEAL.

(A) Upon receiving the notice to repair or demolish the building, the owner of the building, within the time stipulated, may in writing to the City Clerk request a hearing before the City Council, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The City Council shall grant such a hearing within 10 days from the date of receiving the request. A written notice of the City Council’s decision following the hearing shall be sent to the property owner by certified mail.

(B) If the City Council rejects the appeal, the owner shall have 60 days from the sending of the decision to begin repair or demolition and removal. If after the 60-day period the owner has not begun work, the City Council shall proceed to cause the work to be done, except that the property owner may appeal the decision to the appropriate court for adjudication, during which proceedings the decision of the City Council shall be stayed.

(C) The City Clerk shall at once inform the County Treasurer of the removal or demolition of or a levy of attachment upon any item of real property known to him or her.

(Neb. RS 77-1725.01) (1992 Code, §9-404)
§150.039 EMERGENCY.

Where any unsafe building or structure poses an immediate danger to the health, safety, or general welfare of any person or persons and the owner fails to remedy the situation in a reasonable time after notice to do so, the city may summarily repair or demolish and remove that building or structure. (1992 Code, §9-405)

§150.040 SPECIAL ASSESSMENTS.

(A) If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the city to repair, rehabilitate, or demolish and remove a building or structure which is an unsafe building or structure and a public nuisance, the city may proceed with the work specified in the notice to the property owner. A statement of the cost of this work shall be transmitted to the City Council.

(B) The City Council may:

(1) Levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or

(2) Collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. (Neb. RS 18-1722) (1992 Code, §9-406)

WIND ENERGY CONVERSION SYSTEMS

§150.050 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OVERSPEED CONTROL. A mechanism used to limit the speed of blade rotation to one that is below the design limits of the WECS.

SURVIVAL WIND SPEED. The maximum wind speed a WECS in automatic unattended operation (whether or not producing power) can sustain without damage to structural components or loss of ability to function normally.
WIND ENERGY CONVERSION SYSTEM; WECS. A machine that converts kinetic energy in wind into a different, usable form of energy, including a machine commonly known as a wind turbine or windmill. Unless the context clearly indicates otherwise, the term refers to all components of such a system, including, but not limited to, the tower and transmission equipment. For convenience, the term usually is abbreviated WECS.

WIND ROTOR. The blades, and the hub to which they are attached, which are used to capture wind for purposes of energy conversion. A WIND ROTOR is mounted upon a pole or tower for use.

§150.051 TOWER.

(A) Tower construction shall comply with all provisions of the Building Code currently in effect in the city.

(B) The tower shall have either a tower-climbing apparatus commencing not lower than 12 feet above the ground, or a locked anticlimb device installed on the tower, or shall be completely enclosed by a locked, protective fence not less than six feet in height.

§150.052 GUY WIRES.

Anchor points of guy wires for the tower shall be located upon the lot or tract of land on which the tower is situated. Such wires shall not be located across any aboveground electrical transmission or distribution lines, and shall not extend into any required front or side yard building setback areas. The point of ground attachment for guy wires shall be completely enclosed by a continuous fence six feet in height.

§150.053 WIND ROTOR.

Each WECS shall be equipped with both manual and automatic controls which will limit the rotational speed of the blade to a speed that is lower than the design limits of the wind rotor.

§150.054 ELECTRICAL COMPONENTS.

All electrical components of a WECS shall comply with the requirements of the Electrical Code currently in effect in the city.
§150.055 NOISE.

The noise generated by a WECS shall not exceed 65 decibels on the DBA scale, as measured outdoors at any property line of the lot or tract of land on which the WECS is located, or 45 decibels as measured inside any residential structure located on or adjacent to such lot or tract of land.

(Ord. 683, passed 5-16-2012) Penalty, see §150.999

§150.056 ELECTROMAGNETIC INTERFERENCE.

(A) A WECS shall be filtered or shielded so as to prevent the emission of radio-frequency energy which would cause harmful interference with radio and/or television broadcasting or reception.

(B) A WECS shall not be installed in any location along the major axis of an existing microwave communications link such that the operation of the WECS may produce a harmful level of electromagnetic interference. If the Zoning Administrator shall determine that a WECS is causing harmful interference, the operator shall immediately cease operation of the system, and shall not resume operation until the harmful interference has been removed, as determined by the Zoning Administrator.

(Ord. 683, passed 5-16-2012) Penalty, see §150.999

§150.057 AVIATION REGULATIONS.

No WECS shall be erected, maintained or operated in violation of any regulation of the Federal Aviation Administration.

(Ord. 683, passed 5-16-2012) Penalty, see §150.999

§150.058 BUILDING PERMIT APPLICATION.

An application for a building permit for a WECS shall contain the contact information for the applicant/owner including the address and telephone number and shall:

(A) Be accompanied by a plot plan drawn in sufficient scale and detail to clearly show:

(1) The property lines and physical dimensions of the lot or tract of land on which the WECS will be located, and location and dimensions of all abutting streets and alleys;

(2) The location and total height of the WECS;

(3) The location of aboveground utility lines on the lot or tract of land and, whether or not on the lot or tract of land, within a radius equal to $\frac{12}{2}$ times the total height of the WECS; and
(4) The location and size (including height) of buildings, structures and trees referred to in the city Zoning Ordinance, except electrical transmission and distribution lines, antennas, slender or open lattice towers, and open fences;

(B) Be accompanied by standard drawings of the structural components of the WECS, including the tower support structures, base and footings; such drawings and any necessary calculations shall be certified in writing by a licensed professional engineer licensed to practice in the state, and shall include a certification that the system, including any structural components or installation details which vary from the standard design or specifications, complies with the requirements, including the windload requirements, of the Building Code currently in effect in the city;

(C) Cite specific wind-speed data, including monthly mean wind speeds for a period of no less than six months;

(D) For the area in which is situated the lot or tract of land, include WECS design data, including manufacturer's specification and installation and operation instructions;

(E) Be accompanied by a statement by a state-licensed professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use according to good engineering practices, and the structural compatibility of available towers with available rotors; and

(F) Be accompanied by documentation by the WECS manufacturer that the WECS model has operated safely in atmospheric conditions for a period of not less than three months and has provided energy equivalent to not less than 25% of its predicted annual energy output under a 12 mph annual wind regime.

(Ord. 683, passed 5-16-2012)

§150.059 PERMIT APPLICATION; ELECTRICAL COMPONENTS.

The drawing of the electrical components which accompanies the application shall be a line drawing in sufficient detail to enable the Zoning Administrator to determine that the manner of installation will comply with the requirements of the National Electric Code currently in effect in the city, and there shall be attached to the drawing a statement of an electrician licensed under the laws of the state that the electrical system complies with the National Electrical Code, and conforms to good electrical practices. If electrical components proposed to be installed vary from the standard design or specifications, the application shall be accompanied, also, by a certificate of a licensed professional engineer that the modified design or specifications comply with such National Electrical Code and conforms to good engineering practices.

(Ord. 683, passed 5-16-2012)

§150.060 WARNING SIGN; LABELING.

(A) Not less than one sign warning of electrical shock or high voltage shall be posted and maintained in a conspicuous location at the base of the tower.
(B) The following information shall be posted on a label or labels affixed to the generator or alternator of the WECS:

1. The maximum power output of the system and the wind speed at which it is achieved;
2. Nominal voltage(s) and maximum current; and
3. The manufacturer’s name and address, and the serial number and model number.

(C) All of the information required under this section, together with a statement of the maximum survival wind speed and of emergency and normal shutdown procedures, shall also be provided on a label or labels posted and easily read at ground level or located at the WECS control panel.

(Ord. 683, passed 5-16-2012) Penalty, see §150.999

§150.061 LIABILITY INSURANCE.

The owner of the lot or tract of land or, if the WECS is to be erected, maintained or operated by some other person, such other person shall maintain liability insurance covering loss or damage to persons and property by the WECS in a minimum amount of $1,000,000 per event and $2,000,000 aggregate coverage, and shall maintain on file in the office of the City Clerk a certificate of the insurer showing such coverage.

(Ord. 683, passed 5-16-2012) Penalty, see §150.999

§150.062 MAINTENANCE.

A WECS shall be regularly and properly maintained in good operating condition.

(Ord. 683, passed 5-16-2012) Penalty, see §150.999

BUILDING INSPECTOR

§150.080 POWER AND AUTHORITY.

The Building Inspector shall be the city official who shall have the duty of enforcing all city building and housing regulations, if any. He or she shall inspect all buildings repaired, altered, built, or moved in the city as often as necessary to ensure compliance with all city ordinances. He or she shall have the power and authority to order, at the direction of the City Council, all work stopped on any construction, alteration, or relocation which violates any provisions prescribed in any city building and housing regulations. He or she shall, at the direction of the City Council, issue permission to continue any construction, alteration, or relocation when the City Council is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within 1 hour.
This written order may be served by any city police officer. In the event that the city has building and housing regulations and the Mayor fails to appoint a Building Inspector, the Chief of Police shall be the Building Inspector ex officio.
(1992 Code, §9-101)

§150.081 RIGHT OF ENTRY.

It shall be unlawful for any person to refuse to allow the Building Inspector entry into any building or structure where the work of construction, alteration, repair, or relocation is taking place, for the purpose of making official inspections at any reasonable hour.
(1992 Code, §9-102) Penalty, see §150.999

§150.082 TIME OF INSPECTION.

The Building Inspector, upon notification from the permit holder or his or her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent that the work fails to comply with the requirements of the city code: foundation inspection shall be made after trenches are excavated and the necessary forms erected; frame inspection shall be made after the roof, framing, fire-blocking, and backing is in place and all pipes, chimneys, and vents are complete; and final inspection shall be made after the building is completed and ready for occupancy. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the Building Inspector.
(1992 Code, §9-103) Penalty, see §150.999

§150.083 APPEAL FROM DECISION.

In the event it is claimed that the true intent and meaning of any city building or housing regulation has been wrongly interpreted by the Building Inspector, that the time allowed for compliance with any order of the Building Inspector is too short, or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by the regulation and by the Building Inspector, the owner, his or her agent, or the occupant may file a notice of appeal within 10 days after the decision or order of the Building Inspector has been made. The City Council shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the Building Inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by the building or housing regulation to achieve that end. A copy of any variance so granted shall be sent to both the Building Inspector and the applicant.
(1992 Code, §9-104)
§150.084 PLANS, MAPS, AND THE LIKE; CITY OFFICIALS; DUTY.

A city official charged with the duty or responsibility of accepting or approving plans, specifications, geological maps, and reports shall not accept or approve plans, specifications, geological maps, or reports which have not been prepared in accordance with the Geologists Regulation Act.
(Neb. RS 81-3538) (Ord. 568, passed 11-16-1999)

§150.999 PENALTY.

(A) Any person who violates any section of this chapter for which no other specific penalty is provided shall be subject to the provisions of §10.99.

(B) Any person who violates §150.050 through 150.062, including the standard codes adopted by reference, or fails to comply with any lawful permit, order or notice made or given thereunder, shall be deemed guilty of a misdemeanor and upon conviction, shall be fined not more than $100 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. Each day that a violation or noncompliance shall continue after notification by the Zoning Administrator shall constitute a separate offense.
(Ord. 683, passed 5-16-2012)
CHAPTER 151: TRAILERS AND TRAILER COURTS

Section

General Provisions

151.001 Definitions

Permits

151.015 Permit required
151.016 Permit application; renewal
151.017 Plans and specifications
151.018 Permit fees

Requirements and Restrictions

151.030 Location; drainage
151.031 General space requirements
151.032 Access roads
151.033 Trailer location
151.034 Trailer occupancy unlawful unless on space
151.035 Motor vehicle parking
151.036 Stands and skirting
151.037 Restrictions on animals and pets
151.038 Register of occupants
151.039 Supervision and maintenance

Services; Utilities; Health and Safety

151.050 Water supply
151.051 Independent water supply
151.052 Water reservoirs
151.053 Plumbing
151.054 Sewer connection
151.055 Sewer lines
151.056 Sewage disposal
151.057 Refuse disposal
151.058 Refuse storage
151.059 Refuse removal
151.060 Fire protection
Mobile Homes Outside Trailer Courts; Permits

151.075 Application for permit
151.076 Application fee
151.077 Notice of hearing
151.078 Lot size
151.079 Drawing of tract
151.080 Applicable regulatory codes
151.081 Minimum living space
151.082 Mobile home stand; anchors and tie-downs
151.083 Maintenance
151.084 Permit revocation
151.085 Special circumstances
151.086 Additions
151.087 Permit nontransferable

Administration and Enforcement

151.100 Inspections required
151.101 Inspection of records
151.102 Duty of owners and occupants; inspector access
151.103 Duty of occupants; owner access
151.104 Notice of violation
151.105 Emergencies

GENERAL PROVISIONS

§151.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HEALTH OFFICER. Any member of the Board of Health or duly authorized agent of the City Council.

MOBILE HOME. A structure or building suitable for permanent (more than 30 days) living quarters built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway whether or not the structure actually has, at any given time, such wheels attached, or is jacked up or skirted up, more than 8 feet wide and 32 feet in length, and designed or used for residential occupancy with or without a permanent foundation when connected to the required utilities.
**TRAILER.** Any vehicle, without motive power, designated for living quarters and for being drawn by a motor vehicle and suitable for recreational, vacation, or travel purposes and which is not more than 8 feet in width nor more than 32 feet in length including hitch; provided, the length shall not apply if the gross weight does not exceed 4,500 pounds.

**TRAILER COURT** or **TRAILER CAMP.** Any plot of ground approved by the city upon which 2 or more trailers occupied for dwelling or sleeping purposes are located and which has received a special permit for its location from the City Council.

**TRAILER SPACE.** A plot of ground within a trailer court designated for the accommodation of 1 trailer and reserved for exclusive use of its occupants.

(1992 Code, §10-501)

**PERMITS**

§151.015 PERMIT REQUIRED.

(A) It shall be unlawful for any person to construct, maintain, or operate any trailer court within the limits of the city unless he or she holds a valid permit issued by the City Clerk in the name of that person for the specific trailer court. Applications for permits shall be made to the City Clerk, who shall issue a permit upon compliance by the applicant with provisions of this chapter, as evidenced by a certificate of compliance, which certificate shall show compliance with applicable legal requirements. No permit shall be transferable. Every person holding a trailer court permit shall give notice in writing to the City Clerk within 72 hours after having sold, transferred, given away, or otherwise disposed of any interest in or control of any trailer court. This notice shall include the name and address of the person succeeding to the ownership or control of the trailer court.

(B) Presently licensed trailer courts as of the effective date of this chapter may continue their operation; provided, they meet the court development standards herein provided, and further, that they fully comply with the trailer stand requirements of this chapter.

(1992 Code, §10-502) Penalty, see §10.99

§151.016 PERMIT APPLICATION; RENEWAL.

(A) Application for original trailer court permits shall be in writing and verified. The application shall contain the following:

1. The name and address of the applicant;
2. The interest of the applicant in the trailer court and the location;
3. The legal description of the trailer court; and
4. A complete plan and supplemental specifications (in triplicate) of the trailer court showing compliance with all applicable provisions of the city ordinances.
(B) An application for renewal of a permit shall be required and the renewal issued by the City Clerk before any changes are made in the trailer court which deviate from the plans and specifications as approved in the original permit or the latest renewal thereof. Applications for renewals of permits shall be in writing and verified by the holder of the permit and shall set out any proposed changes in the trailer court. 

(1992 Code, §10-503) Penalty, see §10.99

§151.017 PLANS AND SPECIFICATIONS.

The plans and specifications of the trailer court shall show:

(A) The area, dimensions, and location of the tract of land;

(B) The number, location, dimensions, and size of all trailer spaces;

(C) The location and widths of roadways and walkways;

(D) The location of service buildings and any other proposed structures as required;

(E) The location and construction details of water and sewer lines and service outlets;

(F) Source of water service, if a public supply; construction and location details if a private supply. An adequate supply of sure drinking water must be available;

(G) Type of sewage disposal, including construction and location details, if a private system;

(H) Plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer court; and

(I) All plans and detail drawings drawn to scale. 

(1992 Code, §10-504) Penalty, see §10.99

§151.018 PERMIT FEES.

When other requirements for approval of an original application for a permit or a renewal thereof, as described above, have been satisfied, the applicant shall pay to the City Treasurer a permit fee set by resolution of the City Council and placed on file in the office of the City Clerk for public inspection during normal office hours.

(1992 Code, §10-505)

REQUIREMENTS AND RESTRICTIONS
§151.030 LOCATION; DRAINAGE.

Trailer courts shall be located on a well-drained site, free from marshes, swamps, or other potential breeding places for insects or rodents, and so that its drainage will not endanger any water supply.
(1992 Code, §10-512) Penalty, see §10.99

§151.031 GENERAL SPACE REQUIREMENTS.

In addition to trailer spaces, trailer courts shall accommodate access roads, parking for motor vehicles, and space for any other facility required by this chapter and any zoning regulation that may be adopted.
(1992 Code, §10-513) Penalty, see §10.99

§151.032 ACCESS ROADS.

Access roads shall be provided to each trailer space and shall connect with a street or highway and shall have a minimum unobstructed width of 20 feet and shall permit Fire Department apparatus to approach within 200 feet of any part of any trailer. In all trailer courts constructed after the effective date of this chapter, access roads shall also provide for continuous forward movement of using vehicles.
(1992 Code, §10-514) Penalty, see §10.99

§151.033 TRAILER LOCATION.

All trailer units shall be positioned on a trailer space in compliance with the requirements of the special permit provisions granted by the City Council or in accordance with the zoning requirements at the time of the establishment of the trailer court as follows: in trailer courts constructed after the adoption of this code, a distance of at least 25 feet shall be maintained between trailers and trailers or trailers and buildings in all horizontal directions unless specifically adjusted by the City Council upon specific request due to special circumstances as provided in the Zoning Ordinance.
(1992 Code, §10-515) Penalty, see §10.99

§151.034 TRAILER OCCUPANCY UNLAWFUL UNLESS ON SPACE.

It shall be unlawful to allow any trailer to be occupied in a trailer court unless the trailer is situated on a trailer space.
(1992 Code, §10-516) Penalty, see §10.99
§151.035 MOTOR VEHICLE PARKING.

Parking space for motor vehicles shall be provided and the parking area shall be clearly defined. Motor vehicle parking shall be provided on the basis of 1 stall, 9 feet wide by 20 feet long, for each trailer space.
(1992 Code, §10-517) Penalty, see §10.99

§151.036 STANDS AND SKIRTING.

(A) The area of the trailer stand shall be improved to provide an adequate and approved foundation for the placement of the trailer, thereby positioning the superstructure against uplift, sliding, rotation, or overbearing. The trailer stand shall be on basically noncombustible materials and shall not shift or settle unevenly under the weight of the trailer due to frost action, inadequate drainage, vibration, or other forces acting upon the superstructure. A trailer stand may be provided by means of a solid concrete foot or block 16 inches by 16 inches by 4 inches minimum placed on solid uniform soil upon which are placed and centered standard concrete blocks on top of another with cells placed vertically. A solid 4-inch concrete cap covering the concrete blocks shall be provided as the bearing area to be positioned directly beneath the steel frame of the trailer. If blocking shall be provided upon which shall be placed a wooden spacer and wooden shims upon the full length of the trailer unit, they shall be placed not more than 10 feet apart and not more than 5 feet from the ends of the unit.

(B) The skirting of all trailers is required. The skirting shall not attach a trailer permanently to the ground, but shall be sufficient to withstand wind blow requirements and shall not provide a harborage for junk or rodents nor create a fire hazard. The skirting shall be provided with removable or hinged access panels sufficient to provide easy access to all utility connection points of the trailer and its subsequent connection with the utility risers if they are located within the skirted area.
(1992 Code, §10-529) Penalty, see §10.99

§151.037 RESTRICTIONS ON ANIMALS AND PETS.

No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large, or to commit any nuisance within the limits of any trailer court.
(1992 Code, §10-530) Penalty, see §10.99

§151.038 REGISTER OF OCCUPANTS.

(A) Trailer court owners or operators shall maintain a register which shall be available to any authorized person inspecting the court, and shall be preserved for a period of not less than 1 year.

(B) The register shall indicate:

(1) The name and addresses of all trailer occupants stopping in the court;
(2) The make, model, and license number of the motor vehicle and trailer;

(3) The state, territory, or county issuing the trailer license;

(4) The dates of arrival and departure of each trailer; and

(5) Whether or not each trailer is a dependent or independent trailer.

(1992 Code, §10-531) Penalty, see §10.99

§151.039 SUPERVISION AND MAINTENANCE.

The person to whom a permit for a trailer court is issued shall provide adequate personnel to maintain the court, and its facilities and equipment, in good repair and in a clean and sanitary condition at all times.

(1992 Code, §10-532) Penalty, see §10.99

SERVICES; UTILITIES; HEALTH AND SAFETY

§151.050 WATER SUPPLY.

(A) An accessible, adequate, safe, and potable water supply shall be provided in each trailer court, capable of furnishing a minimum of 150 gallons per day per trailer space. An independent water supply to serve a trailer court shall be developed only after express approval has been granted by the Health Officer. Where a public supply of water of such quality is available, connection shall be made thereto and that supply be used exclusively.

(B) The water system of a trailer court shall be connected and distributed by pipes to all buildings and spaces.

(C) Water piping shall be constructed and maintained in accordance with city ordinances. The water system shall not be connected with non-potable water or water supplies which have not been approved by the Health Officer, and shall be protected against backflow or backsiphonage.

(D) Individual water service connections shall be constructed so that they will not be damaged by parking trailers. The trailer court water system shall be adequate to provide at least 20 pounds per square inch of pressure at all trailer connections.

(1992 Code, §10-518) Penalty, see §10.99

§151.051 INDEPENDENT WATER SUPPLY.

(A) Where an independent or private water system is used to serve a trailer court with water
obtained from wells, the well shall have been approved by the Health Officer, and shall have been drilled or driven. Springs or other sources of supply shall not be used unless approved by the Health Officer.

(B) Every well which serves a trailer court shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. A minimum distance of 150 feet shall be maintained between the water supply and any cesspool. A minimum distance of 100 feet shall be maintained between the water supply and any other possible source of contamination, except that sewers or pipes through which sewage may back up shall be located at least 50 feet from any well or water suction pipe line. Where such sewers or pipes are specifically constructed to provide adequate safeguards, and when specifically authorized by the Health Officer, those sewers or pipes through which sewage may back up may be closer than 50 feet, but not less than 30 feet, from a well.

(C) No well casings, pumps, pumping machinery, or suction pipes which serve a trailer court shall be located in any pit, room, or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless those rooms, whether above or below ground, have free drainage by gravity to the surface of the ground, and the floor of rooms above ground shall be at least 6 inches above grade; the floors shall be watertight, and sloped from the pump pedestal to the drain. The pedestal shall be not less than 12 inches above the floor.

(1992 Code, §10-519) Penalty, see §10.99

§151.052 WATER RESERVOIRS.

(A) Water reservoirs which serve a trailer court shall be watertight, and constructed of impervious material, all overflows and vents of the reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes of the reservoirs shall be constructed with overlapping covers, so as to prevent contamination. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may back up.

(B) Underground stop- and waste-cocks shall not be installed on any connection.

(1992 Code, §10-520) Penalty, see §10.99

§151.053 PLUMBING.

Plumbing in trailer courts shall comply with the city plumbing ordinances and regulations.

(1992 Code, §10-521) Penalty, see §10.99

§151.054 SEWER CONNECTION.

Each independent trailer space shall be provided with at least a 3-inch sewer connection. The sewer connection shall be provided with suitable fittings as adaptors so that a watertight connection can be made between a trailer drain and the sewer connection. The individual trailer connections shall be
constructed so that they can be closed when not linked to a trailer and shall be capped so as to prevent escape odors.
(1992 Code, §10-522) Penalty, see §10.99

§151.055 SEWER LINES.

Sewer lines shall be constructed in accordance with plans approved by the Health Officer and in accordance with the recommendations of the Health Officer. All sewer lines shall be adequately vented, and shall be laid with sufficient earth to prevent breakage from traffic.
(1992 Code, §10-523) Penalty, see §10.99

§151.056 SEWAGE DISPOSAL.

It shall be unlawful to permit any wastewater from sinks, baths, showers, or other plumbing fixtures in any trailer court to be deposited upon the surface of the ground, and all such fixtures, when in use, must be connected to the city sewer system.
(1992 Code, §10-524) Penalty, see §10.99

§151.057 REFUSE DISPOSAL.

Storage, collection, and disposal of refuse in a trailer court shall be managed so as not to create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
(1992 Code, §10-525) Penalty, see §10.99

§151.058 REFUSE STORAGE.

Refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any trailer. Containers shall be provided in sufficient number and capacity to store properly all refuse, and otherwise in conformity with Chapter 54, the garbage and refuse ordinance.
(1992 Code, §10-526) Penalty, see §10.99

§151.059 REFUSE REMOVAL.

(A) Refuse shall be removed from the trailer court at least once weekly. Where suitable refuse removal service is not available from municipal or private agencies, the trailer court operator shall provide this service. Refuse shall be removed and transported as required by city ordinance.

(B) Where municipal or private disposal service is not available, the trailer court operator shall dispose of the refuse in conformity with the city ordinances.
(C) Refuse and garbage incineration on the trailer court premises is prohibited, unless specifically approved by the Health Officer. This approval shall be based on a review of the plans and specifications for the incinerators and approval of the site as well as the type of material placed in the incinerator.
(1992 Code, §10-527) Penalty, see §10.99

§151.060 FIRE PROTECTION.

(A) Trailer courts shall be subject to the Fire Prevention Code of the city.

(B) Trailer courts shall be kept free from litter, rubbish, dry brush, and other flammable materials.

(C) Portable fire extinguishers of a type approved by the Chief of the Fire Department shall be kept in service buildings and at other locations designated by the Chief, and shall be maintained in good operating condition. Appropriate measures shall be taken to prevent freezing of fire equipment.

(D) Where a public water system with a water main of 6 inches or larger is available to the trailer court, standard fire hydrants shall be located within 1,000 feet of each trailer court service building.

(E) Where the water supply system does not provide at least a 6-inch water main, a 2-inch frost-protected water riser within 300 feet of each trailer or service building shall be provided in trailer courts.

(F) The person to whom the trailer court permit is issued shall be responsible for informing all tenants about means for summoning fire apparatus, the Police Department, and trailer court employees, and he or she shall conspicuously post a list of safety rules and regulations, the form of which is found in Appendix A of the National Fire Protection Association Pamphlet 501A, as it presently exists or may hereafter be amended.
(1992 Code, §10-528) Penalty, see §10.99
§151.075 APPLICATION FOR PERMIT.

It shall be unlawful for any person to construct, maintain, or place any trailer or mobile home outside of a trailer court unless a mobile home permit is current authorizing the construction, maintenance, or location of that trailer or mobile home on property outside of a trailer court. Application for a mobile home permit shall be made by the owner, occupant, or occupants of the trailer or mobile home desiring to locate on property outside of a trailer court, which application shall be filed with the City Clerk. The application shall give the name of the applicant, the applicant’s current address and phone number, the location where the trailer or mobile home is to be constructed, maintained, or located, the name of the owner or lessee of the premises on which the trailer or mobile home is to be located, what water and sewer facilities are available, and how applicants will dispose of garbage, sewage, and refuse. A photograph of the trailer or mobile home taken not more than 30 days prior to the filing of the application shall accompany the application. The City Clerk shall, upon the filing of the application, place the same upon the agenda of the first City Council meeting following the completion of the notice requirements as set forth herein. The City Clerk shall not issue a permit for construction, maintenance, or location of a trailer or mobile home until the City Council approves that application.


§151.076 APPLICATION FEE.

At the time of filing the application, the applicant for a mobile home permit shall pay a non-refundable filing fee of $50.

(Ord. 575, passed 2-22-2000)

§151.077 NOTICE OF HEARING.

The applicant shall post a notice in a conspicuous place on the property for which a mobile home permit application is made. The notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than 1.5 inches in height. The posted notice shall be so placed upon the premises that it is easily visible from the street nearest the same and shall be so posted at least 10 days prior to the hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change this posted notice prior to the hearing. The notice shall state that an application for mobile home permit has been made for the property and set for the time and place of the hearing on the application.

(Ord. 575, passed 2-22-2000) Penalty, see §10.99
§151.078 LOT SIZE.

No application shall be approved by the City Council unless 5,000 square feet of space shall be available for the trailer or mobile home. If more than 1 trailer or mobile home is to be located on the property, 5,000 square feet of space shall be available for each of those trailers or mobile homes. (Ord. 575, passed 2-22-2000)

§151.079 DRAWING OF TRACT.

The applicant shall file with the application a drawing showing:

(A) The area, dimensions, and location of the tract of land upon which the trailer or mobile home is to be constructed, maintained, or located;

(B) The location and widths of driveways and walkways;

(C) The location of any other proposed or existing structures on the property;

(D) The location and construction details of water, gas, and sewer lines and electrical service lines; and

(E) The location of the proposed trailer or mobile home and distances to other structures and property lines. (Ord. 575, passed 2-22-2000) Penalty, see §10.99

§151.080 APPLICABLE REGULATORY CODES.

The City Council shall not approve any application for a mobile home permit unless the trailer or mobile home meets the standards of the Uniform Building Code; any other applicable codes and ordinances; meets the National Electrical Code; and meets the HUD Code for Mobile Homes. (Ord. 575, passed 2-22-2000)

§151.081 MINIMUM LIVING SPACE.

The City Council shall not approve the application for a mobile home permit unless the trailer or mobile home to be constructed, maintained, or located contains a minimum area of 1,000 square feet of living space, has a pitched composition roof of not less than 3 inches rise per 12 inches of run, and shall have an exterior siding composed of wood, vinyl, or steel. (Ord. 575, passed 2-22-2000)
§151.082 MOBILE HOME STAND; ANCHORS AND TIE-DOWNS.

The mobile home stand shall be provided with anchors and tie-downs, such as cast in place concrete foundations or runways, screw augers, arrow-head anchors, or other devices providing for stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand, and each anchor shall be able to sustain a minimum tensile strength of 2,800 pounds.
(Ord. 575, passed 2-22-2000) Penalty, see §10.99

§151.083 MAINTENANCE.

It shall be unlawful for the owner or occupant of a trailer or mobile home for which a permit has been issued to fail to keep that trailer or mobile home in good repair, or for that trailer or mobile home to present a run-down or shabby appearance.
(Ord. 575, passed 2-22-2000) Penalty, see §10.99

§151.084 PERMIT REVOCATION.

The City Council is hereby authorized to revoke or cancel any permit issued when it is found that the trailer or mobile home fails to comply with any of the provisions of the city ordinances, rules, or regulations. Prior to the revocation or cancellation of the permit, a hearing shall be held at a regular or a special City Council meeting to determine if the permit should be canceled or revoked, at which time the permit holder shall be given an opportunity to present information as to why the permit should not be revoked or canceled. Not less than 10 days prior to the hearing, the permit holder shall be notified by U.S. mail of the hearing, and the alleged violations that are the basis for the hearing.
(Ord. 575, passed 2-22-2000)

§151.085 SPECIAL CIRCUMSTANCES.

In the event special circumstances or conditions exist that would for safety or appearance require additional restrictions or requirements, the City Council may make those additional restrictions or requirements a condition of approval of the application and issuance of the permit.
(Ord. 575, passed 2-22-2000)

§151.086 ADDITIONS.

Any additions to trailers or mobile homes for which a permit has been issued must meet the requirements of the city building codes. All such additions must have a foundation capable of supporting that addition without dependence upon the trailer or manufactured home for support of any kind.
(Ord. 575, passed 2-22-2000) Penalty, see §10.99
§151.087  PERMIT NONTRANSFERABLE.

Permits issued under the provisions of this subchapter shall not be transferable.
(1992 Code, §10-534) Penalty, see §10.99

ADMINISTRATION AND ENFORCEMENT

§151.100  INSPECTIONS REQUIRED.

(A) The Health Officer, upon displaying his or her identification, is hereby authorized and directed to make inspections to determine the condition of trailer courts in order to perform his or her duty of safeguarding the health and safety of occupants of trailer courts and of the general public.

(B) The Health Officer, Plumbing Inspector, Building Inspector, Fire Inspector, Electrical Inspector, or other authorized inspecting personnel shall have the power to enter at reasonable times upon any private or public property to inspect and investigate conditions affected by this chapter.
(1992 Code, §10-506)

§151.101  INSPECTION OF RECORDS.

The Health Officer, Plumbing Inspector, Building Inspector, Fire Inspector and Electrical Inspector shall have the power to inspect the register containing a record of all trailers and occupants using the trailer court.
(1992 Code, §10-507)

§151.102  DUTY OF OWNERS AND OCCUPANTS; INSPECTOR ACCESS.

It shall be the duty of the owners or occupants of trailer courts and trailers contained therein, or of the person in charge thereof, to give the Health Officer or other authorized inspecting personnel free access to the premises at reasonable times for the purpose of inspection. The inspecting personnel, before the commencement of any inspection, shall offer to the owner or person in charge of the trailer court the opportunity to accompany the inspecting personnel on the inspection of the premises. The owner shall have a person in charge of the trailer court, and should the person in charge be unavailable to accompany the inspecting personnel at the time of the inspection, this shall in no way delay the inspection.
(1992 Code, §10-508) Penalty, see §10.99
§151.103 DUTY OF OCCUPANTS; OWNER ACCESS.

Every occupant of a trailer court shall give the owner thereof or his or her agent or employee access to any part of that trailer court at reasonable times to make repairs or alterations necessary to effect compliance with this chapter.
(1992 Code, §10-509) Penalty, see §10.99

§151.104 NOTICE OF VIOLATION.

(A) Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, he or she shall give notice of the alleged violation to the person to whom the permit was issued, as hereinafter provided. The notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for its issuance;

(3) Specify a reasonable time (but not less than 30 days) for the performance of any act it requires;

(4) Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this chapter; and

(5) Be served upon the owner or his or her agent; provided, that the notice shall have been properly served when a copy thereof has been sent by registered mail to the last known address of the owner or agent, or when the owner or agent has been served with the notice by any other method authorized by the laws of this state.

(B) At the end of the above-mentioned period the Health Officer shall inspect the trailer court, and if the alleged violations have not been corrected, the City Clerk shall revoke the permit and give notice in writing of the revocation to the person to whom the permit is issued. Upon receipt of notice of revocation, that person shall cease operations of the trailer court.
(1992 Code, §10-510) Penalty, see §10.99

§151.105 EMERGENCIES.

Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, he or she may, without notice or hearing, issue an order reciting the existence of such an emergency and take action as he or she may deem necessary to meet the emergency, including requiring the revocation of the permit by the City Clerk. Notwithstanding any other provisions of this chapter, this order shall be effective immediately, but upon petition to the Mayor and City Council shall be afforded a hearing as soon as possible.
(1992 Code, §10-511) Penalty, see §10.99
CHAPTER 152: SIGNS AND BILLBOARDS

Section

152.01 Construction on public property; permit required
152.02 Permit application and procedures
152.03 Location and size
152.04 Bill posting

§152.01 CONSTRUCTION ON PUBLIC PROPERTY; PERMIT REQUIRED.

It shall be unlawful for any person or persons to erect or cause to be erected any advertising display, sign, or other construction in the parkways or on other city property without first obtaining a permit.
(Neb. RS 17-140) (1992 Code, §9-901) Penalty, see §10.99

§152.02 PERMIT APPLICATION AND PROCEDURES.

Any person or persons wishing to erect or cause to be erected any advertising display, sign, or other construction for the purpose of advertising on or over any city property shall make an application to the City Clerk. The application shall contain all the necessary information and documents which the City Council deems appropriate. The City Council shall then assign to a sign committee the duty to consider the application, to visit the proposed location of the contemplated construction, and to recommend the acceptance or rejection of the proposed application. If the City Council accepts the application, it shall then direct the City Clerk to issue the permit. Any person or persons granted a sign permit shall be subject to any fees, taxes, or other rules and regulations which the City Council deems appropriate. Any permit so granted shall be subject to revocation for good and sufficient cause by the City Council.

§152.03 LOCATION AND SIZE.

It shall be unlawful for any person or persons to erect or cause to be erected any signs, posts, awning posts, billboard advertisements, or mercantile displays upon any street or sidewalk; provided, signs may be erected and fastened to buildings at least 8 feet above the sidewalks if they are constructed in such a way as not to exceed 3 feet in length. Electrical illuminated signs may be erected not to extend beyond the building more than 8 feet, but must be fastened to the building at least 12 feet above the sidewalks. Nothing herein shall be construed to apply to any sign or signs erected prior to
the passage of this section that are not an immediate danger to the residents of the city.
(Neb. RS 17-140 and 17-207) (1992 Code, §9-903) Penalty, see §10.99

§152.04 BILL POSTING.

It shall be unlawful to paste, nail, or otherwise attach any signs, bills, or pictures upon any telephone, telegraph, electric light, or other poles or posts, or to paste or paint any sign, card, picture, or other device upon any sidewalk or crosswalk in the streets of the city. It shall also be unlawful for any person to paste, stick, paint, or otherwise attach any sign, circular, card, picture, or other device upon any automobile or other motor vehicle in the city without the consent of the owner of the vehicle, or for any person to mar or deface any motor vehicle belonging to any other person; provided, that this section shall in no manner interfere with the posting of any notice or proclamation issued according to the provisions of law.
(Neb. RS 17-140) (1992 Code, §9-904) Penalty, see §10.99
CHAPTER 153: OIL AND GAS WELLS

Section

General Provisions

153.01 Purpose
153.02 Definitions
153.03 Minimum requirements

Standards and Requirements

153.15 Creation of drilling blocks; number of wells
153.16 Location of wells
153.17 Abandonment of well
153.18 Fixtures; Safety Code applies
153.19 Derricks and drilling masts; construction standards
153.20 Well casings
153.21 Separators and storage tanks
153.22 Slush pits
153.23 Electric motors required; exceptions
153.24 Bailing, swabbing, and testing wells
153.25 Casing; master gates
153.26 Escape of gas prohibited
153.27 Disposal of byproducts
153.28 High pressure lines
153.29 Working pressure; booster plants
153.30 Oil savers
153.31 Automatic safety shutoffs
153.32 Fences
153.33 Non-fireproof buildings restricted

Permits

153.45 Drilling permit; application and issuance
153.46 Permit to drill additional wells
153.47 Bond and proof of insurance required
153.48 Permit fee
153.49 Hearing before Council; notice
153.50 Pipelines; excavations; permit required
153.51 Where lines are interchanged
Administration and Enforcement

153.65 Paving cut fees
153.66 Inspection fees
153.67 Compliance with statutes
153.68 Violations; stop activity
153.69 Suspension of permits
153.70 Enforcement

GENERAL PROVISIONS

§153.01 PURPOSE.

To protect the private and public health, safety, and general welfare of citizens of the city and of the public generally from the danger of fire, accident, explosion, gas, public nuisances, and other hazards dangerous to public peace, health, and safety as a result of the drilling and operations for oil and gas within the city, it is necessary to limit the number and regulate the spacing, drilling, and operation of oil and gas wells and incidental facilities within the city, and as an incident thereto it is further necessary to provide for a fair and just basis of participation in the limited number of wells so drilled and in the production therefrom.

(1992 Code, §9-801)

§153.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**OIL AND GAS.** Not only oil and gas as such in combination 1 with the other, but shall have reference to oil, gas, casinghead gas, casinghead gasoline, distillate, or other hydrocarbons, or any combination thereof, or any 1 thereof.

**PRODUCTION.** Includes all oil and gas produced from wells drilled in the city.

**WELL.** A hole drilled for the purpose of mining for or producing oil and gas. All measurements required by the terms of this chapter shall be measured from the center of the hole.

(1992 Code, §9-802)

§153.03 MINIMUM REQUIREMENTS.

The provisions of this chapter shall be deemed to be the minimum requirements for the
preservation of the public peace, health, safety, and general welfare, and compliance with all terms thereof shall not be deemed to relieve any person from any duty imposed by law to use all necessary care and take all necessary precautions for the safeguarding of the public peace, health, safety, and general welfare and the rights of any individual, and it shall be the duty of any person drilling, operating, or maintaining any well to use all necessary care and take all precautions necessary of whatsoever nature which shall be reasonably necessary under the circumstances to protect the public or the rights thereof.

(Neb. RS 57-901 through 57-922)  (1992 Code, §9-835)  Penalty, see §10.99

STANDARDS AND REQUIREMENTS

§153.15 CREATION OF DRILLING BLOCKS; NUMBER OF WELLS.

The lands within the corporate limits are hereby divided into drilling blocks A to P, inclusive, of approximately 40 acres each as listed on Exhibit A attached to 1992 Code, §9-803. Unless otherwise provided, it shall be unlawful and an offense for any person to drill and complete more than 2 wells for oil and gas on any such drilling block to each producing horizon underlying the same, or to drill any well thereon unless a permit therefor shall have first been obtained. All production from any well drilled on any such drilling block, except so much thereof as is used in developing and operation thereof, or is unavoidably lost, shall be apportioned among and allocated to the several separately owned tracts within that drilling block in the proportion that the area of each tract bears to the total area of the drilling block. The production so allocated to each separately owned tract shall, for all intents, uses, and purposes, be regarded as production from that separately owned tract and, except as otherwise hereinafter provided, shall be distributed among or the proceeds thereof paid to the person who in the absence of this chapter would have shared in the production from that separately owned tract in the same manner, in the same proportions and upon the same conditions as though the production so allocated to that tract had actually been produced from that tract in the absence of this chapter. Wells drilled or operations conducted on any part of a drilling block shall, for all purposes, be regarded as wells drilled or operations conducted on each separately owned tract within the drilling block. Such lands as are now or hereafter may be included within the corporate limits of the city that are not included within any of the drilling blocks designated on Exhibit A shall by proper amendment be added to 1 of the drilling blocks created by this chapter, or a new drilling block shall be created, whichever shall be found by the City Council to be fair and reasonable, to carry out the spirit of this chapter and result in substantial justice to all concerned.

(1992 Code, §9-803)  Penalty, see §10.99

§153.16 LOCATION OF WELLS.

Except as may be otherwise expressly authorized or provided by the Council, no well shall be drilled nearer than 200 feet from any church, school, or other public building as now established in the city, nor nearer than 40 feet from the front or street property line of the particular property on which the well is drilled, nor nearer than 50 feet from the exterior boundary line of the drilling block upon which
the same is located. The Council may authorize directional drilling to properly drain any drilling unit when the surface location permissible is such as to prevent proper drainage by a vertically drilled well. (1992 Code, §9-804) Penalty, see §10.99

§153.17 ABANDONMENT OF WELL.

When any permit expires by failure to renew the bond therefor, or if the well ceases to be productive of oil and gas, the permittee shall, within 90 days of the expiration of the permit or the date the well ceases to be productive, plug and abandon the well and remove all property from the lease and restore the surface of the property to its normal condition prior to the drilling of the well. (1992 Code, §9-810) Penalty, see §10.99

§153.18 FIXTURES; SAFETY CODE APPLIES.

(A) All pipe lines, connections, and fixtures thereof, installed or used for the purpose of the transportation of natural gas, shall be equivalent to the specifications of the National Gas Safety Code, adopted and approved by the U.S. Department of Commerce and now in force, as to thickness, weight, size, strength, and general character of material, workmanship, and manner of installation. All pipe lines used in connection with the drilling of wells, other than gas lines and the lines used for the transportation of petroleum or any of its products, shall be of lapweld or seamless pipe and shall be equivalent to the specifications therefor as now adopted by the American Petroleum Institute for lapweld or grade A seamless pipe line. All such lines shall be at all times operated and maintained in a safe manner so as to prevent all leakage or escape of any of the contents of the lines. If any such lines shall become unsafe or shall not be maintained as provided herein, or any of the contents thereof shall escape therefrom, it shall be the duty of the person in control thereof immediately to discontinue the use thereof and to shut off all of the contents thereof, until the line shall be repaired. All such lines shall, on city streets or alleys, be buried to a minimum depth of 30 inches below the normal surface of the ground, that depth to be measured from the top of the pipe, and to meet the approval of the Engineer, except that temporary lines need be buried only to a minimum depth of 18 inches. (1992 Code, §9-813) Penalty, see §10.99

(B) In the event it shall become necessary to change or remove any of these pipe lines, that change or removal shall be made at the entire expense of the owners thereof, upon approval of the Engineer. The removal or change shall be made within 5 days after notice is served by the city. (1992 Code, §9-813) Penalty, see §10.99

§153.19 DERRICKS AND DRILLING MASTS; CONSTRUCTION STANDARDS.

All derricks and drilling masts for the purpose of drilling wells shall be constructed entirely of steel, and shall meet all standards of the American Petroleum Institute. (1992 Code, §9-814) Penalty, see §10.99
§153.20 WELL CASINGS.

All casings for wells shall be handled, set, run, and cemented in place in accordance with the rules, regulations, and orders of the State Geologist and in accordance with good oil field practice, and in addition to those requirements, it shall be unlawful to re-enter a well for the purpose of doing additional drilling or deepening the same until not less than 24 hours after the casing has been cemented; provided, however, that the hole shall not be re-entered for the purpose of drilling or deepening the same until after 48 hours shall have elapsed after the cementing of the casing through which oil or gas is to be produced. At all times after the setting of the surface casing and the completion of the well an adequate blowout preventer or other similar device of at least 4,000 psi test rating shall be properly installed and continuously maintained in good working condition. Not less than 500 feet of surface casing shall be set and cemented so as to protect any and all water-bearing formations above that depth.

(1992 Code, §9-815) Penalty, see §10.99

§153.21 SEPARATORS AND STORAGE TANKS.

All storage tanks, separators, treaters, or treating equipment shall be located outside the corporate limits, except in unpopulated areas of the city where there is no residential construction in progress and in any event only with express permission of the Council.

(1992 Code, §9-816) Penalty, see §10.99

§153.22 SLUSH PITS.

Earthen slush pits shall not be used anywhere inside the corporate limits and the use of steel pits is required, except in noncongested and nonplatted areas the Council may in its discretion permit the use of earthen slush pits.

(1992 Code, §9-817) Penalty, see §10.99

§153.23 ELECTRIC MOTORS REQUIRED; EXCEPTIONS.

All motors and machinery operating or furnishing the power for operating any equipment in connection with the pumping of any wells shall be operated by electricity; however, other types of power may be used in unpopulated areas of the city where there is no residential construction in progress and in any event only with the express permission of the Council. All motors and machinery operating for furnishing power or operating any equipment in connection with the drilling operations shall be muffled by muffling devices.

(1992 Code, §9-818) Penalty, see §10.99
§153.24 BAILING, SWABBING, AND TESTING WELLS.

It shall be unlawful to bail, swab, or test any well from sundown until sunrise, or during a period when gas may settle on the ground, or during any electrical storm, or during any period when the velocity of the wind shall be greater than 25 miles per hour. During the process of bailing, swabbing, or testing any well, if gas is present and escaping, all electrical energy shall be shut off from all wires furnishing energy for lights on or about any derrick, and only flood lights shall be used during that bailing which are not less than 40 feet from the well. If a drill stem test is taken, reverse circulation shall be maintained at all times during the test.

(1992 Code, §9-819) Penalty, see §10.99

§153.25 CASING; MASTER GATES.

Each string of casing or pipe within any well through which oil or gas is to be produced other than by pumping shall be equipped with a master gate securely fastened thereto.

(1992 Code, §9-820) Penalty, see §10.99

§153.26 ESCAPE OF GAS PROHIBITED.

No gas from any well shall be permitted to escape into the air at any time at the well site.

(1992 Code, §9-821) Penalty, see §10.99

§153.27 DISPOSAL OF BYPRODUCTS.

It shall be unlawful and an offense for any person to deposit, drain, or divert into or upon any public highway, street, or alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake, or lagoon, any oil or liquid with substantial petroleum content of harmful character or any oily substance or any mud, rotary mud, sand, or salt water of a harmful nature, or in any manner to permit by seepage, overflow, or otherwise, any of these substances to escape from any property owned, leased, or controlled by that person and to flow or be carried into or upon any such public highway, street, or alley, drainage ditch, storm drain, sewer, gutter, paving, creek, river, lake, or lagoon within the corporate limits, except in those cases where the mud, water, or slush is carried in pipe lines or a flume pursuant to a permit. The Council may permit the depositing, placing, or discharging of mud, water, or slush in such places as may be approved by the Council when that mud or slush is carried in pipe lines or a flume.

(1992 Code, §9-822) Penalty, see §10.99

§153.28 HIGH PRESSURE LINES.

Any pipe used for the transportation of air, gas, or water ranging from 600 to 1,000 pounds per square inch pressure, shall be from 2 to 10 inches O.D. in diameter and shall be seamless pipe with welded or screwed couplings, and the same shall be covered not less than 42 inches below the regular
ground level and shall be placed in conduit whenever laid under any portion of any street, roadway, alley, or driveway ordinarily used for heavy vehicular traffic. All high pressure lines shall be conspicuously labeled and must meet with all rules and regulations.

(1992 Code, §9-823) Penalty, see §10.99

§153.29 WORKING PRESSURE; BOOSTER PLANTS.

In no case shall pipe gas or air be transported through any pipe line within the city at a working pressure in excess of 1,000 pounds per square inch. If it is necessary to use a greater working pressure, a gas or air booster plant shall be installed not closer than 75 feet from the derrick floor of any well or tank battery and the compressor unit not greater than 100 feet from the derrick floor of the well being served. In no event shall more than 1,500 pounds per square inch working pressure be used in flowing any well by artificial means.

(1992 Code, §9-824) Penalty, see §10.99

§153.30 OIL SAVERS.

No well shall be swabbed before a device, commonly known as a lubricator, has been placed on the flow casing, above all outlets or flow lines of the well, this lubricator to be equipped with an adequate oil saver or stuffing box at the top of same, total inside length of the lubricator to be not less than 5 feet more than the total length of the swab and turn back on swab line, this lubricator to be of sufficient size to permit the escape of fluid around the swab into the well, and shall have a nipple not less than 2 inches in diameter nor more than 4 inches in length placed on the flow line between the gate valve on the flow lines and flow casings.

(1992 Code, §9-825) Penalty, see §10.99

§153.31 AUTOMATIC SAFETY SHUTOFFS.

Any person operating or maintaining any well flowing oil naturally or producing oil by means of a gas lift in excess of 25 barrels per hour within the corporate limits shall, at all times during which the well is naturally flowing or producing oil by means of gas lift, have automatic safety shutoff equipment installed and operating on that well; provided, however, that nothing in this section shall apply to wells producing solely by means other than natural flow or gas lift.

(1992 Code, §9-826) Penalty, see §10.99

§153.32 FENCES.

During drilling or producing operations, each well, and the derrick and equipment operating or maintained in connection therewith, shall be enclosed in an adequate protective fence at least 6 feet high.

(1992 Code, §9-827) Penalty, see §10.99
§153.33 NON-FIREPROOF BUILDINGS RESTRICTED.

No building constructed of combustible materials shall be located or be permitted to remain within 50 feet of any producing well.

(1992 Code, §9-828) Penalty, see §10.99

PERMITS

§153.45 DRILLING PERMIT; APPLICATION AND ISSUANCE.

(A) Before a permit for the drilling of any well for the production of oil and gas on any drilling block is issued, a written application therefor shall be filed with the Clerk. The application shall:

(1) State the name of the applicant;

(2) Describe the drilling block upon which the proposed well is to be located; and

(3) State the proposed depth or formation to which the well is to be drilled, and shall have attached thereto:

(a) Either certified or photostatic copies of all leases, contracts, or other instruments under which applicant claims the right to drill a well for oil and gas on lands in that drilling block;

(b) A certificate of a qualified engineer showing the exact acreage within the drilling block and the total acreage owned, leased, or otherwise controlled by the applicant; and

(c) A map or plat of the drilling block showing either by stated dimensions or according to scale, the location of the proposed well and of all tanks, pits, embankments, fences, and other details of the proposed use of the property necessary or incident to the drilling of the well.

(B) The application shall be verified by the applicant or his or her duly authorized agent. The application may be filed by any person who in the absence of this chapter would, by reason of ownership, lease, contract, or otherwise, own or control the right to drill upon or develop for oil and gas all or any part of the subject drilling block.

(C) Upon the filing of any application for the drilling of a well hereunder, the same shall forthwith be referred by the City Clerk to the City Council, whereupon the Council shall, without delay, set the same for hearing at an early date, cause notice of the hearing to be given, and proceed to hear and consider the same. If upon that hearing it is found that the applicant owns, holds leases upon, or otherwise controls the whole of the drilling block and that the application and the location and other circumstances incident to the drilling of the proposed well comply with this chapter, the applicant shall be issued a permit to drill the same subject only to the other provisions and conditions of this chapter, and the laws of the state. If, upon the hearing, it is found that the applicant owns, holds leases on, or
otherwise controls less than the whole of the drilling block, the Council, taking into account the rights, interests, and equities of the several persons who in the absence of this chapter would have the right to drill on the different parts of the drilling block, shall grant a permit for the drilling of the well upon such terms and conditions as are found by the Council to be fair and reasonable and such as will avoid unnecessary hardship, carry out the spirit of this chapter, and result in substantial justice to all concerned; provided, that regardless of who may file the application the person owning, holding leases on, or otherwise controlling the right to drill 50% or more of the drilling block shall have the right, if that person within a reasonable time to be fixed by the Council elects so to do, to manage, conduct, and carry on the drilling and operation of the well.

(D) The granting of a permit to drill a well to a particular depth or formation shall constitute a permit to complete the well in a shallower formation if another well on the same drilling block is not already completed in and producing from that shallower formation, in which event another permit may be granted for the drilling of another well thereon to the deeper formation if no other well on that drilling block is completed in and producing from the deeper formation.

(E) Any permit granted in compliance with this section shall automatically expire unless within 90 days from the date of issuance of the permit the person to whom the permit has been issued has commenced drilling operations on the drilling block designated to the permit.

(1992 Code, §9-805) Penalty, see §10.99

§153.46 PERMIT TO DRILL ADDITIONAL WELLS.

It shall be within the power of the Council, by proper enactment, to permit the drilling of additional wells on the drilling blocks created by this chapter. Regardless of any increase in the number of wells that may later be authorized to be drilled on any drilling block as created hereunder, the size of the drilling block shall not be reduced.

(1992 Code, §9-806)

§153.47 BOND AND PROOF OF INSURANCE REQUIRED.

(A) No permit for the drilling of any well shall be issued until the applicant shall have filed with the City Clerk a good and sufficient bond and proof of insurance coverage, this bond to be executed by and insurance held with a bonding, indemnity, or insurance company authorized to do business within the state, with the bond to run in the name of the city and conditioned that the applicant will drill the well in conformity with the provisions of this chapter, the statutes of the state, and the rules and regulations of the State Geologist. The amount of these bonds shall be $30,000 and shall be kept in force at all times during the drilling operations. The applicant shall also file with the Clerk a certificate of insurance showing that the applicant has purchased liability insurance in the principal sum of not less than $150,000 covering any liability imposed by law or damages on account of injury to property either private or public or bodily injury including death received or suffered by any person and resulting from the drilling operation or maintenance of the well or any structures, machinery, equipment, or tanks connected therewith. This insurance shall be approved by the Council and shall be kept in full force and effect so long as operations are pursued on the well site and so long as production
Oil and Gas Wells

is being obtained therefrom. Any permit shall expire when at any time the well is not covered by a bond or insurance as herein required.

(B) Proof of insurance as referred to herein shall be made by filing with the Clerk insurance certificates in each case by a representative of an insurance company authorized to do business in the state. Each of these certificates shall certify as to the amount and kind of insurance the applicant has in force with the company, and it shall state that if the policy is cancelled or amended 10 days written notice thereof shall be given to the city.

(1992 Code, §9-807) Penalty, see §10.99

§153.48 PERMIT FEE.

No permit shall be granted for the putting down of any well until the applicant shall have paid to the city, by paying to the Clerk, the sum of $500, which shall be the fee for each permit so granted.

(1992 Code, §9-808)

§153.49 HEARING BEFORE COUNCIL; NOTICE.

Permits for the drilling of wells within the city limits may be granted or denied by the Council only after notice and public hearing. Before taking any such action the Council shall cause public notice of the hearing thereon to be given by publication of the notice in 1 issue of the Western Nebraska Observer and by mailing copies of the notice to all parties who may have filed written request with the Clerk asking to be so notified. The notice shall be mailed or published at least 5 days prior to the day of the hearing. The notice shall be signed by the Clerk and shall state the time, place, and purpose of the hearing, together with a description of the drilling block with respect to which action is to be taken. The Council shall have authority to continue the hearing to a date certain without further notice.

(1992 Code, §9-809)

§153.50 PIPELINES; EXCAVATIONS; PERMIT REQUIRED.

(A) It shall be unlawful and an offense for any person, either as principal or agent, to make any excavation in any part of the streets, alleys, highways, parkings, sidewalk areas, or other public property for the purpose of laying, installing, or maintaining any pipe line in or upon that property, without first having obtained a permit from the Clerk so to do. The applicant for this permit shall file with the Clerk a plan showing in detail the size of the pipe line, the exact location of the excavation or pipe line, the depth and width thereof, and the location thereof, with particular reference to all structures or lines of the city or any public utility, and the sidewalks, pavements, or other public improvements.

(B) Each applicant for a permit hereafter shall pay an inspection and regulation fee for the permit based on the number of rods in length the pipe line shall occupy of the streets, alleys, highways, parkings, sidewalk areas, or other public property belonging to the city in the following amounts.
(1) Where the width of the ditch excavated for the pipe line does not exceed 25 inches, the fee shall be $1 per rod, even though more than 1 pipe line is laid in the same ditch.

(2) Each owner of a pipe line shall for each year the pipe line is continued and maintained under the streets or alleys pay on the first day of May, in each year, an annual inspection and regulation fee of $0.10 per rod for each pipe line for each and every rod that pipe line shall occupy of the streets, alleys, highways, parking, sidewalk areas, or other public property belonging to the city; provided, however, that upon the payment of $1 per rod for a permit, the owner shall not be required to pay $0.10 per rod until the first day of May following the issuance of that permit. Any permit may be revoked upon 10 days’ notice for the failure to pay the fees herein required, and each day’s continuance of the pipe line after that revocation shall constitute a separate offense. Before any excavation is made for the purpose of removing any pipe line or pipe lines located in or upon any part of any street, alley, highway, parking, sidewalk area, or other public property, the person desiring to make the removal shall obtain a permit for that purpose in the same manner as provided herein for the installation of the pipe line and shall pay an inspection and regulation fee to be determined as provided herein for the installation of the pipe line.

(1992 Code, §9-811) Penalty, see §10.99

§153.51 WHERE LINES ARE INTERCHANGED.

In any case where any pipe line covered by §153.50 of this code is placed in a ditch where another pipe line covered by that section is being removed, if it is not necessary to deepen the ditch and there is not involved a placing of a high pressure line in a ditch where a low pressure line has heretofore been, only $1 per rod shall be collected upon the roddage as determined under §153.50; provided, however, that in any case where it is necessary to deepen the ditch or the new pipe line being placed in the ditch is a high pressure line taking the place of a low pressure line, $1 per rod shall be charged for the installation of the line being installed and $1 per rod shall be charged for the removal of the line being removed as determined under §153.50.

(1992 Code, §9-812)

ADMINISTRATION AND ENFORCEMENT

§153.65 PAVING CUT FEES.

When it shall become necessary in laying or putting down, or taking up any pipe line or conduit, to make cuts upon the streets, alleys, highways, parkings, sidewalk areas, or any other property owned by the city which is paved with asphalt or concrete, or rolled sand with asphalt, or oiled, a minimum fee of $10 shall be charged for all such cuts up to 1 square yard; from 2 to 5 square yards, a fee of $8 per square yard; from 6 to 20 square yards, inclusive, a fee of $6 per square yard; and from 21 square yards, a fee of $5 per square yard or fraction thereof where cuts are continuous.

(1992 Code, §9-829)
§153.66 INSPECTION FEES.

The inspection fees for opening the pavement shall be $5 for all cuts up to and including 2 square yards in area; from 3 to 12 square yards, inclusive, in area where the cuts are continuous, $1 dollar per square yard or fraction thereof; from 13 to 20 square yards, inclusive, $0.50 per square yard; and each additional square yard or fraction thereof where the cuts are continuous, $0.25 per square yard, payable in advance.
(1992 Code, §9-830)

§153.67 COMPLIANCE WITH STATUTES.

In the conduct of operations and the drilling of any well for oil and gas within the corporate limits, all of the rules and regulations of the State Geologist and all of the statutes of the state shall be followed and complied with.
(1992 Code, §9-831) Penalty, see §10.99

§153.68 VIOLATIONS; STOP ACTIVITY.

When the Engineer, Fire Chief, or Chief of Police shall find any person is carrying on any activity in violation of this chapter, he or she shall order the activity to cease until the one offending shall comply with the provisions hereof; and it shall be unlawful and an offense for any person to renew that activity when so ordered to stop until this chapter has been complied with and the Engineer, Fire Chief, or Chief of Police has so found and given permission for the renewed activity.
(1992 Code, §9-832) Penalty, see §10.99

§153.69 SUSPENSION OF PERMITS.

The Mayor is hereby granted the authority to suspend the permit of any person covering the operation of any well where any of the provisions of this chapter are violated, which suspension of any such permit shall be effective until such time as that person shall comply with the provisions of this chapter. It shall be unlawful and an offense for any person to operate any well during any period in which the permit covering the operation of that well is so suspended. The provisions of this section shall in no way limit or interfere with the enforcement of the penalties for the violation as elsewhere provided for in this code, but shall be cumulative and in addition to those penalties.
(1992 Code, §9-833) Penalty, see §10.99

§153.70 ENFORCEMENT.

Full police authority for the purpose of enforcing the provisions of this chapter are hereby given the Chief of the Fire Department, the Mayor, Chief of Police, and the Engineer, or any of their authorized representatives. Any employee of the city who shall be directed to enforce the provisions of this chapter shall have full authority to cause any of the provisions thereof to be enforced and shall
have all power and authority by law imposed upon peace, fire, and health officers. Accurate information shall be furnished by the superintendent or person in charge of the lease to the Chief of the Fire Department, Mayor, Chief of Police, Engineer, or any of their authorized representatives, concerning all drilling operations, depths of wells, character of equipment, or any other information which may be required for the proper inspection or regulation of all wells, equipment, or appurtenances thereto.

(1992 Code, §9-834) Penalty, see §10.99
CHAPTER 154: ZONING AND SUBDIVISION REGULATIONS

Section

154.01 Zoning Ordinance adopted by reference
154.02 Subdivision Regulations adopted by reference
154.03 Comprehensive Plan adopted by reference

§154.01 ZONING ORDINANCE ADOPTED BY REFERENCE.

In order to accommodate anticipated long-range future growth, the Zoning Ordinance is hereby adopted by reference as if set forth fully herein. Three copies of the adopted ordinance shall be kept on file with the City Clerk and available for inspection by any member of the public during office hours.
(Ord. 611, passed 6--2003)

§154.02 SUBDIVISION REGULATIONS ADOPTED BY REFERENCE.

In order to accommodate anticipated long-range future growth, the Subdivision Regulations are hereby adopted by reference as if set forth fully herein. Three copies of the adopted regulations shall be kept on file with the City Clerk and available for inspection by any member of the public during office hours.
(Ord. 607, passed 1-22-2002)

§154.03 COMPREHENSIVE PLAN ADOPTED BY REFERENCE.

In order to accommodate anticipated long-range future growth, the Comprehensive Plan is hereby adopted by reference as if set forth fully herein. Three copies of the adopted plan shall be kept on file with the City Clerk and available for inspection by any member of the public during office hours.
CHAPTER 155: WELLHEAD PROTECTION

Section

155.01 Definition
155.02 Established
155.03 Permit required
155.04 Administration and enforcement
155.05 Application for permit
155.06 Permit required before work
155.07 Pre-existing structures or uses
155.99 Penalty

§155.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

WELLHEAD PROTECTION AREA. Surface and subsurface areas surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely or likely to move toward and reach such water or well field.

(Ord. 672, passed 7-6-2011)

§155.02 ESTABLISHED.

The Mayor and City Council designate a wellhead protection area for the purpose of protection of the public water supply system. The boundaries of the wellhead protection area are in reference to the wellhead protection area boundary map on file at the office of the City Clerk. The wellhead protection area maps for the Municipal Well Field are provided by the Nebraska Department of Environmental Quality and were presented to the city on or about May 17, 2005.

(Ord. 672, passed 7-6-2011)

§155.03 PERMIT REQUIRED.

(A) The placing, installing, constructing, conducting or replacing of any structure or activity as set forth in §155.04, hereinafter termed “wellhead area structure activity,” within the wellhead protection area shall not be permitted after the effective date of this chapter unless a permit as set forth herein has
been obtained. The owner of the wellhead structure or activity shall have the burden of establishing the existence and the use of the wellhead area structure or activity at the time of the effective date of this chapter.

(B) Any wellhead structure or activity shall be allowed upon determination by the Board of Public Works that such activity does not constitute a hazard or threat to the quality of the municipal water supply, provided, application for a permit to conduct such activity on said property is made and a permit approved by the Board of Public Works for said activity and a permit for the activity is issued by the Water Superintendent or his or her designee.

(Ord. 672, passed 7-6-2011)

§155.04 ADMINISTRATION AND ENFORCEMENT.

The Board of Public Works shall be responsible for implementation and enforcement of the rules and regulations established by this chapter and shall authorize the issuance of any permit for which application is made pursuant to this ordinance. All permits shall be approved or rejected by roll call vote. The Water Superintendent shall be charged with administration of the rules and regulations.

(Ord. 672, passed 7-6-2011)

§155.05 APPLICATION FOR PERMIT.

(A) Any person applying for a permit to conduct activity within the wellhead protection area as set forth in §155.03(A) shall apply for a permit with the City Clerk. The application shall set forth the following information:

(1) The name of the applicant;

(2) The activity requested to be conducted;

(3) A legal description of the land or subsurface upon which the activity will be conducted, including measurements from the location of the activity to a city well;

(4) The date upon which commencement of the activity will occur;

(5) The anticipated duration of the activity; and

(6) An agreement to pay any engineering costs necessary to determine the impact of the activity upon the city water supply.

(B) Upon receiving the application, the City Clerk shall provide a copy of the application to the Water Superintendent to review the application and determine the necessity of engineering or testing to determine the appropriateness of granting the permit. Upon the determination that the activity will not adversely impact the water supply of the city, the application shall be forwarded to the Board of Public Works for determination if the application meets the criteria set by the city and if a permit should be
issued for the activity. Any denial of a permit application may be appealed to the City Council. The City Council shall have 45 days to determine the appeal.
(Ord. 672, passed 7-6-2011)

§155.06 PERMIT REQUIRED BEFORE WORK.

Prior to placing, installing, constructing, expanding, or replacing any structures upon property where the structure or activity is proposed, the owner shall file with the City Clerk an application for a wellhead area structure or activity permit.
(Ord. 672, passed 7-6-2011) Penalty, see §155.99

§155.07 PRE-EXISTING STRUCTURES OR USES.

Wellhead area structures or activities in existence and used in the wellhead protection area as of the effective date of this chapter shall continue to be permitted unless such continued existence or use, in the opinion of the Board of Public Works, presents a hazard to the quality of the municipal water supply. If the Board of Public Works determines that an existing wellhead area structure or activity presents a hazard, the Water Superintendent shall notify the owner of the structure or activity to cease and desist the structure or activity. If the owner of the wellhead area structure or activity desires to continue operation of the structure or activity, the owner may seek to procure a permit pursuant to this chapter. If the owner does not cease and desist pursuant to such notice, the city may file an action against the owner pursuant to §155.99.
(Ord. 672, passed 7-6-2011)

§155.99 PENALTY.

Any person found violating any provision of this chapter shall be subject to a fine not to exceed $500. The continuation of a violation of this chapter shall be deemed an additional crime for every 24 hours of such continued violation. In addition, the city may obtain injunctive relief, sue for damages, and pursue any other remedy available to it under the laws of the state or other authority having jurisdiction over such matters.
(Ord. 672, passed 7-6-2011)
CHAPTER 156: FLOODPLAIN MANAGEMENT

Section

General Provisions

156.01 Statutory authorization
156.02 Findings of fact
156.03 Statement of purpose
156.04 Local Administrator; responsibilities
156.05 Designation of current FHBM/FIRM
156.06 Interpretation as minimum requirements
156.07 Warning and disclaimer of liability
156.08 Conflicting ordinances; amendments
156.09 Definitions

Permits; Applications

156.15 Permits required
156.16 Development permit applications review
156.17 All applications review
156.18 Subdivision applications

Requirements and Exceptions

156.30 Water and sewage systems
156.31 Storage of material and equipment
156.32 Flood-carrying capacity within any watercourse
156.33 Variance procedures
156.34 Nonconforming use
156.35 Abrogation and greater restrictions
156.36 Appeal of permit denial

156.99 Penalty
GENERAL PROVISIONS

§156.01 STATUTORY AUTHORIZATION.

The Legislature of the State of Nebraska has in Neb. RS 31-1001 to 31-1022, as amended, assigned the responsibility to local governmental units to adopt floodplain management regulations designed to protect the public health, safety and general welfare. Therefore, the City Council ordains the following chapter.
(Ord. 668, passed 12-15-2010)

§156.02 FINDINGS OF FACT.

(A) Flood losses resulting from periodic inundation. The flood hazard areas of the city, if any, are subject to inundation which could potentially result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which could adversely affect the public health, safety and general welfare.

(B) General causes of the flood losses. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities; and the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.
(Ord. 668, passed 12-15-2010)

§156.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize potential losses described in §156.02(A) by applying the provisions of this chapter to:

(A) Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.

(B) Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

(C) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

(D) Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.
(Ord. 668, passed 12-15-2010)
§156.04 LOCAL ADMINISTRATOR; RESPONSIBILITIES.

(A) The City Administrator/Zoning Administrator hereby has these added responsibilities and is authorized and directed to enforce all of the provisions of this chapter and all other ordinances of the city now in force or hereafter adopted, related to zoning, subdivision or building codes.

(B) The City Administrator/Zoning Administrator shall be appointed to these additional responsibilities by resolution of the governing body and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the City Administrator/Zoning Administrator, the governing body of the city shall designate an acting administrator.

(Ord. 668, passed 12-15-2010)

§156.05 DESIGNATION OF CURRENT FHBM/FIRM.

Until a Flood Hazard Boundary Map/Flood Insurance Rate Map has been published, any development permit application shall meet the appropriate provisions of this chapter.

(Ord. 668, passed 12-15-2010)

§156.06 INTERPRETATION.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal, of any other powers granted by state statutes.

(Ord. 668, passed 12-15-2010)

§156.07 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and will be based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside of any determined floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This chapter shall not create liability on the part of the city or any officer or employee thereof for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 668, passed 12-15-2010)

§156.08 CONFLICTING ORDINANCES; AMENDMENTS.

This chapter shall take precedence over conflicting ordinances or parts of ordinances. The city may, from time to time, amend this chapter to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this chapter are in compliance with the National
(Ord. 668, passed 12-15-2010)

§156.09 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

100-YEAR FLOOD. The condition of flooding having a one percent chance of annual occurrence.

BASE FLOOD. The flood having 1% chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

EXPANSION OF EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium applicable to the community.

FLOODPROOFING. Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and then-contents.
**FLOODWAY.** The channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**HISTORIC STRUCTURE.** Any structure that is listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term MANUFACTURED HOME does not include a RECREATIONAL VEHICLE.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION.** For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**PRINCIPALLY ABOVE GROUND.** At least 51% of the actual cash value of the structure is above ground.

**RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
REGULATORY FLOOD ELEVATION. The water surface elevation of the 100-year flood.

SPECIAL FLOOD HAZARD AREA. The land in the floodplain within a community subject to 1% or greater chance of flooding in any given year.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before START OF CONSTRUCTION of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

VARIANCE. A grant of relief to a person from the terms of a floodplain management ordinance.

VIOLATION. the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

(Ord. 668, passed 12-15-2010)
§156.15 PERMITS REQUIRED.

No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in this chapter.

(A) Generally. Within special flood hazard areas, separate floodplain development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.

(B) Application. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the development to be covered by the floodplain development permit for which application is made.

2. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.

3. Indicate the use or occupancy for which the proposed development is intended.

4. Be accompanied by plans and specifications for proposed construction.

5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

6. Within designated floodplain areas, be accompanied by elevations of the lowest floor, including basement, or in the case of floodproofed non-residential structures, the elevation to which it shall be floodproofed. Documentation or certification of such elevations will be maintained by the City Administrator/Zoning Administrator.

7. Give such other information as reasonably may be required by the City Administrator/Zoning Administrator (such as, require a statement from the applicant that they are aware that elevating or floodproofing structures above the minimum levels will result in premium reduction, especially in the case of non-residential floodproofing when a minus one foot penalty is assessed at the time of rating the structure for the policy premium.)

(Ord. 668, passed 12-15-2010) Penalty, see §156.99
§156.16 DEVELOPMENT PERMIT APPLICATIONS REVIEW.

The City Administrator/Zoning Administrator shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by federal or state law.
(Ord. 668, passed 12-15-2010)

§156.17 ALL APPLICATIONS REVIEW.

The City Administrator/Zoning Administrator, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in §156.09) will:

(A) Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from federal, state or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within special flood hazard areas that the following performance standards be met:

(1) That until a floodway has been designated. No development or substantial improvement may be permitted within the identified floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the 100-year flood more than 1-foot at any location.

(2) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least 1-foot above the base flood elevation.

(3) Non-residential construction. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at least 1 foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. The certification shall be provided to the local administrator.

(4) Require for all new construction and substantial improvements. That fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than 1 foot above grade. Openings may be
equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(B) Require the use of construction materials that are resistant to flood damage.

(C) Require the use of construction methods and practices that will minimize flood damage.

(D) Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(E) New structures be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(F) Assure that all manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Manufactured homes must be anchored in accordance with state laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

(1) Over-the-top ties be provided at each of the 4 corners of the manufactured home with 2 additional ties per side at the intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.

(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds.

(4) Any additions to manufactured homes be similarly anchored.

(G) Assure that all manufactured homes that are placed or substantially improved within special flood hazard areas on sites:

(1) Outside of a manufactured home park or subdivision;

(2) In a new manufactured home park or subdivision;

(3) In an expansion to an existing manufactured home park or subdivision; or

(4) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least 1 foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of division (F) of this section.
(H) Assure that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of division (G) of this section be elevated so that either:

(1) The lowest floor of the manufactured home is at least one foot above the base flood elevation; or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system in accordance with the provisions of division (F) of this section.

(I) Require that recreational vehicles placed on sites within the identified special flood hazard areas either be on the site for fewer than 180 consecutive days; be fully licensed and ready for highway use; or meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this chapter. A recreational vehicle is ready for highway use if it is on its wheels or jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
(Ord. 668, passed 12-15-2010)

§156.18 SUBDIVISION APPLICATIONS.

The City Council shall review all subdivision applications and other proposed new developments (including manufactured home parks or subdivisions) and shall make findings of fact and assure that:

(A) All such proposed developments are consistent with the need to minimize flood damage.

(B) Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five acres or 50 lots, whichever is lesser, include within such proposals regulatory flood elevation data in special flood hazard areas.

(C) Adequate drainage is provided so as to reduce exposure to flood hazards.

(D) All public utilities and facilities are located so as to minimize or eliminate flood damage.
(Ord. 668, passed 12-15-2010)
REQUIREMENTS AND EXCEPTIONS

§156.30 WATER AND SEWAGE SYSTEMS.

New and replacement water and sewage systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.
(Ord. 668, passed 12-15-2010)

§156.31 STORAGE OF MATERIAL AND EQUIPMENT.

The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
(Ord. 668, passed 12-15-2010)

§156.32 FLOOD-CARRYING CAPACITY WITHIN ANY WATERCOURSE.

The City Council will ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The city will notify, in riverine situations, adjacent communities and the State Coordinating Office (Nebraska Natural Resources Commission) prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the city will work with appropriate state and federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Disaster Protection Act of 1973.
(Ord. 668, passed 12-15-2010)

§156.33 VARIANCE PROCEDURES.

(A) The Board of Adjustment as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Administrator/Zoning Administrator in the enforcement or administration of this chapter.

(C) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in Neb. RS 19-912.

(D) In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this chapter, and:
(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(E) Conditions for variances.

(1) Generally variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2-acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (2) through (5) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances/ resolutions.

(5) The applicant shall be given a written notice over the signature of a community official that the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and such construction below the base flood level increases risks to life and property. The notification shall be maintained with the record of all variance actions as required by this chapter.

(Ord. 668, passed 12-15-2010)

§156.34 NON-CONFORMING USE.

(A) A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

(1) If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The Utility Department shall notify the City Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.

(2) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

(B) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(Ord. 668, passed 12-15-2010)

§156.35 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the
extent of the inconsistency only.
(Ord. 668, passed 12-15-2010)

§156.36 APPEAL.

Where a request for a permit to develop or a variance is denied by the City Administrator/Zoning Administrator, the applicant may apply for such permit or variance directly to the Board of Adjustment.
(Ord. 668, passed 12-15-2010)

§156.99 PENALTY.

(A) Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(B) Nothing herein contained shall prevent the city or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. 668, passed 12-15-2010)
PARALLEL REFERENCES

References to Nebraska Revised Statutes
  References to 1992 Code
  References to Ordinances
## REFERENCES TO NEBRASKA REVISED STATUTES

<table>
<thead>
<tr>
<th>Neb. RS Section</th>
<th>Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-501 through 3-514</td>
<td>32.008</td>
</tr>
<tr>
<td>9-601 through 9-612</td>
<td>114.02</td>
</tr>
<tr>
<td>9-604</td>
<td>114.02</td>
</tr>
<tr>
<td>9-609</td>
<td>114.02</td>
</tr>
<tr>
<td>9-646</td>
<td>114.01</td>
</tr>
<tr>
<td>9-701</td>
<td>134.03</td>
</tr>
<tr>
<td>10-101 through 10-143</td>
<td>35.12</td>
</tr>
<tr>
<td>10-606 through 10-612</td>
<td>35.12</td>
</tr>
<tr>
<td>11-101</td>
<td>33.31</td>
</tr>
<tr>
<td>11-104</td>
<td>33.30</td>
</tr>
<tr>
<td>11-105</td>
<td>33.30</td>
</tr>
<tr>
<td>11-109</td>
<td>33.30</td>
</tr>
<tr>
<td>11-110</td>
<td>33.30</td>
</tr>
<tr>
<td>11-111</td>
<td>33.30</td>
</tr>
<tr>
<td>11-112</td>
<td>33.30</td>
</tr>
<tr>
<td>11-113</td>
<td>33.30</td>
</tr>
<tr>
<td>11-114</td>
<td>33.30</td>
</tr>
<tr>
<td>11-115</td>
<td>33.30</td>
</tr>
<tr>
<td>11-116</td>
<td>33.30</td>
</tr>
<tr>
<td>11-117</td>
<td>33.30</td>
</tr>
<tr>
<td>11-118</td>
<td>33.30</td>
</tr>
<tr>
<td>12-301 through 12-403</td>
<td>91.01</td>
</tr>
<tr>
<td>12-401 through 12-403</td>
<td>32.006</td>
</tr>
<tr>
<td>13-310</td>
<td>94.36, 94.53</td>
</tr>
<tr>
<td>13-311</td>
<td>94.36</td>
</tr>
<tr>
<td>13-312</td>
<td>94.36, 94.53</td>
</tr>
<tr>
<td>13-313</td>
<td>94.36</td>
</tr>
<tr>
<td>13-314</td>
<td>94.36, 94.53</td>
</tr>
<tr>
<td>13-403</td>
<td>94.33</td>
</tr>
<tr>
<td>13-503</td>
<td>35.01</td>
</tr>
<tr>
<td>13-504</td>
<td>35.33</td>
</tr>
<tr>
<td>13-505</td>
<td>35.33</td>
</tr>
<tr>
<td>13-506</td>
<td>35.34</td>
</tr>
<tr>
<td>13-507</td>
<td>35.34</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>13-508</td>
<td>35.35</td>
</tr>
<tr>
<td>13-509</td>
<td>35.35</td>
</tr>
<tr>
<td>13-509.01</td>
<td>35.32</td>
</tr>
<tr>
<td>13-509.02</td>
<td>35.32</td>
</tr>
<tr>
<td>13-510</td>
<td>35.40</td>
</tr>
<tr>
<td>13-511</td>
<td>35.37</td>
</tr>
<tr>
<td>13-518 to 13-522</td>
<td>35.34, 35.35</td>
</tr>
<tr>
<td>13-518 through 13-522</td>
<td>35.37</td>
</tr>
<tr>
<td>13-606</td>
<td>35.03</td>
</tr>
<tr>
<td>13-609</td>
<td>35.14</td>
</tr>
<tr>
<td>13-903</td>
<td>35.05</td>
</tr>
<tr>
<td>13-1802</td>
<td>32.081</td>
</tr>
<tr>
<td>13-2016.01</td>
<td>54.01</td>
</tr>
<tr>
<td>13-2020</td>
<td>54.03</td>
</tr>
<tr>
<td>16-323</td>
<td>32.080</td>
</tr>
<tr>
<td>16-691.01</td>
<td>35.11</td>
</tr>
<tr>
<td>16-714 through 16-716</td>
<td>35.10</td>
</tr>
<tr>
<td>17-100</td>
<td>10.16</td>
</tr>
<tr>
<td>17-102</td>
<td>30.15</td>
</tr>
<tr>
<td>17-103</td>
<td>30.15</td>
</tr>
<tr>
<td>17-104</td>
<td>30.15, 30.20, 34.06</td>
</tr>
<tr>
<td>17-106</td>
<td>33.05</td>
</tr>
<tr>
<td>17-107</td>
<td>30.01, 30.03, 31.01, 31.09, 31.10, 31.16, 32.083</td>
</tr>
<tr>
<td>17-108</td>
<td>33.45</td>
</tr>
<tr>
<td>17-108.02</td>
<td>30.02, 30.15, 31.02, 34.06</td>
</tr>
<tr>
<td>17-110</td>
<td>30.02</td>
</tr>
<tr>
<td>17-111</td>
<td>30.02</td>
</tr>
<tr>
<td>17-112</td>
<td>30.02</td>
</tr>
<tr>
<td>17-113</td>
<td>30.02</td>
</tr>
<tr>
<td>17-114</td>
<td>30.02</td>
</tr>
<tr>
<td>17-117</td>
<td>30.02</td>
</tr>
<tr>
<td>17-118</td>
<td>32.080, 32.081</td>
</tr>
<tr>
<td>17-119</td>
<td>31.14</td>
</tr>
<tr>
<td>17-121</td>
<td>31.09, 31.13, 32.004, 93.01, 93.02</td>
</tr>
<tr>
<td>17-123.01</td>
<td>54.05 - 54.07</td>
</tr>
<tr>
<td>17-129</td>
<td>131.01</td>
</tr>
<tr>
<td>17-134</td>
<td>112.01, 112.03 - 112.05, 112.08, 112.09, 113.03</td>
</tr>
<tr>
<td>17-135</td>
<td>111.02</td>
</tr>
<tr>
<td>17-138</td>
<td>95.06</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>17-140</td>
<td>152.01 - 152.04</td>
</tr>
<tr>
<td>17-142</td>
<td>131.20, 131.21, 150.20</td>
</tr>
<tr>
<td>17-143</td>
<td>115.01</td>
</tr>
<tr>
<td>17-144</td>
<td>115.01</td>
</tr>
<tr>
<td>17-148</td>
<td>30.16</td>
</tr>
<tr>
<td>17-149</td>
<td>32.04, 50.07, 52.015</td>
</tr>
<tr>
<td>17-150</td>
<td>31.12</td>
</tr>
<tr>
<td>17-207</td>
<td>113.03, 152.02, 152.03</td>
</tr>
<tr>
<td>17-405</td>
<td>31.12</td>
</tr>
<tr>
<td>17-503</td>
<td>94.30</td>
</tr>
<tr>
<td>17-503.01</td>
<td>94.30</td>
</tr>
<tr>
<td>17-503.02</td>
<td>94.31</td>
</tr>
<tr>
<td>17-505</td>
<td>10.99, 30.45</td>
</tr>
<tr>
<td>17-506</td>
<td>35.50</td>
</tr>
<tr>
<td>17-507</td>
<td>35.51</td>
</tr>
<tr>
<td>17-508</td>
<td>94.65</td>
</tr>
<tr>
<td>17-509</td>
<td>94.02, 94.02, 94.81</td>
</tr>
<tr>
<td>17-509 to 17-521</td>
<td>94.53</td>
</tr>
<tr>
<td>17-510</td>
<td>94.83</td>
</tr>
<tr>
<td>17-510 to 17-512</td>
<td>94.02</td>
</tr>
<tr>
<td>17-511</td>
<td>94.79, 94.80</td>
</tr>
<tr>
<td>17-512</td>
<td>94.82</td>
</tr>
<tr>
<td>17-513 to 17-524</td>
<td>94.02</td>
</tr>
<tr>
<td>17-522</td>
<td>94.53</td>
</tr>
<tr>
<td>17-524</td>
<td>94.53, 94.79</td>
</tr>
<tr>
<td>17-525</td>
<td>112.04, 113.02</td>
</tr>
<tr>
<td>17-526</td>
<td>95.09, 95.43, 95.44</td>
</tr>
<tr>
<td>17-531</td>
<td>32.04</td>
</tr>
<tr>
<td>17-531 through 17-546</td>
<td>51.902</td>
</tr>
<tr>
<td>17-534</td>
<td>32.04</td>
</tr>
<tr>
<td>17-536</td>
<td>51.002</td>
</tr>
<tr>
<td>17-537</td>
<td>50.07, 51.016, 51.018, 51.020, 51.024, 51.903</td>
</tr>
<tr>
<td>17-538</td>
<td>50.06</td>
</tr>
<tr>
<td>17-539</td>
<td>51.015</td>
</tr>
<tr>
<td>17-540</td>
<td>35.11, 51.900</td>
</tr>
<tr>
<td>17-541</td>
<td>31.01</td>
</tr>
<tr>
<td>17-542</td>
<td>51.022, 51.023, 51.901</td>
</tr>
<tr>
<td>17-547</td>
<td>95.02, 95.09</td>
</tr>
<tr>
<td>17-548</td>
<td>95.09, 95.10</td>
</tr>
<tr>
<td>17-551</td>
<td>115.01</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>17-552</td>
<td>115.01, 115.02</td>
</tr>
<tr>
<td>17-555</td>
<td>91.18, 94.04, 131.20 - 131.22</td>
</tr>
<tr>
<td>17-556</td>
<td>92.06, 92.35, 92.36, 131.01, 131.06,</td>
</tr>
<tr>
<td></td>
<td>133.60, 133.61</td>
</tr>
<tr>
<td>17-557</td>
<td>94.05, 94.77, 131.20, 131.21</td>
</tr>
<tr>
<td>17-557.01</td>
<td>94.05</td>
</tr>
<tr>
<td>17-558</td>
<td>94.68, 94.69</td>
</tr>
<tr>
<td>17-559</td>
<td>94.68, 94.69</td>
</tr>
<tr>
<td>17-563</td>
<td>91.19, 93.16, 94.19, 133.05</td>
</tr>
<tr>
<td>17-567</td>
<td>94.03, 94.65</td>
</tr>
<tr>
<td>17-568</td>
<td>31.12</td>
</tr>
<tr>
<td>17-568.01</td>
<td>31.12, 35.02</td>
</tr>
<tr>
<td>17-568.02</td>
<td>35.02</td>
</tr>
<tr>
<td>17-602</td>
<td>34.03</td>
</tr>
<tr>
<td>17-604</td>
<td>33.30, 33.45</td>
</tr>
<tr>
<td>17-605</td>
<td>31.06</td>
</tr>
<tr>
<td>17-606</td>
<td>31.07</td>
</tr>
<tr>
<td>17-607</td>
<td>35.09</td>
</tr>
<tr>
<td>17-608</td>
<td>35.11</td>
</tr>
<tr>
<td>17-609</td>
<td>35.11</td>
</tr>
<tr>
<td>17-610</td>
<td>31.08</td>
</tr>
<tr>
<td>17-611</td>
<td>33.45</td>
</tr>
<tr>
<td>17-612</td>
<td>33.45</td>
</tr>
<tr>
<td>17-613</td>
<td>30.48, 30.50 - 30.52, 35.02</td>
</tr>
<tr>
<td>17-614</td>
<td>30.48, 30.49, 30.53</td>
</tr>
<tr>
<td>17-615</td>
<td>30.51</td>
</tr>
<tr>
<td>17-616</td>
<td>30.49</td>
</tr>
<tr>
<td>17-701</td>
<td>35.30</td>
</tr>
<tr>
<td>17-702</td>
<td>35.08, 35.54</td>
</tr>
<tr>
<td>17-703</td>
<td>35.06</td>
</tr>
<tr>
<td>17-706</td>
<td>35.36</td>
</tr>
<tr>
<td>17-707</td>
<td>32.082</td>
</tr>
<tr>
<td>17-708</td>
<td>35.04</td>
</tr>
<tr>
<td>17-709</td>
<td>35.04</td>
</tr>
<tr>
<td>17-710</td>
<td>35.07</td>
</tr>
<tr>
<td>17-711</td>
<td>35.04</td>
</tr>
<tr>
<td>17-714</td>
<td>35.05</td>
</tr>
<tr>
<td>17-715</td>
<td>35.05</td>
</tr>
<tr>
<td>17-720</td>
<td>35.10</td>
</tr>
<tr>
<td>17-801 through 17-808</td>
<td>32.005</td>
</tr>
<tr>
<td>17-803</td>
<td>35.11</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>17-810</td>
<td>32.005</td>
</tr>
<tr>
<td>17-901</td>
<td>52.016, 52.017</td>
</tr>
<tr>
<td>17-902</td>
<td>50.07, 52.016, 52.017, 53.02 - 53.05, 53.35, 53.36, 53.39, 53.40</td>
</tr>
<tr>
<td>17-902 through 17-904</td>
<td>32.042</td>
</tr>
<tr>
<td>17-906</td>
<td>32.042</td>
</tr>
<tr>
<td>17-909</td>
<td>32.042</td>
</tr>
<tr>
<td>17-919</td>
<td>31.12</td>
</tr>
<tr>
<td>17-920</td>
<td>131.22</td>
</tr>
<tr>
<td>17-925.01</td>
<td>32.041, 50.06</td>
</tr>
<tr>
<td>17-925.02</td>
<td>52.084</td>
</tr>
<tr>
<td>17-941</td>
<td>91.02</td>
</tr>
<tr>
<td>17-948</td>
<td>90.25</td>
</tr>
<tr>
<td>17-948 through 17-952</td>
<td>90.25</td>
</tr>
<tr>
<td>17-949</td>
<td>90.25</td>
</tr>
<tr>
<td>17-951</td>
<td>90.25</td>
</tr>
<tr>
<td>17-953</td>
<td>94.32</td>
</tr>
<tr>
<td>17-953.01</td>
<td>94.32</td>
</tr>
<tr>
<td>17-954</td>
<td>94.32</td>
</tr>
<tr>
<td>17-1001</td>
<td>93.16</td>
</tr>
<tr>
<td>18-131</td>
<td>30.50</td>
</tr>
<tr>
<td>18-132</td>
<td>30.45, 92.01</td>
</tr>
<tr>
<td>18-305 through 18-312</td>
<td>33.46</td>
</tr>
<tr>
<td>18-412.01</td>
<td>35.02</td>
</tr>
<tr>
<td>18-503</td>
<td>50.06, 52.015 - 52.017</td>
</tr>
<tr>
<td>18-1001 through 18-1006</td>
<td>94.30</td>
</tr>
<tr>
<td>18-1214</td>
<td>35.56</td>
</tr>
<tr>
<td>18-1216</td>
<td>35.06</td>
</tr>
<tr>
<td>18-1303</td>
<td>54.08</td>
</tr>
<tr>
<td>18-1701</td>
<td>31.06</td>
</tr>
<tr>
<td>18-1705</td>
<td>94.65</td>
</tr>
<tr>
<td>18-1720</td>
<td>10.99, 93.16, 93.45 - 93.47, 130.03, 133.02, 133.05, 150.36</td>
</tr>
<tr>
<td>18-1722</td>
<td>10.99, 150.40</td>
</tr>
<tr>
<td>18-1722.01</td>
<td>150.37</td>
</tr>
<tr>
<td>18-1736</td>
<td>73.45, 73.46</td>
</tr>
<tr>
<td>18-1737</td>
<td>73.46, 73.47, 73.48</td>
</tr>
<tr>
<td>18-1738</td>
<td>73.45, 73.49</td>
</tr>
<tr>
<td>18-1738.01</td>
<td>73.49</td>
</tr>
<tr>
<td>18-1739</td>
<td>73.46, 73.47</td>
</tr>
<tr>
<td>18-1741.01</td>
<td>73.45, 73.49</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>18-1741.04</td>
<td>73.49</td>
</tr>
<tr>
<td>18-1741.06</td>
<td>73.49</td>
</tr>
<tr>
<td>18-1743</td>
<td>150.03</td>
</tr>
<tr>
<td>18-1748</td>
<td>52.022, 94.72</td>
</tr>
<tr>
<td>18-1751</td>
<td>94.02, 94.18</td>
</tr>
<tr>
<td>18-1752</td>
<td>91.20</td>
</tr>
<tr>
<td>18-1755</td>
<td>94.34</td>
</tr>
<tr>
<td>18-1756</td>
<td>35.02</td>
</tr>
<tr>
<td>18-1801 through 18-1805</td>
<td>35.12</td>
</tr>
<tr>
<td>18-2001 through 18-2004</td>
<td>94.67</td>
</tr>
<tr>
<td>18-2003</td>
<td>94.67</td>
</tr>
<tr>
<td>18-2005</td>
<td>94.65</td>
</tr>
<tr>
<td>18-2101 through 18-2144</td>
<td>32.009</td>
</tr>
<tr>
<td>18-2147 through 18-2154</td>
<td>32.009</td>
</tr>
<tr>
<td>18-2701 through 18-2738</td>
<td>32.026</td>
</tr>
<tr>
<td>18-2715</td>
<td>32.022</td>
</tr>
<tr>
<td>18-2717</td>
<td>32.020, 32.025</td>
</tr>
<tr>
<td>18-2803</td>
<td>35.38</td>
</tr>
<tr>
<td>18-2804</td>
<td>35.03, 35.38</td>
</tr>
<tr>
<td>18-2805</td>
<td>35.38</td>
</tr>
<tr>
<td>18-2806</td>
<td>35.38</td>
</tr>
<tr>
<td>18-2807</td>
<td>35.38</td>
</tr>
<tr>
<td>18-2808</td>
<td>35.38</td>
</tr>
<tr>
<td>19-710</td>
<td>91.17</td>
</tr>
<tr>
<td>19-901</td>
<td>32.003</td>
</tr>
<tr>
<td>19-901 et seq.</td>
<td>32.002, 32.003</td>
</tr>
<tr>
<td>19-901 to 19-914</td>
<td>32.003</td>
</tr>
<tr>
<td>19-901 to 19-915</td>
<td>32.003</td>
</tr>
<tr>
<td>19-902</td>
<td>92.01</td>
</tr>
<tr>
<td>19-903</td>
<td>32.002</td>
</tr>
<tr>
<td>19-903 to 19-904.01</td>
<td>32.003</td>
</tr>
<tr>
<td>19-907</td>
<td>32.003</td>
</tr>
<tr>
<td>19-908</td>
<td>32.002, 32.003</td>
</tr>
<tr>
<td>19-909</td>
<td>32.003</td>
</tr>
<tr>
<td>19-910</td>
<td>32.003</td>
</tr>
<tr>
<td>19-912</td>
<td>32.003, 156.33</td>
</tr>
<tr>
<td>19-912.01</td>
<td>32.003</td>
</tr>
<tr>
<td>19-915</td>
<td>30.53</td>
</tr>
<tr>
<td>19-916</td>
<td>32.002</td>
</tr>
<tr>
<td>19-922</td>
<td>30.45, 92.01</td>
</tr>
<tr>
<td>19-924 through 19-933</td>
<td>32.002</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------</td>
</tr>
<tr>
<td>19-926</td>
<td>32.002</td>
</tr>
<tr>
<td>19-927</td>
<td>32.002</td>
</tr>
<tr>
<td>19-928</td>
<td>32.002</td>
</tr>
<tr>
<td>19-929</td>
<td>32.002</td>
</tr>
<tr>
<td>19-929(3)</td>
<td>32.003</td>
</tr>
<tr>
<td>19-930 to 19-933</td>
<td>32.002</td>
</tr>
<tr>
<td>19-1101</td>
<td>31.07</td>
</tr>
<tr>
<td>19-1102</td>
<td>31.06</td>
</tr>
<tr>
<td>19-1103</td>
<td>31.06, 31.07</td>
</tr>
<tr>
<td>19-1301</td>
<td>35.08</td>
</tr>
<tr>
<td>19-1302</td>
<td>35.08</td>
</tr>
<tr>
<td>19-1303</td>
<td>35.08</td>
</tr>
<tr>
<td>19-1304</td>
<td>35.08</td>
</tr>
<tr>
<td>19-1305</td>
<td>32.040</td>
</tr>
<tr>
<td>19-1309</td>
<td>35.52</td>
</tr>
<tr>
<td>19-1310</td>
<td>35.52</td>
</tr>
<tr>
<td>19-1311</td>
<td>35.52</td>
</tr>
<tr>
<td>19-1312</td>
<td>35.52</td>
</tr>
<tr>
<td>19-1404</td>
<td>53.03 - 53.05, 53.20, 53.21, 53.35, 53.36, 53.39</td>
</tr>
<tr>
<td>19-2106</td>
<td>54.02</td>
</tr>
<tr>
<td>19-2416</td>
<td>94.65</td>
</tr>
<tr>
<td>19-2417 through 19-2419</td>
<td>94.53</td>
</tr>
<tr>
<td>19-2427</td>
<td>94.17</td>
</tr>
<tr>
<td>19-2428 through 19-2431</td>
<td>94.02, 94.18, 94.79, 94.84</td>
</tr>
<tr>
<td>19-2701</td>
<td>51.016, 51.019, 53.02</td>
</tr>
<tr>
<td>19-2902</td>
<td>35.03</td>
</tr>
<tr>
<td>19-2903</td>
<td>35.03</td>
</tr>
<tr>
<td>19-2904</td>
<td>35.03</td>
</tr>
<tr>
<td>19-2905</td>
<td>35.03</td>
</tr>
<tr>
<td>19-2906 through 19-2909</td>
<td>35.03</td>
</tr>
<tr>
<td>19-3101</td>
<td>30.19</td>
</tr>
<tr>
<td>19-3701</td>
<td>30.52</td>
</tr>
<tr>
<td>20-101 et seq.</td>
<td>97.06</td>
</tr>
<tr>
<td>20-203</td>
<td>95.45</td>
</tr>
<tr>
<td>23-114.02</td>
<td>32.003</td>
</tr>
<tr>
<td>23-122</td>
<td>31.06</td>
</tr>
<tr>
<td>23-186</td>
<td>35.56</td>
</tr>
<tr>
<td>25-505.01</td>
<td>34.10</td>
</tr>
<tr>
<td>25-1801</td>
<td>50.05</td>
</tr>
<tr>
<td>25-21,275</td>
<td>50.05</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>25-21,276</td>
<td>50.05</td>
</tr>
<tr>
<td>25-21,277</td>
<td>50.05</td>
</tr>
<tr>
<td>25-21,278</td>
<td>50.05</td>
</tr>
<tr>
<td>25-2703</td>
<td>30.45</td>
</tr>
<tr>
<td>28-109</td>
<td>95.45</td>
</tr>
<tr>
<td>Chapter 28, art. 3</td>
<td>111.22</td>
</tr>
<tr>
<td>28-318</td>
<td>134.01, 134.02</td>
</tr>
<tr>
<td>Chapter 28, art. 4</td>
<td>111.22</td>
</tr>
<tr>
<td>28-431</td>
<td>133.45</td>
</tr>
<tr>
<td>28-477</td>
<td>131.03</td>
</tr>
<tr>
<td>28-511.01</td>
<td>130.09</td>
</tr>
<tr>
<td>28-512</td>
<td>53.23</td>
</tr>
<tr>
<td>28-515.02</td>
<td>50.04</td>
</tr>
<tr>
<td>28-519</td>
<td>130.01</td>
</tr>
<tr>
<td>28-520</td>
<td>95.45, 130.02</td>
</tr>
<tr>
<td>28-521</td>
<td>95.45, 130.02</td>
</tr>
<tr>
<td>28-523</td>
<td>90.26, 133.06</td>
</tr>
<tr>
<td>28-572</td>
<td>130.07</td>
</tr>
<tr>
<td>28-573</td>
<td>130.07</td>
</tr>
<tr>
<td>28-588</td>
<td>130.06</td>
</tr>
<tr>
<td>28-588.01</td>
<td>130.06</td>
</tr>
<tr>
<td>28-609</td>
<td>132.01</td>
</tr>
<tr>
<td>28-610</td>
<td>132.02</td>
</tr>
<tr>
<td>Chapter 28, art. 7</td>
<td>111.22</td>
</tr>
<tr>
<td>Chapter 28, art. 8</td>
<td>111.22</td>
</tr>
<tr>
<td>28-801</td>
<td>134.01</td>
</tr>
<tr>
<td>28-801 through 28-803</td>
<td>131.04</td>
</tr>
<tr>
<td>28-804</td>
<td>131.06</td>
</tr>
<tr>
<td>28-806</td>
<td>134.02</td>
</tr>
<tr>
<td>28-903</td>
<td>132.03</td>
</tr>
<tr>
<td>28-904</td>
<td>132.04</td>
</tr>
<tr>
<td>28-906</td>
<td>95.46, 132.05</td>
</tr>
<tr>
<td>28-907</td>
<td>132.07</td>
</tr>
<tr>
<td>28-908</td>
<td>132.06</td>
</tr>
<tr>
<td>28-921</td>
<td>134.05</td>
</tr>
<tr>
<td>Chapter 28, art. 10</td>
<td>111.22</td>
</tr>
<tr>
<td>28-1004</td>
<td>95.08</td>
</tr>
<tr>
<td>28-1005</td>
<td>95.08</td>
</tr>
<tr>
<td>28-1005.04</td>
<td>95.08</td>
</tr>
<tr>
<td>28-1008</td>
<td>95.06, 95.45</td>
</tr>
<tr>
<td>28-1009</td>
<td>95.06</td>
</tr>
</tbody>
</table>
References to Nebraska Revised Statutes

<table>
<thead>
<tr>
<th>Neb. RS Section</th>
<th>Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>28-1012</td>
<td>95.06</td>
</tr>
<tr>
<td>28-1013</td>
<td>95.06</td>
</tr>
<tr>
<td>Chapter 28, art. 11</td>
<td>111.22</td>
</tr>
<tr>
<td>28-1101</td>
<td>134.03</td>
</tr>
<tr>
<td>28-1102</td>
<td>134.03</td>
</tr>
<tr>
<td>28-1103</td>
<td>134.03</td>
</tr>
<tr>
<td>28-1104</td>
<td>134.03</td>
</tr>
<tr>
<td>28-1107</td>
<td>134.03</td>
</tr>
<tr>
<td>28-1108</td>
<td>134.03</td>
</tr>
<tr>
<td>28-1109</td>
<td>134.03</td>
</tr>
<tr>
<td>28-1110</td>
<td>134.03</td>
</tr>
<tr>
<td>28-1111</td>
<td>134.03</td>
</tr>
<tr>
<td>28-1112</td>
<td>134.03</td>
</tr>
<tr>
<td>28-1113</td>
<td>134.03</td>
</tr>
<tr>
<td>28-1117</td>
<td>134.03</td>
</tr>
<tr>
<td>Chapter 28, art. 12</td>
<td>111.22</td>
</tr>
<tr>
<td>28-1233(3)</td>
<td>92.50</td>
</tr>
<tr>
<td>28-1241</td>
<td>92.35</td>
</tr>
<tr>
<td>28-1241(7)</td>
<td>92.36</td>
</tr>
<tr>
<td>28-1244</td>
<td>92.36</td>
</tr>
<tr>
<td>28-1245</td>
<td>92.36</td>
</tr>
<tr>
<td>28-1246</td>
<td>92.38</td>
</tr>
<tr>
<td>28-1247</td>
<td>92.36, 92.38</td>
</tr>
<tr>
<td>28-1249</td>
<td>92.38</td>
</tr>
<tr>
<td>28-1303</td>
<td>133.07</td>
</tr>
<tr>
<td>28-1304</td>
<td>133.03</td>
</tr>
<tr>
<td>28-1321</td>
<td>93.16, 93.45 - 93.47, 130.03, 133.01</td>
</tr>
<tr>
<td>28-1322</td>
<td>131.02</td>
</tr>
<tr>
<td>28-1418</td>
<td>133.25, 133.31</td>
</tr>
<tr>
<td>28-1419</td>
<td>133.25</td>
</tr>
<tr>
<td>28-1427</td>
<td>133.25</td>
</tr>
<tr>
<td>28-1465</td>
<td>32.081</td>
</tr>
<tr>
<td>28-1466</td>
<td>32.081</td>
</tr>
<tr>
<td>28-1472</td>
<td>32.081</td>
</tr>
<tr>
<td>29-215</td>
<td>32.081</td>
</tr>
<tr>
<td>29-422 to 29-429</td>
<td>95.06</td>
</tr>
<tr>
<td>Chapter 29, article 8</td>
<td>95.26</td>
</tr>
<tr>
<td>29-4001.01</td>
<td>134.20</td>
</tr>
<tr>
<td>29-4003</td>
<td>134.20</td>
</tr>
<tr>
<td>31-1001 to 31-1022</td>
<td>156.01</td>
</tr>
<tr>
<td>32-101</td>
<td>30.15, Ch. 34</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>32-109</td>
<td>30.02, 30.15</td>
</tr>
<tr>
<td>32-110</td>
<td>34.03</td>
</tr>
<tr>
<td>32-115</td>
<td>34.03</td>
</tr>
<tr>
<td>32-404</td>
<td>34.01, 34.05</td>
</tr>
<tr>
<td>32-405</td>
<td>34.04</td>
</tr>
<tr>
<td>32-533</td>
<td>30.01, 30.15</td>
</tr>
<tr>
<td>32-552</td>
<td>30.15</td>
</tr>
<tr>
<td>32-553</td>
<td>30.15</td>
</tr>
<tr>
<td>32-554</td>
<td>30.15</td>
</tr>
<tr>
<td>32-556</td>
<td>34.01</td>
</tr>
<tr>
<td>32-557</td>
<td>30.15, 34.09</td>
</tr>
<tr>
<td>32-559</td>
<td>34.04</td>
</tr>
<tr>
<td>32-560</td>
<td>30.03, 30.18, 30.19</td>
</tr>
<tr>
<td>32-560 through 32-572</td>
<td>30.03, 30.18</td>
</tr>
<tr>
<td>32-561</td>
<td>30.03, 30.18</td>
</tr>
<tr>
<td>32-562</td>
<td>34.10</td>
</tr>
<tr>
<td>32-567 through 32-570</td>
<td>34.10</td>
</tr>
<tr>
<td>32-568</td>
<td>30.03, 30.18</td>
</tr>
<tr>
<td>32-569</td>
<td>30.18</td>
</tr>
<tr>
<td>32-603</td>
<td>30.02, 30.15</td>
</tr>
<tr>
<td>32-604</td>
<td>30.15</td>
</tr>
<tr>
<td>32-606</td>
<td>34.07</td>
</tr>
<tr>
<td>32-607</td>
<td>34.07</td>
</tr>
<tr>
<td>32-608</td>
<td>34.08, 34.09</td>
</tr>
<tr>
<td>32-615</td>
<td>34.09</td>
</tr>
<tr>
<td>32-616</td>
<td>34.09</td>
</tr>
<tr>
<td>32-617</td>
<td>34.09</td>
</tr>
<tr>
<td>32-618</td>
<td>34.09</td>
</tr>
<tr>
<td>32-622</td>
<td>34.07</td>
</tr>
<tr>
<td>32-625</td>
<td>34.07</td>
</tr>
<tr>
<td>32-625(2)</td>
<td>34.09</td>
</tr>
<tr>
<td>32-627</td>
<td>34.07, 34.09</td>
</tr>
<tr>
<td>32-628</td>
<td>34.09</td>
</tr>
<tr>
<td>32-628 through 32-631</td>
<td>35.53</td>
</tr>
<tr>
<td>32-629</td>
<td>34.09, 34.10</td>
</tr>
<tr>
<td>32-630</td>
<td>34.09, 34.10</td>
</tr>
<tr>
<td>32-710</td>
<td>34.09</td>
</tr>
<tr>
<td>32-802</td>
<td>34.02, 35.53</td>
</tr>
<tr>
<td>32-952 through 32-959</td>
<td>34.04</td>
</tr>
<tr>
<td>32-1301</td>
<td>34.10</td>
</tr>
<tr>
<td>32-1302</td>
<td>34.10</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>32-1303</td>
<td>34.10</td>
</tr>
<tr>
<td>32-1304</td>
<td>34.10</td>
</tr>
<tr>
<td>32-1305</td>
<td>34.10</td>
</tr>
<tr>
<td>32-1306</td>
<td>34.10</td>
</tr>
<tr>
<td>32-1307</td>
<td>34.10</td>
</tr>
<tr>
<td>32-1308</td>
<td>30.03, 30.18, 34.10</td>
</tr>
<tr>
<td>32-1309</td>
<td>34.10</td>
</tr>
<tr>
<td>32-1525</td>
<td>34.11</td>
</tr>
<tr>
<td>37-1254.01</td>
<td>32.081</td>
</tr>
<tr>
<td>37-1254.02</td>
<td>32.081</td>
</tr>
<tr>
<td>39-301</td>
<td>131.21</td>
</tr>
<tr>
<td>39-302</td>
<td>131.21</td>
</tr>
<tr>
<td>39-307</td>
<td>133.04</td>
</tr>
<tr>
<td>39-618</td>
<td>71.009</td>
</tr>
<tr>
<td>39-622</td>
<td>71.058</td>
</tr>
<tr>
<td>39-629</td>
<td>71.080</td>
</tr>
<tr>
<td>39-638</td>
<td>71.061</td>
</tr>
<tr>
<td>39-643</td>
<td>71.063</td>
</tr>
<tr>
<td>39-650</td>
<td>71.040</td>
</tr>
<tr>
<td>39-669</td>
<td>71.077</td>
</tr>
<tr>
<td>39-669.01</td>
<td>71.075</td>
</tr>
<tr>
<td>39-669.02</td>
<td>71.075</td>
</tr>
<tr>
<td>39-669.03 through 39-669.06</td>
<td>71.076</td>
</tr>
<tr>
<td>39-669.26</td>
<td>71.075, 71.078</td>
</tr>
<tr>
<td>39-672</td>
<td>92.21</td>
</tr>
<tr>
<td>39-683</td>
<td>131.23</td>
</tr>
<tr>
<td>39-689</td>
<td>72.25</td>
</tr>
<tr>
<td>39-697</td>
<td>71.008, 71.058, 71.063, 71.080</td>
</tr>
<tr>
<td>39-2512</td>
<td>31.14</td>
</tr>
<tr>
<td>45-104.01</td>
<td>94.79</td>
</tr>
<tr>
<td>45-601 through 45-622</td>
<td>35.13</td>
</tr>
<tr>
<td>45-623</td>
<td>35.13</td>
</tr>
<tr>
<td>46-1212</td>
<td>94.35</td>
</tr>
<tr>
<td>48-1503</td>
<td>35.02</td>
</tr>
<tr>
<td>49-801(16)</td>
<td>10.05</td>
</tr>
<tr>
<td>49-1408</td>
<td>33.46</td>
</tr>
<tr>
<td>49-1425</td>
<td>33.46</td>
</tr>
<tr>
<td>49-1499.03</td>
<td>33.46</td>
</tr>
<tr>
<td>49-1499.04</td>
<td>33.46</td>
</tr>
<tr>
<td>49-14,102</td>
<td>33.46</td>
</tr>
<tr>
<td>49-14,103.01</td>
<td>33.46</td>
</tr>
<tr>
<td><strong>Neb. RS Section</strong></td>
<td><strong>Code Section</strong></td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>49-14,103.02</td>
<td>33.46</td>
</tr>
<tr>
<td>49-14,103.03</td>
<td>33.46</td>
</tr>
<tr>
<td>49-14,103.04</td>
<td>33.46</td>
</tr>
<tr>
<td>49-14,103.05</td>
<td>33.46</td>
</tr>
<tr>
<td>49-14,103.06</td>
<td>33.46</td>
</tr>
<tr>
<td>51-201</td>
<td>35.53, 90.01</td>
</tr>
<tr>
<td>51-201 to 51-219</td>
<td>32.001</td>
</tr>
<tr>
<td>51-201 through 51-219</td>
<td>90.02</td>
</tr>
<tr>
<td>51-201.01</td>
<td>90.06</td>
</tr>
<tr>
<td>51-202</td>
<td>32.001</td>
</tr>
<tr>
<td>51-204</td>
<td>32.001</td>
</tr>
<tr>
<td>51-205</td>
<td>90.02</td>
</tr>
<tr>
<td>51-206</td>
<td>90.05</td>
</tr>
<tr>
<td>51-207</td>
<td>90.02, 90.12</td>
</tr>
<tr>
<td>51-209</td>
<td>90.01</td>
</tr>
<tr>
<td>51-210</td>
<td>90.03</td>
</tr>
<tr>
<td>51-211</td>
<td>90.02, 90.03, 90.06</td>
</tr>
<tr>
<td>51-212</td>
<td>90.06</td>
</tr>
<tr>
<td>51-213</td>
<td>90.08</td>
</tr>
<tr>
<td>51-214</td>
<td>90.09</td>
</tr>
<tr>
<td>51-215</td>
<td>35.08, 90.10</td>
</tr>
<tr>
<td>51-216</td>
<td>35.08, 90.04</td>
</tr>
<tr>
<td>51-501</td>
<td>35.53</td>
</tr>
<tr>
<td>53-103.01 through 53-103.42</td>
<td>111.01, 133.29</td>
</tr>
<tr>
<td>53-103.23</td>
<td>133.28</td>
</tr>
<tr>
<td>53-116.01</td>
<td>111.24</td>
</tr>
<tr>
<td>53-118</td>
<td>111.47</td>
</tr>
<tr>
<td>53-123.04(3)</td>
<td>133.30</td>
</tr>
<tr>
<td>53-123.11(1)(c)</td>
<td>133.30</td>
</tr>
<tr>
<td>53-124</td>
<td>111.23, 111.26</td>
</tr>
<tr>
<td>53-124.01</td>
<td>111.23</td>
</tr>
<tr>
<td>53-124.12</td>
<td>111.26</td>
</tr>
<tr>
<td>53-124.15</td>
<td>111.45</td>
</tr>
<tr>
<td>53-125</td>
<td>111.22</td>
</tr>
<tr>
<td>53-131</td>
<td>111.23</td>
</tr>
<tr>
<td>53-132</td>
<td>111.23</td>
</tr>
<tr>
<td>53-133</td>
<td>111.23, 111.45</td>
</tr>
<tr>
<td>53-134</td>
<td>111.23</td>
</tr>
<tr>
<td>53-134.03</td>
<td>111.23, 111.47, 111.51</td>
</tr>
<tr>
<td>53-134.04</td>
<td>111.30</td>
</tr>
<tr>
<td>53-135</td>
<td>111.25</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------</td>
</tr>
<tr>
<td>53-135.01</td>
<td>111.22</td>
</tr>
<tr>
<td>53-148</td>
<td>111.27</td>
</tr>
<tr>
<td>53-167.02</td>
<td>111.52</td>
</tr>
<tr>
<td>53-167.03</td>
<td>111.52</td>
</tr>
<tr>
<td>53-168.06</td>
<td>111.20</td>
</tr>
<tr>
<td>53-175</td>
<td>111.21</td>
</tr>
<tr>
<td>53-177</td>
<td>111.45</td>
</tr>
<tr>
<td>53-177.01</td>
<td>111.45</td>
</tr>
<tr>
<td>53-178</td>
<td>111.46</td>
</tr>
<tr>
<td>53-179</td>
<td>111.48</td>
</tr>
<tr>
<td>53-180</td>
<td>111.02</td>
</tr>
<tr>
<td>53-180.01</td>
<td>133.28</td>
</tr>
<tr>
<td>53-180.02</td>
<td>133.29</td>
</tr>
<tr>
<td>53-180.05</td>
<td>133.28</td>
</tr>
<tr>
<td>53-183</td>
<td>111.49</td>
</tr>
<tr>
<td>53-184</td>
<td>111.50</td>
</tr>
<tr>
<td>53-186</td>
<td>111.03</td>
</tr>
<tr>
<td>53-186(2)</td>
<td>111.03</td>
</tr>
<tr>
<td>53-194.03</td>
<td>111.21</td>
</tr>
<tr>
<td>53-1,101</td>
<td>111.28</td>
</tr>
<tr>
<td>53-1,102</td>
<td>111.29</td>
</tr>
<tr>
<td>53-1,115</td>
<td>111.30</td>
</tr>
<tr>
<td>53-1,121</td>
<td>111.04</td>
</tr>
<tr>
<td>53-401 through 53-409</td>
<td>133.29</td>
</tr>
<tr>
<td>54-601</td>
<td>95.43</td>
</tr>
<tr>
<td>54-603</td>
<td>95.40</td>
</tr>
<tr>
<td>54-603(3)</td>
<td>95.40</td>
</tr>
<tr>
<td>54-605</td>
<td>95.41</td>
</tr>
<tr>
<td>54-606</td>
<td>95.43</td>
</tr>
<tr>
<td>54-617</td>
<td>95.45</td>
</tr>
<tr>
<td>54-618</td>
<td>95.45</td>
</tr>
<tr>
<td>54-619</td>
<td>95.45</td>
</tr>
<tr>
<td>54-620</td>
<td>95.45</td>
</tr>
<tr>
<td>54-621</td>
<td>95.45</td>
</tr>
<tr>
<td>54-622.01</td>
<td>95.45</td>
</tr>
<tr>
<td>54-623</td>
<td>95.45</td>
</tr>
<tr>
<td>55-133</td>
<td>70.01</td>
</tr>
<tr>
<td>56-602</td>
<td>95.43</td>
</tr>
<tr>
<td>57-901 through 57-922</td>
<td>153.03</td>
</tr>
<tr>
<td>54-907 through 54-912</td>
<td>95.07</td>
</tr>
<tr>
<td>54-911</td>
<td>95.07</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>54-912</td>
<td>95.07</td>
</tr>
<tr>
<td>60,146</td>
<td>71.057</td>
</tr>
<tr>
<td>60,151</td>
<td>71.056</td>
</tr>
<tr>
<td>60,160</td>
<td>71.041</td>
</tr>
<tr>
<td>60,613</td>
<td>71.055</td>
</tr>
<tr>
<td>60-301</td>
<td>35.56, 73.07, 133.45</td>
</tr>
<tr>
<td>60-311.14</td>
<td>73.46, 73.47</td>
</tr>
<tr>
<td>60-376</td>
<td>133.45, 133.46</td>
</tr>
<tr>
<td>60-462</td>
<td>70.07</td>
</tr>
<tr>
<td>60-4,126</td>
<td>72.02</td>
</tr>
<tr>
<td>60-4,163</td>
<td>32.081</td>
</tr>
<tr>
<td>60-4,164</td>
<td>32.081</td>
</tr>
<tr>
<td>60,613-36</td>
<td>71.059</td>
</tr>
<tr>
<td>60,613-36</td>
<td>71.060</td>
</tr>
<tr>
<td>60-601</td>
<td>Chapter 70</td>
</tr>
<tr>
<td>60-606 through 60-676</td>
<td>70.01</td>
</tr>
<tr>
<td>60-607</td>
<td>70.01</td>
</tr>
<tr>
<td>60-610</td>
<td>70.01</td>
</tr>
<tr>
<td>60-613</td>
<td>70.01</td>
</tr>
<tr>
<td>60-624</td>
<td>70.01, 71.082</td>
</tr>
<tr>
<td>60-631</td>
<td>70.01</td>
</tr>
<tr>
<td>60-638</td>
<td>70.01</td>
</tr>
<tr>
<td>60-646</td>
<td>70.01</td>
</tr>
<tr>
<td>60-654</td>
<td>70.01</td>
</tr>
<tr>
<td>60-656</td>
<td>70.01</td>
</tr>
<tr>
<td>60-658.01</td>
<td>70.01</td>
</tr>
<tr>
<td>60-661</td>
<td>70.01</td>
</tr>
<tr>
<td>60-669</td>
<td>70.01</td>
</tr>
<tr>
<td>60-670</td>
<td>70.01</td>
</tr>
<tr>
<td>60-671</td>
<td>70.01</td>
</tr>
<tr>
<td>60-672</td>
<td>70.01</td>
</tr>
<tr>
<td>60-676</td>
<td>70.01</td>
</tr>
<tr>
<td>60-678</td>
<td>70.02</td>
</tr>
<tr>
<td>60-680</td>
<td>70.03, Chapter 71; 73.01</td>
</tr>
<tr>
<td>60-681</td>
<td>70.04</td>
</tr>
<tr>
<td>60-682</td>
<td>70.99</td>
</tr>
<tr>
<td>60-683</td>
<td>70.07</td>
</tr>
<tr>
<td>60-684 through 60-694.01</td>
<td>70.99</td>
</tr>
<tr>
<td>60-689</td>
<td>70.99, 71.041, 71.055 - 71.057, 71.059, 71.060, 71.062, 71.079</td>
</tr>
<tr>
<td>60-699</td>
<td>72.04</td>
</tr>
<tr>
<td><strong>Neb. RS Section</strong></td>
<td><strong>Code Section</strong></td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>60-6,108</td>
<td>70.05</td>
</tr>
<tr>
<td>60-6,110</td>
<td>70.08</td>
</tr>
<tr>
<td>60-6,114</td>
<td>70.10</td>
</tr>
<tr>
<td>60-6,118</td>
<td>70.01</td>
</tr>
<tr>
<td>60-6,119</td>
<td>70.09</td>
</tr>
<tr>
<td>60-6,121</td>
<td>70.06</td>
</tr>
<tr>
<td>60-6,129</td>
<td>71.003</td>
</tr>
<tr>
<td>60-6,130</td>
<td>71.004</td>
</tr>
<tr>
<td>60-6,130(1)</td>
<td>133.47</td>
</tr>
<tr>
<td>60-6,130(3)</td>
<td>133.48</td>
</tr>
<tr>
<td>60-6,138</td>
<td>71.001</td>
</tr>
<tr>
<td>60-6,142</td>
<td>71.062, 72.24</td>
</tr>
<tr>
<td>60-6,148</td>
<td>71.002</td>
</tr>
<tr>
<td>60-6,161-63</td>
<td>71.041</td>
</tr>
<tr>
<td>60-6,164</td>
<td>73.02</td>
</tr>
<tr>
<td>60-6,165</td>
<td>73.66</td>
</tr>
<tr>
<td>60-6,166</td>
<td>73.03, 73.18</td>
</tr>
<tr>
<td>60-6,167</td>
<td>73.10</td>
</tr>
<tr>
<td>60-6,168</td>
<td>73.12</td>
</tr>
<tr>
<td>60-6,169</td>
<td>71.079</td>
</tr>
<tr>
<td>60-6,185</td>
<td>71.020</td>
</tr>
<tr>
<td>60-6,186</td>
<td>71.021</td>
</tr>
<tr>
<td>60-6,187</td>
<td>71.021, 71.023</td>
</tr>
<tr>
<td>60-6,188</td>
<td>71.021</td>
</tr>
<tr>
<td>60-6,189</td>
<td>71.021</td>
</tr>
<tr>
<td>60-6,190</td>
<td>71.023</td>
</tr>
<tr>
<td>60-6,196</td>
<td>32.081</td>
</tr>
<tr>
<td>60-6,196(1)(b)</td>
<td>71.083</td>
</tr>
<tr>
<td>60-6,196(1)(c)</td>
<td>71.083</td>
</tr>
<tr>
<td>60-6,197</td>
<td>32.081</td>
</tr>
<tr>
<td>60-6,201</td>
<td>71.083</td>
</tr>
<tr>
<td>60-6,203</td>
<td>71.083</td>
</tr>
<tr>
<td>60-6,211.01</td>
<td>32.081, 71.083</td>
</tr>
<tr>
<td>60-6,211.02</td>
<td>32.081, 71.083</td>
</tr>
<tr>
<td>60-6,211.08</td>
<td>111.03, 133.30</td>
</tr>
<tr>
<td>60-6,250</td>
<td>71.005</td>
</tr>
<tr>
<td>60-6,265</td>
<td>71.081</td>
</tr>
<tr>
<td>60-6,267</td>
<td>71.081</td>
</tr>
<tr>
<td>60-6,268</td>
<td>71.081</td>
</tr>
<tr>
<td>60-6,279</td>
<td>71.082</td>
</tr>
<tr>
<td>60-6,282</td>
<td>71.082</td>
</tr>
<tr>
<td>Neb. RS Section</td>
<td>Code Section</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>60-6,288</td>
<td>71.005</td>
</tr>
<tr>
<td>60-6,288 to 60-6,290</td>
<td>70.10</td>
</tr>
<tr>
<td>60-6,294</td>
<td>70.10</td>
</tr>
<tr>
<td>60-6,305</td>
<td>71.021, 71.023</td>
</tr>
<tr>
<td>60-6,313</td>
<td>71.021, 71.023</td>
</tr>
<tr>
<td>60-6,315</td>
<td>72.24</td>
</tr>
<tr>
<td>60-6,317</td>
<td>72.24</td>
</tr>
<tr>
<td>60-6,318</td>
<td>72.24</td>
</tr>
<tr>
<td>60-6,355</td>
<td>72.01</td>
</tr>
<tr>
<td>60-6,356</td>
<td>72.02</td>
</tr>
<tr>
<td>60-1901</td>
<td>133.45</td>
</tr>
<tr>
<td>60-1902</td>
<td>133.45</td>
</tr>
<tr>
<td>60-1903</td>
<td>133.45</td>
</tr>
<tr>
<td>60-1903.01</td>
<td>133.45</td>
</tr>
<tr>
<td>60-1904</td>
<td>133.45</td>
</tr>
<tr>
<td>60-1905</td>
<td>133.45</td>
</tr>
<tr>
<td>60-1906</td>
<td>133.45</td>
</tr>
<tr>
<td>60-1907</td>
<td>133.45</td>
</tr>
<tr>
<td>60-1908</td>
<td>133.45</td>
</tr>
<tr>
<td>60-1909</td>
<td>133.45</td>
</tr>
<tr>
<td>60-1911</td>
<td>133.45</td>
</tr>
<tr>
<td>60-2002</td>
<td>72.40</td>
</tr>
<tr>
<td>60-2013</td>
<td>72.40, 72.41</td>
</tr>
<tr>
<td>60-2015</td>
<td>72.41</td>
</tr>
<tr>
<td>60-2016</td>
<td>72.42</td>
</tr>
<tr>
<td>60-2807</td>
<td>72.04</td>
</tr>
<tr>
<td>60-2808</td>
<td>72.99</td>
</tr>
<tr>
<td>70-504</td>
<td>34.45</td>
</tr>
<tr>
<td>70-624.04</td>
<td>33.46</td>
</tr>
<tr>
<td>70-1601</td>
<td>50.01</td>
</tr>
<tr>
<td>70-1601 through 70-1615</td>
<td>50.04</td>
</tr>
<tr>
<td>70-1602</td>
<td>50.03</td>
</tr>
<tr>
<td>70-1605</td>
<td>50.03</td>
</tr>
<tr>
<td>70-1606</td>
<td>50.03</td>
</tr>
<tr>
<td>70-1607</td>
<td>50.03</td>
</tr>
<tr>
<td>70-1608 through 70-1614</td>
<td>50.03</td>
</tr>
<tr>
<td>70-1615</td>
<td>50.03</td>
</tr>
<tr>
<td>70-2103</td>
<td>130.02</td>
</tr>
<tr>
<td>71-1524 through 71-1526</td>
<td>32.007</td>
</tr>
<tr>
<td>71-1552</td>
<td>32.007</td>
</tr>
<tr>
<td>71-4401</td>
<td>95.20</td>
</tr>
</tbody>
</table>
### References to Nebraska Revised Statutes

<table>
<thead>
<tr>
<th>Neb. RS Section</th>
<th>Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>71-4402</td>
<td>95.21</td>
</tr>
<tr>
<td>71-4404</td>
<td>95.21</td>
</tr>
<tr>
<td>71-4405</td>
<td>95.21</td>
</tr>
<tr>
<td>71-4406</td>
<td>95.22</td>
</tr>
<tr>
<td>71-4407</td>
<td>95.23</td>
</tr>
<tr>
<td>71-4408</td>
<td>95.09, 95.24</td>
</tr>
<tr>
<td>71-4410</td>
<td>95.26</td>
</tr>
<tr>
<td>71-4411</td>
<td>95.24</td>
</tr>
<tr>
<td>71-4412</td>
<td>95.26</td>
</tr>
<tr>
<td>71-5301</td>
<td>51.028</td>
</tr>
<tr>
<td>71-5301.01</td>
<td>51.028</td>
</tr>
<tr>
<td>Chapter 72, article 14</td>
<td>94.32</td>
</tr>
<tr>
<td>73-101 et seq.</td>
<td>35.02</td>
</tr>
<tr>
<td>75-323</td>
<td>112.01</td>
</tr>
<tr>
<td>75-414</td>
<td>115.01</td>
</tr>
<tr>
<td>76-704 through 76-724</td>
<td>90.03</td>
</tr>
<tr>
<td>77-1343</td>
<td>94.84</td>
</tr>
<tr>
<td>77-1601</td>
<td>35.55</td>
</tr>
<tr>
<td>77-1601.02</td>
<td>35.55</td>
</tr>
<tr>
<td>77-1606</td>
<td>35.53, 35.55</td>
</tr>
<tr>
<td>77-1702</td>
<td>35.14</td>
</tr>
<tr>
<td>77-1725.01</td>
<td>150.38</td>
</tr>
<tr>
<td>77-2201</td>
<td>31.07</td>
</tr>
<tr>
<td>77-2201 through 77-2215</td>
<td>31.07</td>
</tr>
<tr>
<td>77-2202</td>
<td>31.07</td>
</tr>
<tr>
<td>77-2209</td>
<td>31.07</td>
</tr>
<tr>
<td>77-2210</td>
<td>31.07</td>
</tr>
<tr>
<td>77-2212</td>
<td>31.07</td>
</tr>
<tr>
<td>77-2337</td>
<td>35.08</td>
</tr>
<tr>
<td>77-2341</td>
<td>35.11</td>
</tr>
<tr>
<td>77-2362</td>
<td>35.09</td>
</tr>
<tr>
<td>77-2363</td>
<td>35.09</td>
</tr>
<tr>
<td>77-2364</td>
<td>35.09</td>
</tr>
<tr>
<td>77-2365.01</td>
<td>35.09, 35.10</td>
</tr>
<tr>
<td>77-2366</td>
<td>35.09, 35.10</td>
</tr>
<tr>
<td>77-2386</td>
<td>35.09</td>
</tr>
<tr>
<td>77-3442</td>
<td>35.53, 90.01, 90.25</td>
</tr>
<tr>
<td>77-3443</td>
<td>35.53, 90.01</td>
</tr>
<tr>
<td>77-3444</td>
<td>34.04, 35.53</td>
</tr>
<tr>
<td>81-145 through 81-162</td>
<td>35.02</td>
</tr>
<tr>
<td>81-502</td>
<td>92.01</td>
</tr>
</tbody>
</table>
### References to Nebraska Revised Statutes

<table>
<thead>
<tr>
<th>Neb. RS Section</th>
<th>Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>81-512</td>
<td>92.03</td>
</tr>
<tr>
<td>81-520.01</td>
<td>92.09</td>
</tr>
<tr>
<td>81-829.65</td>
<td>32.081</td>
</tr>
<tr>
<td>81-1438</td>
<td>31.01, 31.10</td>
</tr>
<tr>
<td>81-1439 through 81-1446</td>
<td>31.10</td>
</tr>
<tr>
<td>81-3423</td>
<td>94.35</td>
</tr>
<tr>
<td>81-3445</td>
<td>94.35</td>
</tr>
<tr>
<td>81-3449</td>
<td>94.35</td>
</tr>
<tr>
<td>81-3453</td>
<td>94.35</td>
</tr>
<tr>
<td>81-3538</td>
<td>150.84</td>
</tr>
<tr>
<td>84-712 et seq.</td>
<td>10.16</td>
</tr>
<tr>
<td>84-712 through 84-712.09</td>
<td>31.06, 31.07</td>
</tr>
<tr>
<td>84-712(2)</td>
<td>31.06</td>
</tr>
<tr>
<td>84-1201 through 84-1220</td>
<td>31.06</td>
</tr>
<tr>
<td>84-1201 to 84-1220</td>
<td>31.06</td>
</tr>
<tr>
<td>84-1408</td>
<td>33.02</td>
</tr>
<tr>
<td>84-1409</td>
<td>33.01, 33.07</td>
</tr>
<tr>
<td>84-1410</td>
<td>33.10, 33.11</td>
</tr>
<tr>
<td>84-1411</td>
<td>33.02, 33.03, 33.05 - 33.09</td>
</tr>
<tr>
<td>84-1412</td>
<td>33.12</td>
</tr>
<tr>
<td>84-1413</td>
<td>33.14, 33.15</td>
</tr>
</tbody>
</table>
REFERENCES TO 1992 CODE

<table>
<thead>
<tr>
<th>1992 Code Section</th>
<th>2012 Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-101</td>
<td>30.01</td>
</tr>
<tr>
<td>1-102</td>
<td>30.16</td>
</tr>
<tr>
<td>1-103</td>
<td>30.15</td>
</tr>
<tr>
<td>1-104</td>
<td>30.20</td>
</tr>
<tr>
<td>1-105</td>
<td>30.18</td>
</tr>
<tr>
<td>1-106</td>
<td>30.03</td>
</tr>
<tr>
<td>1-201</td>
<td>31.01</td>
</tr>
<tr>
<td>1-202</td>
<td>31.02</td>
</tr>
<tr>
<td>1-203</td>
<td>31.06</td>
</tr>
<tr>
<td>1-204</td>
<td>31.07</td>
</tr>
<tr>
<td>1-205</td>
<td>31.03</td>
</tr>
<tr>
<td>1-206</td>
<td>31.05</td>
</tr>
<tr>
<td>1-207</td>
<td>31.04</td>
</tr>
<tr>
<td>1-208</td>
<td>31.07</td>
</tr>
<tr>
<td>1-209</td>
<td>31.07</td>
</tr>
<tr>
<td>1-210</td>
<td>31.08</td>
</tr>
<tr>
<td>1-211</td>
<td>31.13</td>
</tr>
<tr>
<td>1-212</td>
<td>31.09</td>
</tr>
<tr>
<td>1-213</td>
<td>31.10</td>
</tr>
<tr>
<td>1-214</td>
<td>31.11</td>
</tr>
<tr>
<td>1-215</td>
<td>31.12</td>
</tr>
<tr>
<td>1-216</td>
<td>31.12</td>
</tr>
<tr>
<td>1-217</td>
<td>31.14</td>
</tr>
<tr>
<td>1-218</td>
<td>31.15</td>
</tr>
<tr>
<td>1-219</td>
<td>31.17</td>
</tr>
<tr>
<td>1-220</td>
<td>31.16</td>
</tr>
<tr>
<td>1-301</td>
<td>33.30</td>
</tr>
<tr>
<td>1-302</td>
<td>33.31</td>
</tr>
<tr>
<td>1-401</td>
<td>11.01</td>
</tr>
<tr>
<td>1-501</td>
<td>33.01</td>
</tr>
<tr>
<td>1-502</td>
<td>33.01</td>
</tr>
<tr>
<td>1-503</td>
<td>33.02</td>
</tr>
<tr>
<td>1-504</td>
<td>33.10, 33.11</td>
</tr>
<tr>
<td>1-505</td>
<td>33.06</td>
</tr>
<tr>
<td>1992 Code Section</td>
<td>2012 Code Section</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>1-506</td>
<td>33.15</td>
</tr>
<tr>
<td>1-507</td>
<td>33.14</td>
</tr>
<tr>
<td>1-508</td>
<td>33.03</td>
</tr>
<tr>
<td>1-509</td>
<td>33.12</td>
</tr>
<tr>
<td>1-510</td>
<td>33.13</td>
</tr>
<tr>
<td>1-511</td>
<td>33.16</td>
</tr>
<tr>
<td>1-512</td>
<td>33.16</td>
</tr>
<tr>
<td>1-513</td>
<td>33.04</td>
</tr>
<tr>
<td>1-514</td>
<td>33.05</td>
</tr>
<tr>
<td>1-601</td>
<td>30.45</td>
</tr>
<tr>
<td>1-602</td>
<td>30.48</td>
</tr>
<tr>
<td>1-603</td>
<td>30.48</td>
</tr>
<tr>
<td>1-604</td>
<td>30.49</td>
</tr>
<tr>
<td>1-605</td>
<td>30.50</td>
</tr>
<tr>
<td>1-606</td>
<td>30.51</td>
</tr>
<tr>
<td>1-607</td>
<td>30.52</td>
</tr>
<tr>
<td>1-608</td>
<td>30.53</td>
</tr>
<tr>
<td>1-801</td>
<td>35.30</td>
</tr>
<tr>
<td>1-801.01</td>
<td>35.01</td>
</tr>
<tr>
<td>1-802</td>
<td>35.33</td>
</tr>
<tr>
<td>1-803</td>
<td>35.34</td>
</tr>
<tr>
<td>1-804</td>
<td>35.35, 94.30</td>
</tr>
<tr>
<td>1-804.01</td>
<td>35.32</td>
</tr>
<tr>
<td>1-805</td>
<td>35.31</td>
</tr>
<tr>
<td>1-806</td>
<td>35.36</td>
</tr>
<tr>
<td>1-807</td>
<td>35.52</td>
</tr>
<tr>
<td>1-810</td>
<td>35.52</td>
</tr>
<tr>
<td>1-811</td>
<td>35.52</td>
</tr>
<tr>
<td>1-812</td>
<td>35.54</td>
</tr>
<tr>
<td>1-813</td>
<td>35.04</td>
</tr>
<tr>
<td>1-814</td>
<td>35.02</td>
</tr>
<tr>
<td>1-815</td>
<td>35.03</td>
</tr>
<tr>
<td>1-816</td>
<td>35.05</td>
</tr>
<tr>
<td>1-817</td>
<td>35.04</td>
</tr>
<tr>
<td>1-818</td>
<td>35.07</td>
</tr>
<tr>
<td>1-819</td>
<td>35.08</td>
</tr>
<tr>
<td>1-820</td>
<td>35.09</td>
</tr>
<tr>
<td>1-821</td>
<td>35.11</td>
</tr>
<tr>
<td>1-822</td>
<td>35.12</td>
</tr>
<tr>
<td>1-823</td>
<td>35.56</td>
</tr>
<tr>
<td>1-824</td>
<td>35.15</td>
</tr>
<tr>
<td>1992 Code Section</td>
<td>2012 Code Section</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>1-825</td>
<td>35.06, 35.55</td>
</tr>
<tr>
<td>1-901</td>
<td>33.45</td>
</tr>
<tr>
<td>1-902</td>
<td>33.45</td>
</tr>
<tr>
<td>1-903</td>
<td>33.46</td>
</tr>
<tr>
<td>2-101</td>
<td>32.001</td>
</tr>
<tr>
<td>2-102</td>
<td>32.007</td>
</tr>
<tr>
<td>2-103</td>
<td>32.002</td>
</tr>
<tr>
<td>2-104</td>
<td>32.006</td>
</tr>
<tr>
<td>2-105</td>
<td>32.003</td>
</tr>
<tr>
<td>2-106</td>
<td>32.004</td>
</tr>
<tr>
<td>2-107</td>
<td>32.005</td>
</tr>
<tr>
<td>2-108</td>
<td>32.008</td>
</tr>
<tr>
<td>2-109</td>
<td>96.01</td>
</tr>
<tr>
<td>2-110</td>
<td>96.02</td>
</tr>
<tr>
<td>2-111</td>
<td>96.02</td>
</tr>
<tr>
<td>2-112</td>
<td>96.02</td>
</tr>
<tr>
<td>2-113</td>
<td>96.15</td>
</tr>
<tr>
<td>2-114</td>
<td>96.16</td>
</tr>
<tr>
<td>2-115</td>
<td>96.17</td>
</tr>
<tr>
<td>2-116</td>
<td>96.18</td>
</tr>
<tr>
<td>2-117</td>
<td>96.19</td>
</tr>
<tr>
<td>2-118</td>
<td>96.20</td>
</tr>
<tr>
<td>2-119</td>
<td>96.21</td>
</tr>
<tr>
<td>2-120</td>
<td>96.22</td>
</tr>
<tr>
<td>3-101</td>
<td>50.07</td>
</tr>
<tr>
<td>3-102</td>
<td>50.03</td>
</tr>
<tr>
<td>3-103</td>
<td>50.05</td>
</tr>
<tr>
<td>3-104</td>
<td>50.06</td>
</tr>
<tr>
<td>3-105</td>
<td>50.02</td>
</tr>
<tr>
<td>3-106</td>
<td>54.03</td>
</tr>
<tr>
<td>3-107</td>
<td>50.01</td>
</tr>
<tr>
<td>3-201</td>
<td>32.040</td>
</tr>
<tr>
<td>3-202</td>
<td>51.001</td>
</tr>
<tr>
<td>3-203</td>
<td>51.016</td>
</tr>
<tr>
<td>3-204</td>
<td>51.017</td>
</tr>
<tr>
<td>3-205</td>
<td>51.019</td>
</tr>
<tr>
<td>3-206</td>
<td>51.020</td>
</tr>
<tr>
<td>3-207</td>
<td>51.021</td>
</tr>
<tr>
<td>3-208</td>
<td>51.022</td>
</tr>
<tr>
<td>3-209</td>
<td>51.023</td>
</tr>
<tr>
<td>3-210</td>
<td>51.900</td>
</tr>
<tr>
<td><strong>1992 Code Section</strong></td>
<td><strong>2012 Code Section</strong></td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>3-211</td>
<td>51.901</td>
</tr>
<tr>
<td>3-213</td>
<td>51.902</td>
</tr>
<tr>
<td>3-214</td>
<td>51.024</td>
</tr>
<tr>
<td>3-215</td>
<td>51.903</td>
</tr>
<tr>
<td>3-216</td>
<td>51.025</td>
</tr>
<tr>
<td>3-217</td>
<td>51.002</td>
</tr>
<tr>
<td>3-218</td>
<td>51.015</td>
</tr>
<tr>
<td>3-219</td>
<td>51.018</td>
</tr>
<tr>
<td>3-220</td>
<td>51.904</td>
</tr>
<tr>
<td>3-221</td>
<td>51.026</td>
</tr>
<tr>
<td>3-222</td>
<td>51.028</td>
</tr>
<tr>
<td>3-223</td>
<td>51.027</td>
</tr>
<tr>
<td>3-301</td>
<td>32.041</td>
</tr>
<tr>
<td>3-302</td>
<td>52.001</td>
</tr>
<tr>
<td>3-303</td>
<td>52.015</td>
</tr>
<tr>
<td>3-304</td>
<td>52.016</td>
</tr>
<tr>
<td>3-305</td>
<td>52.017</td>
</tr>
<tr>
<td>3-306</td>
<td>52.080</td>
</tr>
<tr>
<td>3-307</td>
<td>52.081</td>
</tr>
<tr>
<td>3-308</td>
<td>52.082</td>
</tr>
<tr>
<td>3-309</td>
<td>52.083</td>
</tr>
<tr>
<td>3-310</td>
<td>52.084</td>
</tr>
<tr>
<td>3-311</td>
<td>52.085</td>
</tr>
<tr>
<td>3-312</td>
<td>52.040</td>
</tr>
<tr>
<td>3-313</td>
<td>52.041</td>
</tr>
<tr>
<td>3-314</td>
<td>52.060</td>
</tr>
<tr>
<td>3-315</td>
<td>52.061</td>
</tr>
<tr>
<td>3-316</td>
<td>52.062</td>
</tr>
<tr>
<td>3-317</td>
<td>52.063</td>
</tr>
<tr>
<td>3-318</td>
<td>52.064</td>
</tr>
<tr>
<td>3-319</td>
<td>52.065</td>
</tr>
<tr>
<td>3-320</td>
<td>52.066</td>
</tr>
<tr>
<td>3-321</td>
<td>52.018</td>
</tr>
<tr>
<td>3-322</td>
<td>52.019</td>
</tr>
<tr>
<td>3-323</td>
<td>52.020</td>
</tr>
<tr>
<td>3-324</td>
<td>52.021</td>
</tr>
<tr>
<td>3-325</td>
<td>52.022</td>
</tr>
<tr>
<td>3-326</td>
<td>52.023</td>
</tr>
<tr>
<td>3-327</td>
<td>52.024</td>
</tr>
<tr>
<td>3-328</td>
<td>52.025</td>
</tr>
<tr>
<td>3-329</td>
<td>52.026</td>
</tr>
<tr>
<td>1992 Code Section</td>
<td>2012 Code Section</td>
</tr>
<tr>
<td>------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>3-330</td>
<td>52.027</td>
</tr>
<tr>
<td>3-331</td>
<td>52.028</td>
</tr>
<tr>
<td>3-332</td>
<td>52.029</td>
</tr>
<tr>
<td>3-333</td>
<td>52.042</td>
</tr>
<tr>
<td>3-334</td>
<td>52.043</td>
</tr>
<tr>
<td>3-335</td>
<td>52.044</td>
</tr>
<tr>
<td>3-336</td>
<td>52.045</td>
</tr>
<tr>
<td>3-337</td>
<td>52.046</td>
</tr>
<tr>
<td>3-338</td>
<td>52.047</td>
</tr>
<tr>
<td>3-339</td>
<td>52.048</td>
</tr>
<tr>
<td>3-340</td>
<td>52.049</td>
</tr>
<tr>
<td>3-341</td>
<td>52.100</td>
</tr>
<tr>
<td>3-342</td>
<td>52.101</td>
</tr>
<tr>
<td>3-343</td>
<td>52.102</td>
</tr>
<tr>
<td>3-344</td>
<td>52.103</td>
</tr>
<tr>
<td>3-345</td>
<td>52.104</td>
</tr>
<tr>
<td>3-401</td>
<td>32.042</td>
</tr>
<tr>
<td>3-402</td>
<td>53.01</td>
</tr>
<tr>
<td>3-403</td>
<td>53.02</td>
</tr>
<tr>
<td>3-404</td>
<td>53.03</td>
</tr>
<tr>
<td>3-405</td>
<td>53.04</td>
</tr>
<tr>
<td>3-406</td>
<td>53.05</td>
</tr>
<tr>
<td>3-407</td>
<td>53.06</td>
</tr>
<tr>
<td>3-408</td>
<td>53.35</td>
</tr>
<tr>
<td>3-409</td>
<td>53.36</td>
</tr>
<tr>
<td>3-410</td>
<td>53.39</td>
</tr>
<tr>
<td>3-411</td>
<td>53.20</td>
</tr>
<tr>
<td>3-412</td>
<td>53.37</td>
</tr>
<tr>
<td>3-413</td>
<td>53.21</td>
</tr>
<tr>
<td>3-414</td>
<td>53.22</td>
</tr>
<tr>
<td>3-415</td>
<td>53.40</td>
</tr>
<tr>
<td>3-416</td>
<td>53.23</td>
</tr>
<tr>
<td>3-417</td>
<td>53.07</td>
</tr>
<tr>
<td>3-418</td>
<td>53.38</td>
</tr>
<tr>
<td>3-501</td>
<td>32.080</td>
</tr>
<tr>
<td>3-502</td>
<td>32.080</td>
</tr>
<tr>
<td>3-503</td>
<td>32.083</td>
</tr>
<tr>
<td>3-504</td>
<td>32.081</td>
</tr>
<tr>
<td>3-602</td>
<td>90.12</td>
</tr>
<tr>
<td>3-604</td>
<td>90.11</td>
</tr>
<tr>
<td>3-605</td>
<td>90.06</td>
</tr>
</tbody>
</table>
### References to 1992 Code

<table>
<thead>
<tr>
<th>1992 Code Section</th>
<th>2012 Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-606</td>
<td>90.01</td>
</tr>
<tr>
<td>3-701</td>
<td>90.25</td>
</tr>
<tr>
<td>3-702</td>
<td>90.26</td>
</tr>
<tr>
<td>3-801</td>
<td>32.055</td>
</tr>
<tr>
<td>3-802</td>
<td>32.056</td>
</tr>
<tr>
<td>3-803</td>
<td>32.057</td>
</tr>
<tr>
<td>3-804</td>
<td>32.058</td>
</tr>
<tr>
<td>3-805</td>
<td>32.059</td>
</tr>
<tr>
<td>3-806</td>
<td>32.060</td>
</tr>
<tr>
<td>3-807</td>
<td>32.058</td>
</tr>
<tr>
<td>3-808</td>
<td>32.061</td>
</tr>
<tr>
<td>3-809</td>
<td>32.062</td>
</tr>
<tr>
<td>3-810</td>
<td>32.063</td>
</tr>
<tr>
<td>3-811</td>
<td>32.064</td>
</tr>
<tr>
<td>3-812</td>
<td>32.065</td>
</tr>
<tr>
<td>3-813</td>
<td>32.066</td>
</tr>
<tr>
<td>3-814</td>
<td>32.067</td>
</tr>
<tr>
<td>3-815</td>
<td>32.068</td>
</tr>
<tr>
<td>3-901</td>
<td>90.40</td>
</tr>
<tr>
<td>3-1001</td>
<td>91.01</td>
</tr>
<tr>
<td>3-1002</td>
<td>91.02</td>
</tr>
<tr>
<td>4-101</td>
<td>93.01</td>
</tr>
<tr>
<td>4-102</td>
<td>93.02</td>
</tr>
<tr>
<td>4-201</td>
<td>54.01</td>
</tr>
<tr>
<td>4-202</td>
<td>54.02</td>
</tr>
<tr>
<td>4-204</td>
<td>54.05</td>
</tr>
<tr>
<td>4-205</td>
<td>54.06</td>
</tr>
<tr>
<td>4-206</td>
<td>54.07</td>
</tr>
<tr>
<td>4-207</td>
<td>54.08</td>
</tr>
<tr>
<td>4-208</td>
<td>54.09</td>
</tr>
<tr>
<td>4-209</td>
<td>54.10</td>
</tr>
<tr>
<td>4-210</td>
<td>54.01</td>
</tr>
<tr>
<td>4-211</td>
<td>54.01, 54.11</td>
</tr>
<tr>
<td>4-212</td>
<td>54.12</td>
</tr>
<tr>
<td>4-302</td>
<td>93.15</td>
</tr>
<tr>
<td>4-303</td>
<td>93.16</td>
</tr>
<tr>
<td>4-305</td>
<td>91.17</td>
</tr>
<tr>
<td>4-306</td>
<td>91.18</td>
</tr>
<tr>
<td>4-401</td>
<td>93.30</td>
</tr>
<tr>
<td>4-402</td>
<td>93.31</td>
</tr>
<tr>
<td>4-403</td>
<td>93.32</td>
</tr>
<tr>
<td>1992 Code Section</td>
<td>2012 Code Section</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>4-404</td>
<td>93.33</td>
</tr>
<tr>
<td>4-405</td>
<td>93.34</td>
</tr>
<tr>
<td>4-501</td>
<td>93.45</td>
</tr>
<tr>
<td>4-502</td>
<td>93.46</td>
</tr>
<tr>
<td>4-503</td>
<td>93.47</td>
</tr>
<tr>
<td>4-601</td>
<td>98.01</td>
</tr>
<tr>
<td>4-602</td>
<td>98.02</td>
</tr>
<tr>
<td>4-603</td>
<td>98.03</td>
</tr>
<tr>
<td>4-604</td>
<td>98.04</td>
</tr>
<tr>
<td>4-605</td>
<td>98.05</td>
</tr>
<tr>
<td>4-606</td>
<td>98.06</td>
</tr>
<tr>
<td>4-607</td>
<td>98.07</td>
</tr>
<tr>
<td>4-608</td>
<td>98.08</td>
</tr>
<tr>
<td>4-609</td>
<td>98.09</td>
</tr>
<tr>
<td>4-610</td>
<td>98.10</td>
</tr>
<tr>
<td>4-611</td>
<td>98.11</td>
</tr>
<tr>
<td>4-612</td>
<td>98.12</td>
</tr>
<tr>
<td>4-613</td>
<td>98.13</td>
</tr>
<tr>
<td>4-614</td>
<td>98.14</td>
</tr>
<tr>
<td>4-615</td>
<td>98.15</td>
</tr>
<tr>
<td>4-616</td>
<td>98.16</td>
</tr>
<tr>
<td>4-617</td>
<td>98.99</td>
</tr>
<tr>
<td>5-101</td>
<td>70.01</td>
</tr>
<tr>
<td>5-201</td>
<td>71.006</td>
</tr>
<tr>
<td>5-202</td>
<td>71.008</td>
</tr>
<tr>
<td>5-203</td>
<td>71.041, 71.999</td>
</tr>
<tr>
<td>5-204</td>
<td>71.040</td>
</tr>
<tr>
<td>5-205</td>
<td>71.041, 71.999</td>
</tr>
<tr>
<td>5-206</td>
<td>71.057, 71.999</td>
</tr>
<tr>
<td>5-207</td>
<td>71.058</td>
</tr>
<tr>
<td>5-208</td>
<td>71.056, 71.999</td>
</tr>
<tr>
<td>5-209</td>
<td>71.059, 71.999</td>
</tr>
<tr>
<td>5-210</td>
<td>71.061</td>
</tr>
<tr>
<td>5-211</td>
<td>71.007</td>
</tr>
<tr>
<td>5-212</td>
<td>71.002</td>
</tr>
<tr>
<td>5-213</td>
<td>71.002</td>
</tr>
<tr>
<td>5-215</td>
<td>131.23</td>
</tr>
<tr>
<td>5-216</td>
<td>71.004</td>
</tr>
<tr>
<td>5-217</td>
<td>71.009</td>
</tr>
<tr>
<td>5-218</td>
<td>71.024</td>
</tr>
<tr>
<td>5-219</td>
<td>71.063</td>
</tr>
</tbody>
</table>
### 1992 Code Section | 2012 Code Section
--- | ---
5-220 | 71.055, 71.999
5-221 | 71.060, 71.999
5-222 | 71.058
5-223 | 71.004
5-224 | 71.075
5-225 | 71.076
5-226 | 71.077
5-227 | 71.078
5-228 | 71.079, 71.999
5-229 | 71.080
5-230 | 70.15
5-232 | 71.081
5-233 | 71.082, 71.999
5-234 | 71.062, 71.999
5-301 | 70.12
5-302 | 70.13
5-303 | 70.14
5-304 | 70.11
5-401 | 73.10
5-402 | 73.16
5-403 | 73.01
5-404 | 73.17
5-405 | 73.17
5-406 | 73.18
5-407 | 73.19
5-409 | 73.04
5-410 | 73.13
5-411 | 73.06
5-412 | 73.46
5-413 | 73.47
5-414 | 73.45
5-420 | 73.48
5-420.01 | 73.49
5-421 | 73.08
5-422 | 73.66
5-423 | 73.15
5-424 | 73.14
5-501 | 73.31
5-502 | 73.66
5-503 | 73.32
5-601 | 72.01
### References to 1992 Code

<table>
<thead>
<tr>
<th>1992 Code Section</th>
<th>2012 Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-602</td>
<td>72.02</td>
</tr>
<tr>
<td>5-607</td>
<td>72.04</td>
</tr>
<tr>
<td>5-608</td>
<td>72.99</td>
</tr>
<tr>
<td>5-701</td>
<td>72.40</td>
</tr>
<tr>
<td>5-702</td>
<td>72.41</td>
</tr>
<tr>
<td>5-703</td>
<td>72.42</td>
</tr>
<tr>
<td>5-801</td>
<td>72.20</td>
</tr>
<tr>
<td>5-802</td>
<td>72.21</td>
</tr>
<tr>
<td>5-803</td>
<td>72.22</td>
</tr>
<tr>
<td>5-804</td>
<td>72.23</td>
</tr>
<tr>
<td>5-805</td>
<td>72.24</td>
</tr>
<tr>
<td>5-901</td>
<td>70.99</td>
</tr>
<tr>
<td>6-101</td>
<td>95.01</td>
</tr>
<tr>
<td>6-102</td>
<td>95.46</td>
</tr>
<tr>
<td>6-103</td>
<td>95.46</td>
</tr>
<tr>
<td>6-104</td>
<td>95.40</td>
</tr>
<tr>
<td>6-105</td>
<td>95.40</td>
</tr>
<tr>
<td>6-107</td>
<td>95.49</td>
</tr>
<tr>
<td>6-108</td>
<td>95.25</td>
</tr>
<tr>
<td>6-110</td>
<td>95.47, 95.99</td>
</tr>
<tr>
<td>6-111</td>
<td>95.11</td>
</tr>
<tr>
<td>6-112</td>
<td>95.04</td>
</tr>
<tr>
<td>6-113</td>
<td>95.44, 95.99</td>
</tr>
<tr>
<td>6-114</td>
<td>95.43</td>
</tr>
<tr>
<td>6-115</td>
<td>95.42</td>
</tr>
<tr>
<td>6-116</td>
<td>95.22</td>
</tr>
<tr>
<td>6-121</td>
<td>95.45</td>
</tr>
<tr>
<td>6-122</td>
<td>95.45, 95.99</td>
</tr>
<tr>
<td>6-123</td>
<td>95.45</td>
</tr>
<tr>
<td>6-124</td>
<td>95.45</td>
</tr>
<tr>
<td>6-201</td>
<td>95.02</td>
</tr>
<tr>
<td>6-202</td>
<td>95.03</td>
</tr>
<tr>
<td>6-203</td>
<td>95.12</td>
</tr>
<tr>
<td>6-205</td>
<td>95.06</td>
</tr>
<tr>
<td>6-207</td>
<td>95.06</td>
</tr>
<tr>
<td>6-208</td>
<td>95.08</td>
</tr>
<tr>
<td>6-209</td>
<td>95.08</td>
</tr>
<tr>
<td>6-210</td>
<td>95.08</td>
</tr>
<tr>
<td>6-301</td>
<td>132.04</td>
</tr>
<tr>
<td>6-302</td>
<td>132.05</td>
</tr>
<tr>
<td>6-303</td>
<td>132.07</td>
</tr>
<tr>
<td>1992 Code Section</td>
<td>2012 Code Section</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>6-304</td>
<td>132.06</td>
</tr>
<tr>
<td>6-305</td>
<td>131.02</td>
</tr>
<tr>
<td>6-306</td>
<td>133.01</td>
</tr>
<tr>
<td>6-307</td>
<td>133.04</td>
</tr>
<tr>
<td>6-308</td>
<td>133.02</td>
</tr>
<tr>
<td>6-309</td>
<td>133.05</td>
</tr>
<tr>
<td>6-311</td>
<td>133.60</td>
</tr>
<tr>
<td>6-312</td>
<td>133.61</td>
</tr>
<tr>
<td>6-313</td>
<td>130.04</td>
</tr>
<tr>
<td>6-314</td>
<td>131.01</td>
</tr>
<tr>
<td>6-316</td>
<td>133.30</td>
</tr>
<tr>
<td>6-317</td>
<td>133.06</td>
</tr>
<tr>
<td>6-318</td>
<td>133.29</td>
</tr>
<tr>
<td>6-319</td>
<td>133.31</td>
</tr>
<tr>
<td>6-320</td>
<td>133.26</td>
</tr>
<tr>
<td>6-321</td>
<td>132.02</td>
</tr>
<tr>
<td>6-322</td>
<td>134.03</td>
</tr>
<tr>
<td>6-323</td>
<td>134.01</td>
</tr>
<tr>
<td>6-324</td>
<td>130.06</td>
</tr>
<tr>
<td>6-325</td>
<td>130.07</td>
</tr>
<tr>
<td>6-326</td>
<td>130.08</td>
</tr>
<tr>
<td>6-327</td>
<td>132.08</td>
</tr>
<tr>
<td>6-328</td>
<td>131.03</td>
</tr>
<tr>
<td>6-329</td>
<td>132.09</td>
</tr>
<tr>
<td>6-330</td>
<td>131.04</td>
</tr>
<tr>
<td>6-331</td>
<td>131.23</td>
</tr>
<tr>
<td>6-332</td>
<td>133.08</td>
</tr>
<tr>
<td>6-333</td>
<td>131.05</td>
</tr>
<tr>
<td>6-334</td>
<td>134.04</td>
</tr>
<tr>
<td>6-335</td>
<td>134.05</td>
</tr>
<tr>
<td>6-336</td>
<td>132.03</td>
</tr>
<tr>
<td>6-337</td>
<td>131.24</td>
</tr>
<tr>
<td>6-338</td>
<td>131.23</td>
</tr>
<tr>
<td>6-339</td>
<td>131.06</td>
</tr>
<tr>
<td>6-341</td>
<td>133.09</td>
</tr>
<tr>
<td>6-342</td>
<td>133.47</td>
</tr>
<tr>
<td>6-343</td>
<td>133.48</td>
</tr>
<tr>
<td>6-344</td>
<td>130.09</td>
</tr>
<tr>
<td>6-345</td>
<td>130.03</td>
</tr>
<tr>
<td>6-346</td>
<td>133.07</td>
</tr>
<tr>
<td>1992 Code Section</td>
<td>2012 Code Section</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>6-348</td>
<td>133.75</td>
</tr>
<tr>
<td>6-349</td>
<td>133.76</td>
</tr>
<tr>
<td>6-350</td>
<td>133.77</td>
</tr>
<tr>
<td>7-101</td>
<td>92.20</td>
</tr>
<tr>
<td>7-105</td>
<td>92.21</td>
</tr>
<tr>
<td>7-201</td>
<td>92.01</td>
</tr>
<tr>
<td>7-202</td>
<td>92.02</td>
</tr>
<tr>
<td>7-203</td>
<td>92.03</td>
</tr>
<tr>
<td>7-204</td>
<td>92.04</td>
</tr>
<tr>
<td>7-205</td>
<td>92.05</td>
</tr>
<tr>
<td>7-206</td>
<td>92.06</td>
</tr>
<tr>
<td>7-207</td>
<td>92.07</td>
</tr>
<tr>
<td>7-208</td>
<td>92.08</td>
</tr>
<tr>
<td>7-209</td>
<td>92.09</td>
</tr>
<tr>
<td>7-301</td>
<td>92.35</td>
</tr>
<tr>
<td>7-302</td>
<td>92.36</td>
</tr>
<tr>
<td>7-303</td>
<td>92.38</td>
</tr>
<tr>
<td>7-402</td>
<td>92.50</td>
</tr>
<tr>
<td>8-101</td>
<td>94.01</td>
</tr>
<tr>
<td>8-102</td>
<td>94.03</td>
</tr>
<tr>
<td>8-103</td>
<td>94.04</td>
</tr>
<tr>
<td>8-104</td>
<td>94.31</td>
</tr>
<tr>
<td>8-105</td>
<td>94.04</td>
</tr>
<tr>
<td>8-106</td>
<td>91.19, 94.19</td>
</tr>
<tr>
<td>8-107</td>
<td>94.32</td>
</tr>
<tr>
<td>8-108</td>
<td>94.17</td>
</tr>
<tr>
<td>8-109</td>
<td>94.18</td>
</tr>
<tr>
<td>8-110</td>
<td>94.13</td>
</tr>
<tr>
<td>8-111</td>
<td>94.34</td>
</tr>
<tr>
<td>8-112</td>
<td>94.33</td>
</tr>
<tr>
<td>8-201</td>
<td>94.50</td>
</tr>
<tr>
<td>8-203</td>
<td>94.51</td>
</tr>
<tr>
<td>8-204</td>
<td>94.53</td>
</tr>
<tr>
<td>8-205</td>
<td>94.53</td>
</tr>
<tr>
<td>8-206</td>
<td>94.52</td>
</tr>
<tr>
<td>8-207</td>
<td>94.53</td>
</tr>
<tr>
<td>8-208</td>
<td>94.54</td>
</tr>
<tr>
<td>8-301</td>
<td>94.71</td>
</tr>
<tr>
<td>8-302</td>
<td>94.70</td>
</tr>
<tr>
<td>8-303</td>
<td>94.68</td>
</tr>
<tr>
<td>8-304</td>
<td>94.73</td>
</tr>
<tr>
<td>1992 Code Section</td>
<td>2012 Code Section</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>8-305</td>
<td>94.74</td>
</tr>
<tr>
<td>8-306</td>
<td>94.75</td>
</tr>
<tr>
<td>8-307</td>
<td>94.76</td>
</tr>
<tr>
<td>8-308</td>
<td>94.10</td>
</tr>
<tr>
<td>8-309</td>
<td>94.16</td>
</tr>
<tr>
<td>8-310</td>
<td>94.78</td>
</tr>
<tr>
<td>8-311</td>
<td>94.07</td>
</tr>
<tr>
<td>8-312</td>
<td>94.79</td>
</tr>
<tr>
<td>8-313</td>
<td>94.80</td>
</tr>
<tr>
<td>8-314</td>
<td>94.81</td>
</tr>
<tr>
<td>8-315</td>
<td>94.82</td>
</tr>
<tr>
<td>8-316</td>
<td>94.83</td>
</tr>
<tr>
<td>8-317</td>
<td>94.84</td>
</tr>
<tr>
<td>8-318</td>
<td>94.72</td>
</tr>
<tr>
<td>8-319</td>
<td>94.69</td>
</tr>
<tr>
<td>8-320</td>
<td>94.69</td>
</tr>
<tr>
<td>8-401</td>
<td>94.15</td>
</tr>
<tr>
<td>9-101</td>
<td>150.80</td>
</tr>
<tr>
<td>9-102</td>
<td>150.81</td>
</tr>
<tr>
<td>9-103</td>
<td>150.82</td>
</tr>
<tr>
<td>9-104</td>
<td>150.83</td>
</tr>
<tr>
<td>9-105</td>
<td>150.04</td>
</tr>
<tr>
<td>9-201</td>
<td>150.01</td>
</tr>
<tr>
<td>9-202</td>
<td>150.02</td>
</tr>
<tr>
<td>9-203</td>
<td>150.03</td>
</tr>
<tr>
<td>9-301</td>
<td>150.20</td>
</tr>
<tr>
<td>9-302</td>
<td>150.21</td>
</tr>
<tr>
<td>9-401</td>
<td>150.35</td>
</tr>
<tr>
<td>9-402</td>
<td>150.36</td>
</tr>
<tr>
<td>9-403</td>
<td>150.37</td>
</tr>
<tr>
<td>9-404</td>
<td>150.38</td>
</tr>
<tr>
<td>9-405</td>
<td>150.39</td>
</tr>
<tr>
<td>9-406</td>
<td>150.40</td>
</tr>
<tr>
<td>9-801</td>
<td>153.01</td>
</tr>
<tr>
<td>9-802</td>
<td>153.02</td>
</tr>
<tr>
<td>9-803</td>
<td>153.15</td>
</tr>
<tr>
<td>9-804</td>
<td>153.16</td>
</tr>
<tr>
<td>9-805</td>
<td>153.45</td>
</tr>
<tr>
<td>9-806</td>
<td>153.46</td>
</tr>
<tr>
<td>9-807</td>
<td>153.47</td>
</tr>
<tr>
<td>9-808</td>
<td>153.48</td>
</tr>
<tr>
<td>1992 Code Section</td>
<td>2012 Code Section</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>9-809</td>
<td>153.49</td>
</tr>
<tr>
<td>9-810</td>
<td>153.17</td>
</tr>
<tr>
<td>9-811</td>
<td>153.50</td>
</tr>
<tr>
<td>9-812</td>
<td>153.51</td>
</tr>
<tr>
<td>9-813</td>
<td>153.18</td>
</tr>
<tr>
<td>9-814</td>
<td>153.19</td>
</tr>
<tr>
<td>9-815</td>
<td>153.20</td>
</tr>
<tr>
<td>9-816</td>
<td>153.21</td>
</tr>
<tr>
<td>9-817</td>
<td>153.22</td>
</tr>
<tr>
<td>9-818</td>
<td>153.23</td>
</tr>
<tr>
<td>9-819</td>
<td>153.24</td>
</tr>
<tr>
<td>9-820</td>
<td>153.25</td>
</tr>
<tr>
<td>9-821</td>
<td>153.26</td>
</tr>
<tr>
<td>9-822</td>
<td>153.27</td>
</tr>
<tr>
<td>9-823</td>
<td>153.28</td>
</tr>
<tr>
<td>9-824</td>
<td>153.29</td>
</tr>
<tr>
<td>9-825</td>
<td>153.30</td>
</tr>
<tr>
<td>9-826</td>
<td>153.31</td>
</tr>
<tr>
<td>9-827</td>
<td>153.32</td>
</tr>
<tr>
<td>9-828</td>
<td>153.33</td>
</tr>
<tr>
<td>9-829</td>
<td>153.65</td>
</tr>
<tr>
<td>9-830</td>
<td>153.66</td>
</tr>
<tr>
<td>9-831</td>
<td>153.67</td>
</tr>
<tr>
<td>9-832</td>
<td>153.68</td>
</tr>
<tr>
<td>9-833</td>
<td>153.69</td>
</tr>
<tr>
<td>9-834</td>
<td>153.70</td>
</tr>
<tr>
<td>9-835</td>
<td>153.03</td>
</tr>
<tr>
<td>9-901</td>
<td>152.01</td>
</tr>
<tr>
<td>9-902</td>
<td>152.02</td>
</tr>
<tr>
<td>9-903</td>
<td>152.03</td>
</tr>
<tr>
<td>9-904</td>
<td>152.04</td>
</tr>
<tr>
<td>10-201</td>
<td>113.01</td>
</tr>
<tr>
<td>10-203</td>
<td>113.02</td>
</tr>
<tr>
<td>10-204</td>
<td>113.03</td>
</tr>
<tr>
<td>10-301</td>
<td>112.01</td>
</tr>
<tr>
<td>10-302</td>
<td>112.02</td>
</tr>
<tr>
<td>10-303</td>
<td>112.03</td>
</tr>
<tr>
<td>10-304</td>
<td>112.04</td>
</tr>
<tr>
<td>10-305</td>
<td>112.05</td>
</tr>
<tr>
<td>10-307</td>
<td>112.06</td>
</tr>
<tr>
<td>10-308</td>
<td>112.07</td>
</tr>
</tbody>
</table>
## References to 1992 Code

<table>
<thead>
<tr>
<th>1992 Code Section</th>
<th>2012 Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-309</td>
<td>112.08</td>
</tr>
<tr>
<td>10-310</td>
<td>112.09</td>
</tr>
<tr>
<td>10-501</td>
<td>151.001</td>
</tr>
<tr>
<td>10-502</td>
<td>151.015</td>
</tr>
<tr>
<td>10-503</td>
<td>151.016</td>
</tr>
<tr>
<td>10-504</td>
<td>151.017</td>
</tr>
<tr>
<td>10-505</td>
<td>151.018</td>
</tr>
<tr>
<td>10-506</td>
<td>151.100</td>
</tr>
<tr>
<td>10-507</td>
<td>151.101</td>
</tr>
<tr>
<td>10-508</td>
<td>151.102</td>
</tr>
<tr>
<td>10-509</td>
<td>151.103</td>
</tr>
<tr>
<td>10-510</td>
<td>151.104</td>
</tr>
<tr>
<td>10-511</td>
<td>151.105</td>
</tr>
<tr>
<td>10-512</td>
<td>151.030</td>
</tr>
<tr>
<td>10-513</td>
<td>151.031</td>
</tr>
<tr>
<td>10-514</td>
<td>151.032</td>
</tr>
<tr>
<td>10-515</td>
<td>151.033</td>
</tr>
<tr>
<td>10-516</td>
<td>151.034</td>
</tr>
<tr>
<td>10-517</td>
<td>151.035</td>
</tr>
<tr>
<td>10-518</td>
<td>151.050</td>
</tr>
<tr>
<td>10-519</td>
<td>151.051</td>
</tr>
<tr>
<td>10-520</td>
<td>151.052</td>
</tr>
<tr>
<td>10-521</td>
<td>151.053</td>
</tr>
<tr>
<td>10-522</td>
<td>151.054</td>
</tr>
<tr>
<td>10-523</td>
<td>151.055</td>
</tr>
<tr>
<td>10-524</td>
<td>151.056</td>
</tr>
<tr>
<td>10-525</td>
<td>151.057</td>
</tr>
<tr>
<td>10-526</td>
<td>151.058</td>
</tr>
<tr>
<td>10-527</td>
<td>151.059</td>
</tr>
<tr>
<td>10-528</td>
<td>151.060</td>
</tr>
<tr>
<td>10-529</td>
<td>151.036</td>
</tr>
<tr>
<td>10-530</td>
<td>151.037</td>
</tr>
<tr>
<td>10-531</td>
<td>151.038</td>
</tr>
<tr>
<td>10-532</td>
<td>151.039</td>
</tr>
<tr>
<td>10-533</td>
<td>151.075</td>
</tr>
<tr>
<td>10-534</td>
<td>151.087</td>
</tr>
<tr>
<td>10-801</td>
<td>115.01</td>
</tr>
<tr>
<td>10-802</td>
<td>115.02</td>
</tr>
<tr>
<td>10-901</td>
<td>97.01</td>
</tr>
<tr>
<td>10-902</td>
<td>97.02</td>
</tr>
<tr>
<td>10-903</td>
<td>97.03</td>
</tr>
<tr>
<td>1992 Code Section</td>
<td>2012 Code Section</td>
</tr>
<tr>
<td>------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>10-904</td>
<td>97.04</td>
</tr>
<tr>
<td>10-905</td>
<td>97.05</td>
</tr>
<tr>
<td>10-906</td>
<td>97.06</td>
</tr>
<tr>
<td>10-907</td>
<td>97.07</td>
</tr>
<tr>
<td>10-1001</td>
<td>114.02</td>
</tr>
</tbody>
</table>
## REFERENCES TO ORDINANCES

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date Passed</th>
<th>Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>321</td>
<td>10-2-1973</td>
<td>98.16</td>
</tr>
<tr>
<td>423</td>
<td>2-5-1991</td>
<td>73.14</td>
</tr>
<tr>
<td>442</td>
<td>4-21-1992</td>
<td>114.02</td>
</tr>
<tr>
<td>448</td>
<td>11-17-1992</td>
<td>51.026</td>
</tr>
<tr>
<td>449</td>
<td>12-1-1992</td>
<td>32.002</td>
</tr>
<tr>
<td>450</td>
<td>3-16-1993</td>
<td>54.01, 54.11, 54.12</td>
</tr>
<tr>
<td>463</td>
<td>10-19-1993</td>
<td>114.02</td>
</tr>
<tr>
<td>467</td>
<td>11-16-1993</td>
<td>35.15</td>
</tr>
<tr>
<td>462</td>
<td>12-7-1993</td>
<td>112.01</td>
</tr>
<tr>
<td>469</td>
<td>12-7-1993</td>
<td>33.10, 33.11</td>
</tr>
<tr>
<td>470</td>
<td>12-7-1993</td>
<td>33.01</td>
</tr>
<tr>
<td>471</td>
<td>12-7-1993</td>
<td>31.06</td>
</tr>
<tr>
<td>472</td>
<td>12-7-1993</td>
<td>73.48</td>
</tr>
<tr>
<td>477</td>
<td>7-19-1994</td>
<td>32.002</td>
</tr>
<tr>
<td>478</td>
<td>8-16-1994</td>
<td>133.04</td>
</tr>
<tr>
<td>479</td>
<td>- -</td>
<td>35.33</td>
</tr>
<tr>
<td>481</td>
<td>- -</td>
<td>35.36</td>
</tr>
<tr>
<td>482</td>
<td>- -</td>
<td>71.057, 71.999</td>
</tr>
<tr>
<td>484</td>
<td>- -</td>
<td>72.24</td>
</tr>
<tr>
<td>485</td>
<td>- -</td>
<td>72.02</td>
</tr>
<tr>
<td>486</td>
<td>- -</td>
<td>73.10</td>
</tr>
<tr>
<td>487</td>
<td>- -</td>
<td>73.46</td>
</tr>
<tr>
<td>488</td>
<td>- -</td>
<td>73.47</td>
</tr>
<tr>
<td>489</td>
<td>- -</td>
<td>73.45</td>
</tr>
<tr>
<td>491</td>
<td>- -</td>
<td>73.48</td>
</tr>
<tr>
<td>492</td>
<td>- -</td>
<td>73.49</td>
</tr>
<tr>
<td>494</td>
<td>- -</td>
<td>94.30, 94.31</td>
</tr>
<tr>
<td>495</td>
<td>- -</td>
<td>114.01</td>
</tr>
<tr>
<td>497</td>
<td>11-22-1994</td>
<td>54.01, 54.04, 54.11</td>
</tr>
<tr>
<td>498</td>
<td>5-16-1995</td>
<td>95.48</td>
</tr>
<tr>
<td>501</td>
<td>11-21-1995</td>
<td>33.10, 33.11</td>
</tr>
<tr>
<td>502</td>
<td>11-21-1995</td>
<td>30.49</td>
</tr>
<tr>
<td>503</td>
<td>11-21-1995</td>
<td>35.01</td>
</tr>
<tr>
<td>504</td>
<td>11-21-1995</td>
<td>35.32</td>
</tr>
<tr>
<td>Ord. No.</td>
<td>Date Passed</td>
<td>Code Section</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>--------------</td>
</tr>
<tr>
<td>505</td>
<td>11-21-1995</td>
<td>32.002</td>
</tr>
<tr>
<td>506</td>
<td>11-21-1995</td>
<td>32.081</td>
</tr>
<tr>
<td>507</td>
<td>11-21-1995</td>
<td>91.18</td>
</tr>
<tr>
<td>508</td>
<td>11-21-1995</td>
<td>54.01</td>
</tr>
<tr>
<td>509</td>
<td>11-21-1995</td>
<td>133.06</td>
</tr>
<tr>
<td>510</td>
<td>11-21-1995</td>
<td>92.09</td>
</tr>
<tr>
<td>511</td>
<td>11-21-1995</td>
<td>94.34</td>
</tr>
<tr>
<td>512</td>
<td>11-21-1995</td>
<td>94.33</td>
</tr>
<tr>
<td>517</td>
<td>5-7-1996</td>
<td>32.009</td>
</tr>
<tr>
<td>524</td>
<td>9-16-1997</td>
<td>73.66</td>
</tr>
<tr>
<td>527</td>
<td>3-17-1998</td>
<td>31.01</td>
</tr>
<tr>
<td>528</td>
<td>3-17-1998</td>
<td>33.07</td>
</tr>
<tr>
<td>529</td>
<td>3-17-1998</td>
<td>30.45</td>
</tr>
<tr>
<td>531</td>
<td>3-17-1998</td>
<td>30.49</td>
</tr>
<tr>
<td>532</td>
<td>3-17-1998</td>
<td>30.50</td>
</tr>
<tr>
<td>533</td>
<td>3-17-1998</td>
<td>30.52</td>
</tr>
<tr>
<td>534</td>
<td>3-17-1998</td>
<td>30.53</td>
</tr>
<tr>
<td>536</td>
<td>3-17-1998</td>
<td>35.33</td>
</tr>
<tr>
<td>537</td>
<td>3-17-1998</td>
<td>35.35</td>
</tr>
<tr>
<td>538</td>
<td>3-17-1998</td>
<td>35.06</td>
</tr>
<tr>
<td>539</td>
<td>3-17-1998</td>
<td>35.55</td>
</tr>
<tr>
<td>541</td>
<td>3-17-1998</td>
<td>50.03</td>
</tr>
<tr>
<td>542</td>
<td>3-17-1998</td>
<td>73.46</td>
</tr>
<tr>
<td>543</td>
<td>3-17-1998</td>
<td>73.47</td>
</tr>
<tr>
<td>544</td>
<td>3-17-1998</td>
<td>73.45</td>
</tr>
<tr>
<td>550</td>
<td>3-17-1998</td>
<td>73.49</td>
</tr>
<tr>
<td>551</td>
<td>3-17-1998</td>
<td>73.48</td>
</tr>
<tr>
<td>557</td>
<td>7-27-1998</td>
<td>32.020 - 32.026</td>
</tr>
<tr>
<td>558</td>
<td>1-19-1999</td>
<td>92.07, 92.08</td>
</tr>
<tr>
<td>559</td>
<td>5-4-1999</td>
<td>71.084</td>
</tr>
<tr>
<td>560</td>
<td>7-6-1999</td>
<td>131.40 - 131.46, 131.99</td>
</tr>
<tr>
<td>566</td>
<td>11-16-1999</td>
<td>71.083</td>
</tr>
<tr>
<td>567</td>
<td>11-16-1999</td>
<td>73.46</td>
</tr>
<tr>
<td>568</td>
<td>11-16-1999</td>
<td>150.84</td>
</tr>
<tr>
<td>570</td>
<td>11-16-1999</td>
<td>54.03</td>
</tr>
<tr>
<td>571</td>
<td>11-16-1999</td>
<td>50.01</td>
</tr>
<tr>
<td>575</td>
<td>2-22-2000</td>
<td>151.075, 151.076 - 151.086</td>
</tr>
<tr>
<td>576</td>
<td>2-22-2000</td>
<td>71.079, 71.999</td>
</tr>
<tr>
<td>577</td>
<td>2-22-2000</td>
<td>95.44, 95.99</td>
</tr>
<tr>
<td>578</td>
<td>2-22-2000</td>
<td>70.99</td>
</tr>
<tr>
<td>579</td>
<td>2-22-2000</td>
<td>95.47, 95.99</td>
</tr>
<tr>
<td>Ord. No.</td>
<td>Date Passed</td>
<td>Code Section</td>
</tr>
<tr>
<td>----------</td>
<td>---------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>580</td>
<td>2-22-2000</td>
<td>71.041, 71.999</td>
</tr>
<tr>
<td>581</td>
<td>2-22-2000</td>
<td>71.002</td>
</tr>
<tr>
<td>582</td>
<td>2-22-2000</td>
<td>71.055, 71.999</td>
</tr>
<tr>
<td>583</td>
<td>2-22-2000</td>
<td>71.060, 71.999</td>
</tr>
<tr>
<td>584</td>
<td>2-22-2000</td>
<td>71.059, 71.999</td>
</tr>
<tr>
<td>585</td>
<td>2-22-2000</td>
<td>71.062, 71.999</td>
</tr>
<tr>
<td>587</td>
<td>2-22-2000</td>
<td>71.082, 71.999</td>
</tr>
<tr>
<td>588</td>
<td>2-22-2000</td>
<td>133.08, 133.99</td>
</tr>
<tr>
<td>589</td>
<td>2-22-2000</td>
<td>134.04, 134.99</td>
</tr>
<tr>
<td>590</td>
<td>2-22-2000</td>
<td>95.45, 95.99</td>
</tr>
<tr>
<td>592</td>
<td>2-22-2000</td>
<td>71.057, 71.999</td>
</tr>
<tr>
<td>593</td>
<td>2-22-2000</td>
<td>71.056, 71.999</td>
</tr>
<tr>
<td>594</td>
<td>2-22-2000</td>
<td>98.99</td>
</tr>
<tr>
<td>598</td>
<td>2-6-2001</td>
<td>131.40 - 131.46, 131.99</td>
</tr>
<tr>
<td>602</td>
<td>6-19-2001</td>
<td>71.081</td>
</tr>
<tr>
<td>603</td>
<td>6-19-2001</td>
<td>35.33</td>
</tr>
<tr>
<td>605</td>
<td>6-19-2001</td>
<td>33.08</td>
</tr>
<tr>
<td>607</td>
<td>1-22-2002</td>
<td>154.02</td>
</tr>
<tr>
<td>608</td>
<td>6-4-2002</td>
<td>51.027</td>
</tr>
<tr>
<td>611</td>
<td>6- -2003</td>
<td>154.01</td>
</tr>
<tr>
<td>613</td>
<td>10-21-2003</td>
<td>110.01</td>
</tr>
<tr>
<td>623</td>
<td>5-17-2005</td>
<td>51.050 - 51.059</td>
</tr>
<tr>
<td>629</td>
<td>3-22-2006</td>
<td>96.18</td>
</tr>
<tr>
<td>633</td>
<td>11-1-2006</td>
<td>73.66</td>
</tr>
<tr>
<td>635</td>
<td>6-6-2007</td>
<td>92.39</td>
</tr>
<tr>
<td>639</td>
<td>10-3-2007</td>
<td>32.020 - 32.026</td>
</tr>
<tr>
<td>643</td>
<td>8-26-2008</td>
<td>72.01 - 72.05, 72.99</td>
</tr>
<tr>
<td>648</td>
<td>11-19-2008</td>
<td>51.003</td>
</tr>
<tr>
<td>651</td>
<td>5-6-2009</td>
<td>93.04, 93.99</td>
</tr>
<tr>
<td>655</td>
<td>8-19-2009</td>
<td>73.66</td>
</tr>
<tr>
<td>654</td>
<td>10-7-2009</td>
<td>94.55, 94.99</td>
</tr>
<tr>
<td>660</td>
<td>1-20-2010</td>
<td>32.082</td>
</tr>
<tr>
<td>661</td>
<td>2-3-2010</td>
<td>134.20 - 134.24, 134.99</td>
</tr>
<tr>
<td>662</td>
<td>5-19-2010</td>
<td>32.020 - 32.025</td>
</tr>
<tr>
<td>665</td>
<td>11-17-2010</td>
<td>72.01 - 72.05, 72.99</td>
</tr>
<tr>
<td>668</td>
<td>12-15-2010</td>
<td>156.01 - 156.09, 156.15 - 156.18, 156.30 - 156.36, 156.99</td>
</tr>
<tr>
<td>671</td>
<td>1-19-2011</td>
<td>150.05</td>
</tr>
<tr>
<td>670</td>
<td>3-2-2011</td>
<td>110.20 - 110.26</td>
</tr>
<tr>
<td>672</td>
<td>7-6-2011</td>
<td>155.01 - 155.07, 155.99</td>
</tr>
</tbody>
</table>
## References to Ordinances

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date Passed</th>
<th>Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>673</td>
<td>7-6-2011</td>
<td>51.028</td>
</tr>
<tr>
<td>674</td>
<td>7-20-2011</td>
<td>95.02</td>
</tr>
<tr>
<td>675</td>
<td>8-3-2011</td>
<td>133.61</td>
</tr>
<tr>
<td>678</td>
<td>11-2-2011</td>
<td>32.080</td>
</tr>
<tr>
<td>628</td>
<td>11-16-2011</td>
<td>32.007</td>
</tr>
<tr>
<td>679</td>
<td>11-16-2011</td>
<td>30.20, 31.01, 33.04</td>
</tr>
<tr>
<td>680</td>
<td>3-21-2012</td>
<td>51.080 - 51.091</td>
</tr>
<tr>
<td>683</td>
<td>5-16-2012</td>
<td>150.050 - 150.062, 150.999</td>
</tr>
<tr>
<td>686</td>
<td>7-18-2012</td>
<td>33.04</td>
</tr>
</tbody>
</table>
INDEX

ABANDONED AND WRECKED VEHICLES
Definitions, 98.02
Disposition of removed vehicles, 98.12
Hearing procedure, 98.09
Liability of owner or occupant, 98.16
Notice content, 98.07
Notice of public sale; content, 98.13
Notice of removal, 98.11
Notice procedure, 98.06
Notice to remove, 98.04
Penalty, 98.99
Public sale; certificate, 98.14
Redemption of impounded vehicles, 98.15
Removal by city, 98.10
Request for hearing, 98.08
Responsibility for removal, 98.05
Storage prohibited; exceptions, 98.03
Title, 98.01

ADMINISTRATOR; CITY, 31.03

AIR GUNS, BB GUNS, 133.61

AIRPORT AUTHORITY BOARD, 32.008

ALCOHOLIC BEVERAGES
Consumption in public places or places open to the public; restrictions, 111.03
Definitions, 111.01
Licenses Required
Acquisition and possession; restrictions, 111.21
Catering licenses, 111.26
Citizen complaints, 111.30
Display of license, 111.27
License renewal; city powers and duties, 111.25
Licensed premises; inspections, 111.24
Licensee requirements, 111.22
ALCOHOLIC BEVERAGES (Cont’d)
Licenses Required (Cont’d)
Licensee; liability for acts of officer, agent, or employee, 111.29
Licenses; city powers and duties , 111.23
Manufacture, sale, delivery, and possession; general prohibitions; exceptions, 111.20
Owner of premises or agent; liability, 111.28
Removal of intoxicated persons from public or quasi-public property, 111.04
Retail Establishments
Access to dwellings, 111.46
Credit sales prohibited, 111.49
Hours of sale, 111.48
Keg sales; requirements; prohibited acts, 111.52
Location, 111.45
Minor's presence restricted, 111.51
Original package required, 111.50
Sanitary conditions, 111.47
Sale or gift to minor or mentally incompetent person prohibited, 111.02

ALL-TERRAIN VEHICLES
Accident report, 72.04
Definitions, 72.01
Operation on streets; conditions and restrictions, 72.02
Registration, 72.03
Sidewalks; operation prohibited, 72.05

ALLEYS (See STREETS AND ALLEYS)

AMUSEMENTS
Pool Halls, Bowling Alleys, and Skating Rinks
Definitions, 113.01
Hours of operation, 113.02
Gambling prohibited, 113.03

ANIMALS
Abandonment, neglect, and mistreatment, 95.06
Definitions, 95.01
Dogs
Animal Warden; interference prohibited, 95.46
Barking and chasing; complaints, 95.44
Collar or harness required, 95.41
Dangerous dogs, 95.45
Liability of owner, 95.43
License and tax required; exemption; tags, 95.40
ANIMALS (Cont’d)
  Dogs (Cont’d)
    License application; false statements, 95.49
    Number of dogs restricted; kennels, 95.48
    Removal of collar, harness, or tags, 95.42
    Vicious dogs, 95.47
  Enclosures, 95.05
  Equine; bovine; prohibited acts, 95.07
  Impoundment, 95.09
  Interference with police, 95.11
  Killing, poisoning, and injuring, 95.04
  Miniature pigs; licensing; regulations, 95.12
  Officer's compensation, 95.10
  Penalty, 95.99
  Pitting, 95.08
  Rabies
    Animal pound; impoundment; release; fees, 95.24
    Definitions, 95.20
    Domestic animal bitten by rabid animal, 95.23
    Enforcement, 95.26
    Proclamation of danger, 95.25
    Seizure by authority; confinement by owner; testing, 95.22
    Vaccination required; cost; exemptions, 95.21
  Running at large, 95.02
  Wild animals, 95.03

ANNUAL BUDGET
  Adopted budget statement; filing; certification of tax amount, 35.35
  Appropriation bill, 35.36
  Budget procedures, 35.31
  Expenditures prior to adoption of budget, 35.32
  Fiscal year, 35.30
  General fund, 35.39
  Proposed budget statement; contents; availability; correction, 35.33
  Proposed budget statement; hearing; adoption; certification of tax amount, 35.34
  Proprietary functions; fiscal year; budget statements; filing; hearing; adoption; reconciliation, 35.38
  Revision of budget, 35.37
  Transfer of funds, 35.40

APPLIANCES IN YARD, 133.02
APPOINTED CITY OFFICIALS
   Appointment; removal, 31.01
   Building/Zoning Inspector, 31.17
   City Administrator, 31.03
   City Attorney, 31.08
   City Clerk, 31.06
   City Engineer; Special Engineer, 31.12
   City Fire Chief, 31.11
   City Physician, 31.13
   City police officers, 31.10
   City Street Superintendent, 31.14
   City Treasurer, 31.07
   City Water and Wastewater Superintendent, 31.15
   Clerk/Treasurer position created, 31.05
   Electric System Distribution Superintendent, 31.16
   Merger of City Administrator with other offices, 31.04
   Merger of offices, 31.02
   Police Chief, 31.09

APPROPRIATION BILL, 35.36

ATTORNEY; CITY, 31.08

BB GUNS, 133.61

BICYCLES, SNOWMOBILES, AND ALL-TERRAIN VEHICLES
   All-Terrain Vehicles
      Accident report, 72.04
      Definitions, 72.01
      Operation on streets; conditions and restrictions, 72.02
      Registration, 72.03
      Sidewalks; operation prohibited, 72.05
   Bicycles
      Attachment of license plate; bicycle inspection, 72.22
      Clinging to motor vehicle prohibited, 72.25
      License application; fee; issuance, 72.21
      License required, 72.20
      Operating rules, 72.24
      Transfer of ownership, 72.23
   Penalty, 72.99
   Snowmobiles
      Equipment, 72.40
      Public lands, 72.42
      Unlawful acts, 72.41
BILLBOARDS
  Bill posting, 152.04
  Construction on public property; permit required, 152.01
  Location and size, 152.03
  Permit application and procedures, 152.02

BOARD OF ADJUSTMENT, 32.003

BOARD OF HEALTH, 32.004

BOARD OF PUBLIC WORKS, 32.005

BOND ISSUES, 35.12

BONDS AND OATHS
  Bonds; requirement, 33.30
  Oath of office; municipal officials, 33.31

BOWLING ALLEYS
  Definitions, 113.01
  Hours of operation, 113.02
  Gambling prohibited, 113.03

BUDGET; ANNUAL
  Adopted budget statement; filing; certification of tax amount, 35.35
  Appropriation bill, 35.36
  Budget procedures, 35.31
  Expenditures prior to adoption of budget, 35.32
  Fiscal year, 35.30
  General fund, 35.39
  Proposed budget statement; contents; availability; correction, 35.33
  Proposed budget statement; hearing; adoption; certification of tax amount, 35.34
  Proprietary functions; fiscal year; budget statements; filing; hearing; adoption; reconciliation, 35.38
  Revision of budget, 35.37
  Transfer of funds, 35.40

BUILDING INSPECTOR
  Appeal from decision, 150.083
  Plans, maps, and the like; city officials; duty, 150.084
  Power and authority, 150.080
  Right of entry, 150.081
  Time of inspection, 150.082
BUILDING REGULATIONS
  Building Inspector
    Appeal from decision, 150.083
    Plans, maps, and the like; city officials; duty, 150.084
    Power and authority, 150.080
    Right of entry, 150.081
    Time of inspection, 150.082
  Building Permits and Regulations
    Barricades and lights, 150.004
    Building Code; adopted by reference, 150.005
    Duplicate to County Assessor, 150.003
    Limitation, 150.002
    Requirement, 150.001
  Moving of Buildings
    Regulations, 150.020
    Deposit, 150.021
  Penalty, 150.999
  Unsafe Buildings
    Definition, 150.035
    Determination; notice, 150.037
    Emergency, 150.039
    Hearing and appeal, 150.038
    Prohibitions, 150.036
    Special assessments, 150.040
  Wind Energy Conversion Systems
    Aviation regulations, 150.057
    Building permit application, 150.058
    Definitions, 150.050
    Electrical components, 150.054
    Electromagnetic interference, 150.056
    Guy wires, 150.052
    Liability insurance, 150.061
    Maintenance, 150.062
    Noise, 150.055
    Permit application; electrical components, 150.059
    Tower, 150.051
    Warning sign; labeling, 150.060
    Wind rotor, 150.053

BUILDING/ZONING INSPECTOR, 31.17
BUSINESS LICENSING
   Building Contractors; Registration
      Appeal, 110.25
      Compliance required, 110.23
      Definition, 110.20
      Notice, 110.22
      Registration required, 110.21
      Revocation; procedure, 110.24
      Violations, 110.26
   Sale of water or electricity, 110.01

CARELESS DRIVING, 71.077

CEMETERY
   Conveyance of lots, 91.02
   Operation and funding, 91.01

CEMETERY BOARD, 32.006

CHILD PASSENGER RESTRAINT SYSTEM, 71.081

CITIZEN ADVISORY REVIEW COMMITTEE
   Bonds, 32.024
   Committee established; organization, 32.022
   Economic Development Fund, 32.023
   Findings, 32.020
   Program adoption; amendment; duration, 32.021
   Sales and real estate tax, 32.025
   State law applies, 32.026

CITY ADMINISTRATOR, 31.03

CITY ATTORNEY, 31.08

CITY CLERK, 31.06

CITY COUNCIL
   Council; organizational meeting, 30.31
   Election; qualifications; terms, 30.15
   President; Acting President, 30.16
   Standing committees, 30.17
   Vacancy due to unexcused absences, 30.19
   Vacancy; general provisions, 30.18
CITY ENGINEER; SPECIAL ENGINEER, 31.12

CITY FIRE CHIEF, 31.11

CITY OFFICIALS; APPOINTED (See APPOINTED CITY OFFICIALS)

CITY PHYSICIAN, 31.13

CITY POLICE OFFICERS, 31.10

CITY STANDARDS
   Official corporate seal, 11.01

CITY STREET SUPERINTENDENT, 31.14

CITY TREASURER, 31.07

CITY WATER AND WASTEWATER SUPERINTENDENT, 31.15

CLERK; CITY, 31.06

CODE OF ORDINANCES; GENERAL PROVISIONS (See also ELECTED OFFICIALS; ORDINANCES)
   Application to future ordinances, 10.03
   Captions, 10.04
   Definitions, 10.05
   Errors and omissions, 10.10
   General penalty, 10.99
   Interpretation, 10.02
   Official time, 10.11
   Ordinances repealed, 10.13
   Ordinances unaffected, 10.14
   Reasonable time, 10.12
   Reference to offices, 10.09
   Reference to other sections, 10.08
   Repeal or modification of ordinance, 10.15
   Rules of interpretation, 10.06
   Section histories; statutory references, 10.16
   Severability, 10.07
   Supplementation of code of ordinances, 10.17
   Title of code, 10.01

COMMUNITY DEVELOPMENT AGENCY, 32.009
COMPENSATION
    Compensation; how fixed; limitations, 33.45
    Conflict of interest involving contracts, 33.46

COMPREHENSIVE PLAN ADOPTED BY REFERENCE, 154.03

CORPORATE SEAL, 11.01

COUNCIL
    Council; organizational meeting, 30.31
    Election; qualifications; terms, 30.15
    President; Acting President, 30.16
    Standing committees, 30.17
    Vacancy due to unexcused absences, 30.19
    Vacancy; general provisions, 30.18

CRIMINAL MISCHIEF, 130.01

CRIMINAL TRESPASS, 130.02

CROSSWALKS, 71.007

CURFEW
    Construction; advisory opinions; application, 131.46
    Curfew for juveniles, 131.41
    Definitions, 131.40
    Enforcement procedures, 131.45
    Exceptions, 131.42
    Operator responsibility, 131.44
    Parental responsibility, 131.43

DISORDERLY CONDUCT, 131.01

DISTURBING THE PEACE, 131.02

DOGS (See ANIMALS)

DRIVING UNDER THE INFLUENCE; PERSONS UNDER 21, 71.083

DROUGHT AND EMERGENCY CONTINGENCY; GENERALLY, 51.086
ECONOMIC DEVELOPMENT PROGRAM; CITIZEN ADVISORY REVIEW COMMITTEE
Bonds, 32.024
Committee established; organization, 32.022
Economic Development Fund, 32.023
Findings, 32.020
Program adoption; amendment; duration, 32.021
Sales and real estate tax, 32.025
State law applies, 32.026

ELECTED OFFICIALS; ORDINANCES
City Council
Council; organizational meeting, 30.31
Election; qualifications; terms, 30.15
President; Acting President, 30.16
Standing committees, 30.17
Vacancy due to unexcused absences, 30.19
Vacancy; general provisions, 30.18
Mayor
Election; qualifications; term, 30.01
Powers and duties, 30.02
Vacancy, 30.03
Ordinances, Resolutions and Motions
Amendments and revisions, 30.53
Certificate of publication or posting, 30.51
Effective date; emergency ordinances, 30.52
Grant of power, 30.45
Introduction of ordinances, 30.46
Ordinances; style, title, 30.48
Procedure for resolutions and motions, 30.47
Publication or posting, 30.50
Reading and passage of ordinances, resolutions, orders, bylaws, 30.49

ELECTIONS
Candidate filing forms; deadlines; filing officer, 34.07
Election of officers; certifications required, 34.05
Exit polls, 34.11
Filing fee, 34.08
Generally, 34.01
Notice, 34.02
Partisan ballot; when allowed; requirements, 34.06
Petition, write-in, and other candidates for general election ballot; procedures, 34.09
Recall procedure, 34.10
Registered voters; qualifications, 34.03
Special elections, 34.04
ELECTRIC SYSTEM DISTRIBUTION SUPERINTENDENT, 31.16

ELECTRICAL DEPARTMENT
   Administration and Enforcement
      Fee payment, 53.36
      Funds; disposition, 53.38
      Inspection; right of entry, 53.40
      Meter in disrepair; charges, 53.37
      Rates; billing and collection, 53.35
      Service variation or interruption; liability disclaimer, 53.39
   Construction and Connections
      Application for service, 53.02
      Contracts and terms, 53.01
      Installation expense, 53.05
      Meters, 53.06
      Nontransferable; shutoff notice required, 53.03
      Wiring and connection; licensed electrician, 53.04
      Wiring restrictions and requirements, 53.07
   Protection of Department Property
      Building moving; disturbing wires; procedures, 53.20
      Destruction of property prohibited, 53.23
      Posting signs on Department equipment prohibited, 53.21
      Trimming trees; notice and restrictions, 53.22

ELECTRICAL DEPARTMENT; OPERATION, 32.042

ENGINE BRAKE USE PROHIBITED, 71.084

ENGINEER; CITY, 31.12

FAIR HOUSING
   Public policy, 97.01
   Definitions, 97.02
   Discriminatory practices, 97.03
   Commission established; membership, 97.04
   Complaint procedures, 97.05
   State law, 97.06
   Time limit for complaint, 97.07
FINANCE AND REVENUE
Annual audit; financial statements, 35.03
Annual Budget
  Adopted budget statement; filing; certification of tax amount, 35.35
  Appropriation bill, 35.36
  Budget procedures, 35.31
  Expenditures prior to adoption of budget, 35.32
  Fiscal year, 35.30
  General fund, 35.39
  Proposed budget statement; contents; availability; correction, 35.33
  Proposed budget statement; hearing; adoption; certification of tax amount, 35.34
  Proprietary functions; fiscal year; budget statements; filing; hearing; adoption;
    reconciliation, 35.38
  Revision of budget, 35.37
  Transfer of funds, 35.40
Bond issues, 35.12
  Certificates of deposit; time deposits; conditions, 35.10
Claims and accounts payable, 35.05
Collection of special assessments; procedure, 35.06
Contracts and purchases; bidding and other requirements, 35.02
Credit cards; authority to accept, 35.14
Debt collection; authority to contract with collection agency, 35.13
Deposit of funds, 35.09
Investment and use of surplus funds, 35.11
Miscellaneous expenditures; recognition dinners; awards, 35.15
Orders or warrants for money; contracts; expenditures; requirements, 35.04
Public funds defined, 35.01
Sinking funds; gifts of money or property, 35.08
Special assessment fund, 35.07
Tax Levies
  All-purpose levy; allocation; abandonment; extraordinary levies, 35.52
  Levies for other taxes and special assessments, 35.51
  Motor vehicle fee, 35.56
  Property tax levy for general revenue purposes, 35.50
  Property tax levy; maximum; authority to exceed, 35.53
  Property tax request; procedure for setting, 35.55
  Property tax; certification of amount; collection, 35.54

FIRE CHIEF, 31.11
FIRE DEPARTMENT
Authority at fires, 32.064
Control of Department, 32.060
Department apparatus and equipment; control and care, 32.058
Department records; inventory, 32.063
Expenditures, 32.065
Fire Chief; appointment and removal, 32.056
Fire drills; right of way; service outside city, 32.068
Fire investigations; report, 32.062
Inspection of premises; correction of violations, 32.061
Interference with equipment prohibited, 32.067
Membership; vacancies, 32.059
Officers; duties, 32.057
Organization, 32.055
Regulation of traffic at fires, 32.066

FIRE HYDRANTS AND STATIONS, 73.18

FIRE REGULATIONS
Fire Prevention
 Burning refuse prohibited, 92.08
 Enforcement, 92.02
 Fire on pavement prohibited, 92.06
 Fire Prevention Code, 92.01
 Inspection; right of entry, 92.03
 Notice of violation; correction, 92.04
 Open air fires prohibited, 92.07
 Open burning ban; waiver, 92.09
 School drills, 92.05

Fires
 Obstruction of hydrant, 92.21
 Preservation of property, 92.20

Fireworks
 Definitions, 92.35
 Discharges; when permitted, 92.39
 Permitted fireworks, 92.36
 Sale restrictions, 92.38
 Throwing firecrackers, 92.37

Poisonous and Flammable Gases; Explosives
 Blasting permits, 92.50

FIREARMS; DISCHARGE OF, 133.60
FISCAL YEAR, 35.30

FLOODPLAIN MANAGEMENT
   Conflicting ordinances; amendments, 156.08
   Definitions, 156.09
   Designation of current FHBM/FIRM, 156.05
   Findings of fact, 156.02
   Interpretation as minimum requirements, 156.06
   Local Administrator; responsibilities, 156.04
   Penalty, 156.99
   Permits; Applications
      All applications review, 156.17
      Development permit applications review, 156.16
      Permits required, 156.15
      Subdivision applications, 156.18
   Requirements and Exceptions
      Abrogation and greater restrictions, 156.35
      Appeal of permit denial, 156.36
      Flood-carrying capacity within any watercourse, 156.32
      Nonconforming use, 156.34
      Storage of material and equipment, 156.31
      Variance procedures, 156.33
      Water and sewage systems, 156.30
   Statement of purpose, 156.03
   Statutory authorization, 156.01
   Warning and disclaimer of liability, 156.07

FOOD SERVICE
   Penalty, 116.99
   Sidewalk Cafes
      Adverse impact, 116.21
      Advertising, 116.17
      Alcoholic beverages; consumption, 116.23
      Alcoholic beverages; fence required, 116.15
      Applications, 116.04
      Clear passageway required, 116.12
      Definition, 116.01
      Density, 116.22
      Excessive noise, 116.18
      Exterior lighting, 116.06
      Fees, 116.09
      Immediate consumption, 116.13
      Indemnity; insurance, 116.05
FOOD SERVICE (Cont’d)
   Sidewalk Cafes (Cont’d)
      Litter, 116.20
      Location, 116.11
      No alcohol; designation of area, 116.16
      Permits, 116.03
      Permits; conditions for issuance authorized, 116.07
      Permits; transfer prohibited, 116.08
      Purpose, 116.02
      Standards; maintenance, 116.19
      Term; revocation, 116.10
      Use not exclusive, 116.14
      Waiver authorized, 116.24

FUNERAL PROCESSIONS, 71.080

GAMBLING, 134.03

GARBAGE
   Accumulation of rubbish prohibited, 133.77
   Accumulation; immediate nuisance; removal, 54.07
   Collection and removal; authority to require, 54.05
   Collection fees, 54.10
   Definitions, 54.01
   Garbage dumpsters, 54.04
   Garbage, rubbish, and waste; accumulation; disposal, 54.02
   Notice to remove; removal, 54.06
   Offensive or unhealthy substances prohibited, 133.75
   Removal cost, 54.08
   Removal of rubbish and waste, 54.9
   Solid waste; liability for charges; proof of proper disposal, 54.03
   Sweeping rubbish into public ways prohibited, 133.76
   Yard waste and recyclable materials; disposal restrictions, 54.11
   Yard waste and recyclable materials; collection fees, 54.12

GARBAGE AND REFUSE, 93.20

GAS WELLS (See OIL AND GAS WELLS)

HEALTH AND SAFETY
   County Board of Health, 93.03
   Enforcement official, 93.02
   Health regulations, 93.01
HEALTH AND SAFETY (Cont’d)

Nuisances
- Abatement procedure, 93.16
- Adjoining land owners; intervention before trial, 93.17
- Dead or diseased trees, 93.18
- Definition, 93.15
- Garbage and refuse, 93.20
- Weeds; litter; stagnant water, 93.19

Penalty, 93.99

Pollution
- Air pollution prohibited, 93.45
- Noxious substances prohibited, 93.47
- Water pollution prohibited, 93.46

Smoking in designated city property prohibited, 93.04

Storage and Distribution of Anhydrous Ammonia
- Establishments prohibited, 93.30
- Inspection, 93.32
- Liability, 93.34
- License fee; application; revocation, 93.33
- License issuance, 93.31

HIGHWAY OFFENSES
- Abandoned automobiles, 133.45
- Removal and possession of highway signs, markers, or notices, 133.48
- Shooting highway signs, markers, or notices, 133.47
- Unlicensed or inoperable vehicles, 133.46

HOUSING AGENCY BOARD, 32.007

HOUSING; FAIR (See FAIR HOUSING)

IMPERSONATING A PEACE OFFICER, 132.02

IMPERSONATING A PUBLIC SERVANT, 132.01

JUNK; KEEPING RESTRICTED, 133.08

LEISURE AND RECREATION

Library
- Annual report, 90.08
- Cost of use, 90.06
- Discrimination prohibited, 90.07
- Donations, 90.10
LEISURE AND RECREATION (Cont’d)
Library (Cont’d)
  Funding, 90.01
  Grounds and building, 90.03
  Improper book removal, 90.11
  Library Board; general powers and duties, 90.02
  Mortgages; release or renewal, 90.05
  Penalties; recovery; disposition, 90.09
  Sale and conveyance of real estate, 90.04
  Surplus or damaged books, 90.12
Parks and Recreational Facilities
  Operation and funding, 90.25
  Injury to property prohibited, 90.26
Swimming Pool
  Rules and regulations, 90.40

LIBRARY
  Annual report, 90.08
  Cost of use, 90.06
  Discrimination prohibited, 90.07
  Donations, 90.10
  Funding, 90.01
  Grounds and building, 90.03
  Improper book removal, 90.11
  Library Board; general powers and duties, 90.02
  Mortgages; release or renewal, 90.05
  Penalties; recovery; disposition, 90.09
  Sale and conveyance of real estate, 90.04
  Surplus or damaged books, 90.12

LIBRARY BOARD, 32.001

LITTER; STAGNANT WATER, 93.19, 133.05

LITTERING, 133.06

LOTTERY
  Allotment of net proceeds, 114.02
  Participation; restrictions, 114.01

MAYOR
  Election; qualifications; term, 30.01
  Powers and duties, 30.02
  Vacancy, 30.03
MEETINGS
  Attendance other than in person, 33.09
  Change in office, 33.16
  City Council; parliamentary procedure, 33.17
  Closed sessions, 33.10
  Council meetings; where; when; quorum, 33.04
  Definitions, 33.01
  Emergency meetings, 33.06
  Minutes, 33.15
  Notice to news media, 33.03
  Open to public; notice; agenda, 33.02
  Order of business, 33.13
  Prohibited acts; exempt events, 33.11
  Public participation, 33.12
  Special meetings, 33.05
  Teleconferencing, 33.08
  Videoconferencing, 33.07
  Votes, 33.14

MOBILE HOMES OUTSIDE TRAILER COURTS; PERMITS
  Additions, 151.086
  Applicable regulatory codes, 151.080
  Application fee, 151.076
  Application for permit, 151.075
  Drawing of tract, 151.079
  Lot size, 151.078
  Maintenance, 151.083
  Minimum living space, 151.081
  Mobile home stand; anchors and tie-downs, 151.082
  Notice of hearing, 151.077
  Permit nontransferable, 151.087
  Permit revocation, 151.084
  Special circumstances, 151.085

MOTOR VEHICLE AND HIGHWAY OFFENSES
  Abandoned automobiles, 133.45
  Removal and possession of highway signs, markers, or notices, 133.48
  Shooting highway signs, markers, or notices, 133.47
  Unlicensed or inoperable vehicles, 133.46

MOTORCYCLES; HELMET REQUIRED, 71.082

NEGLIGENT DRIVING, 71.078
OBSCENE CONDUCT, 134.04

OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Appliances in yard, 133.02
Entry into public pool area after closing, 133.09
Garbage
Accumulation of rubbish prohibited, 133.77
Offensive or unhealthy substances prohibited, 133.75
Sweeping rubbish into public ways prohibited, 133.76
Junk; keeping restricted, 133.08
Littering, 133.06
Maintaining a nuisance, 133.01
Motor Vehicle and Highway Offenses
Abandoned automobiles, 133.45
Removal and possession of highway signs, markers, or notices, 133.48
Shooting highway signs, markers, or notices, 133.47
Unlicensed or inoperable vehicles, 133.46
Penalty, 133.99
Prohibited fences, 133.04
Putting carcass or filthy substance into well, spring, brook, or stream, 133.03
Raising or producing stagnant water, 133.07
Substance Offenses
Drinking on public property; open beverage container, 133.30
Minors; prohibited acts involving alcoholic liquor, 133.29
Misrepresentation by minor to obtain alcohol, 133.28
Misrepresentation by minor to obtain tobacco, 133.27
Sale of tobacco to minors, 133.26
Tobacco purchase by minors prohibited, 133.31
Use of tobacco by minors, 133.25
Weapons Offenses
Discharge of firearms, 133.60
Slingshots, air guns, BB guns, 133.61
Weeds; litter; stagnant water, 133.05

OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION
Concealing knowledge of offenses, 132.08
False reporting, 132.07
Impersonating a peace officer, 132.02
Impersonating a public servant, 132.01
Interfering with a firefighter, 132.06
Obstructing a peace officer, 132.05
Refusing to aid a peace officer, 132.03
Resisting arrest without the use of a deadly or dangerous weapon, 132.04
Unlawful act or failure to comply with required act, 132.09
OFFENSES AGAINST PUBLIC MORALS
Distribution of obscene literature, 134.05
Gambling, 134.03
Obscene conduct, 134.04
Penalty, 134.99
Prostitution, 134.01
Public indecency, 134.02
Sexual Predator Residency Restrictions
Definitions, 134.20
Distance; measurement, 134.22
Exceptions, 134.24
Residence; prohibited location, 134.21
Separate violations, 134.23

OFFENSES AGAINST PUBLIC ORDER
Curfew
Construction; advisory opinions; application, 131.46
Curfew for juveniles, 131.41
Definitions, 131.40
Enforcement procedures, 131.45
Exceptions, 131.42
Operator responsibility, 131.44
Parental responsibility, 131.43
Disorderly conduct, 131.01
Disturbing lawful assembly, 131.04
Disturbing the peace, 131.02
Encouraging delinquency, 131.03
Loudspeakers and sound trucks, 131.05
Order on Public Ways
Deposit of material on roadways or ditches, 131.23
Obstructing water flow, 131.22
Obstruction of public ways, 131.21
Street games, 131.20
Water flowing onto roadway, 131.24
Penalty, 131.99
Rioting, 131.06

OFFENSES; PROPERTY
Admission fee; fraudulent avoidance of payment, 130.08
Criminal mischief, 130.01
Criminal trespass, 130.02
Electrical interference, 130.03
Injury to trees, 130.04
OFFENSES; PROPERTY (Cont’d)
   Malicious destruction of property, 130.07
   Posting, 130.05
   Shoplifting, 130.09
   Trespassing, 130.06

OFFICIAL CORPORATE SEAL, 11.01

OFFICIALS
   Appointed (See APPOINTED CITY OFFICIALS)
   Elected (See ELECTED OFFICIALS; ORDINANCES)

OIL AND GAS WELLS
   Administration and Enforcement
      Compliance with statutes, 153.67
      Enforcement, 153.70
      Inspection fees, 153.66
      Paving cut fees, 153.65
      Suspension of permits, 153.69
      Violations; stop activity, 153.68
   Definitions, 153.02
   Minimum requirements, 153.03
   Permits
      Bond and proof of insurance required, 153.47
      Drilling permit; application and issuance, 153.45
      Hearing before Council; notice, 153.49
      Permit fee, 153.48
      Permit to drill additional wells, 153.46
      Pipelines; excavations; permit required, 153.50
      Where lines are interchanged, 153.51
   Purpose, 153.01
   Standards and Requirements
      Abandonment of well, 153.17
      Automatic safety shutoffs, 153.31
      Bailing, swabbing, and testing wells, 153.24
      Casing; master gates, 153.25
      Creation of drilling blocks; number of wells, 153.15
      Derricks and drilling masts; construction standards, 153.19
      Disposal of byproducts, 153.27
      Electric motors required; exceptions, 153.23
      Escape of gas prohibited, 153.26
      Fences, 153.32
      Fixtures; Safety Code applies, 153.18
OIL AND GAS WELLS (Cont’d)
   Standards and Requirements (Cont’d)
      High pressure lines, 153.28
      Location of wells, 153.16
      Non-fireproof buildings restricted, 153.33
      Oil savers, 153.30
      Separators and storage tanks, 153.21
      Slush pits, 153.22
      Well casings, 153.20
      Working pressure; booster plants, 153.29

ORDINANCES (See CODE OF ORDINANCES; GENERAL PROVISIONS and ELECTED OFFICIALS; ORDINANCES)

PARKING REGULATIONS (See TRAFFIC CODE)

PARKING SCHEDULES
   Truck parking; business zones, Ch. 75, Sch. I

PARKS AND RECREATIONAL FACILITIES
   Operation and funding, 90.25
   Injury to property prohibited, 90.26

PEDDLERS AND SOLICITORS
   Definitions, 112.01
   Exemptions, 112.02
   Permit, 112.03
   Permit application, 112.04
   Permit fee, 112.05
   Permit revocation; appeal, 112.09
   Permit revocation; notice and hearing, 112.08
   Refusal to leave premises unlawful, 112.06
   Sale of goods on public ways unlawful, 112.07

PHYSICIAN; CITY, 31.13

PLANNING COMMISSION, 32.002

POLICE CHIEF, 31.09

POLICE DEPARTMENT
   Arrest and enforcement jurisdiction, 32.081
   Badges, 32.083
   Establishment; duties, 32.080
   Police Chief and officers; discipline or removal from duty, 32.082
POLICE OFFICERS, 31.10

POLLUTION
   Air pollution prohibited, 93.45
   Noxious substances prohibited, 93.47
   Water pollution prohibited, 93.46

POOL HALLS
   Definitions, 113.01
   Hours of operation, 113.02
   Gambling prohibited, 113.03

PROSTITUTION, 134.01

PUBLIC INDECENCY, 134.02

PUBLIC WAYS AND PROPERTY
   City Property
      Cutting into paving, curb, or sidewalk, 94.15
      Dangerous stairways and entrances, 94.08
      Definitions, 94.01
      Excavations and exposures; barricades and lights, 94.09
      Guttering and eave spouts, 94.10
      Heavy equipment, 94.16
      Improvement district; land adjacent, 94.17
      Maintenance and control, 94.03
      Overhanging branches, 94.13
      Permitted use of public street space, 94.06
      Poles, wires, and pipe lines, 94.07
      Prohibited obstructions, 94.11
      Regulation of obstructions, 94.04
      Regulation of snow, ice, and other encroachments, 94.05
      Signs and canopies, 94.14
      Special improvement district; assessment procedure, 94.18
      Streets, alleys, walks, malls, and other improvements, 94.02
      Trees in sidewalk space, 94.12
      Weeds, 94.19

   Sale and Acquisition of Property; Public Works
      Acquisition of real property; public meeting; access for recreational use, 94.34
      Acquisition of real property; appraisal, 94.33
      Acquisition or construction of public buildings; election requirements, 94.32
      Public works involving architecture or engineering; requirements, 94.35
      Sale and conveyance; personal property, 94.31
PUBLIC WAYS AND PROPERTY (Cont’d)
Sale and Acquistion of Property; Public Works (Cont’d)
Sale and conveyance; real property, 94.30
Special assessments for public works or improvements; notice to nonresident property owners, 94.36
Sidewalks
Construction and repair at city direction, 94.53
Construction at owner's initiative, 94.52
Construction bids, 94.54
Obstruction, 94.55
Requirement to keep clean, 94.50
Use of space beneath, 94.51
Streets and Alleys
Construction assessment, 94.79
Construction notice, 94.78
Crossings, 94.70
Dedication to public use, 94.65
Deferral from special assessments, 94.84
Driveway approaches, 94.72
Driving stakes, 94.74
Excavation, 94.73
Grading, paving, and other improvements, 94.66
Harmful liquids, 94.76
Improvement districts; objections, 94.80
Improvement of main thoroughfares, 94.82
Improvement of streets on corporate limits, 94.81
Improvements without petition or creation of district, 94.67
Mixing concrete, 94.75
Names and numbers, 94.71
Opening, widening, improving, or vacating, 94.68
Petition for improvements, 94.83
Snow, debris, and the like on street prohibited, 94.77
Vacating public ways; procedure, 94.69

RAILROAD COMPANIES
Obstruction of streets prohibited, 115.02
Safe street crossing conditions, 115.01

RECKLESS DRIVING, 71.075

RECREATION (See LEISURE AND RECREATION)

REFUSE, 93.20
RESISTING ARREST WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON, 132.04

REVENUE (See FINANCE AND REVENUE)

RIOTING, 131.06

SAFETY (See HEALTH AND SAFETY)

SEAL; OFFICIAL CORPORATE, 11.01

SEWER DEPARTMENT; OPERATION AND FUNDING, 32.041

SEWERS
  Administration and Enforcement
    Enforcement authority, 52.104
    Property destruction prohibited, 52.100
    Right of entry, 52.102
    Special agreements, 52.101
    Violations; notice to correct; liability for damages, 52.103
  Construction and Connections; Building Sewers
    Application for connection permit, 52.015
    Building sewer inspection, 52.027
    Building sewer installation expense; liability, 52.020
    Building sewer installation; permit required, 52.018
    Building sewer permit classification; application, 52.019
    Building sewer; excavations, 52.028
    Building sewers; requirements and specifications, 52.025
    Clear water drainage; connection to sanitary sewer prohibited, 52.026
    Construction and repair; inspection procedures, 52.029
    Contract nontransferable; shutoff notice required, 52.017
    Installation and application expense; tap fee, 52.021
    Old building sewers, 52.024
    Repairs and replacement, 52.022
    Separate building sewer, 52.023
    Sewer service; contract, 52.016
  Definitions, 52.001
  Private Sewage Disposal System
    Additional requirements, 52.066
    Available public sewer; connection required, 52.061
    Inspection, 52.063
    Maintenance, 52.065
    Permit required, 52.062
    Privies, septic tanks, and the like restricted, 52.060
    Specifications, 52.064
SEWERS (Cont’d)
   Rates and Charges
      Bills; collection, 52.085
      Fees; collection, 52.081
      Sewer maintenance fund, 52.083
      Surcharges, 52.080
      User charge review, 52.082
      User classification, 52.084
   Use of Public Sewers
      Control manholes; requirement; installation and maintenance, 52.048
      Grease, oil, and sand interceptors, 52.046
      Measurement, tests, and analyses; methods, 52.049
      Preliminary treatment facilities; maintenance, 52.047
      Prohibited discharges as determined by Superintendent, 52.044
      Prohibited discharges; clear water discharge to sanitary sewer, 52.042
      Prohibited hazardous discharges; preliminary treatment, 52.043
      Right to reject discharge, require pretreatment, or add surcharge, 52.045
      Unlawful deposit of wastes, 52.040
      Untreated sewage; discharge to natural outlet prohibited, 52.041

SEXUAL PREDATOR RESIDENCY RESTRICTIONS
   Definitions, 134.20
   Distance; measurement, 134.22
   Exceptions, 134.24
   Residence; prohibited location, 134.21
   Separate violations, 134.23

SHOPLIFTING, 130.09

SIDEWALK CAFES (See FOOD SERVICE)

SIDEWALKS
   Construction and repair at city direction, 94.53
   Construction at owner's initiative, 94.52
   Construction bids, 94.54
   Obstruction, 94.55
   Requirement to keep clean, 94.50
   Use of space beneath, 94.51

SIGNS AND BILLBOARDS
   Bill posting, 152.04
   Construction on public property; permit required, 152.01
   Location and size, 152.03
   Permit application and procedures, 152.02
SKATING RINKS
   Definitions, 113.01
   Hours of operation, 113.02
   Gambling prohibited, 113.03

SLINGSHOTS, AIR GUNS, BB GUNS, 133.61

SMOKING IN DESIGNATED CITY PROPERTY PROHIBITED, 93.04

SNOW, DEBRIS, AND THE LIKE ON STREET PROHIBITED, 94.77

SNOW; WEATHER EMERGENCIES; HIGHWAY MAINTENANCE, 73.09

SNOWMOBILES
   Equipment, 72.40
   Public lands, 72.42
   Unlawful acts, 72.41

SOLICITORS (See PEDDLERS AND SOLICITORS)

SPECIAL ENGINEER, 31.12

SPEED LIMITS
   Alternative maximum limits, 71.023
   Basic rule, 71.020
   Bridges and other elevated structures, 71.022
   Maximum limits, 71.021
   Near schools, 71.024

SPEED LIMITS, Ch. 74, Sch. I

STAGNANT WATER, 93.19, 133.05

STREET SUPERINTENDENT, 31.14

STREETS AND ALLEYS
   Construction assessment, 94.79
   Construction notice, 94.78
   Crossings, 94.70
   Dedication to public use, 94.65
   Deferral from special assessments, 94.84
   Driveway approaches, 94.72
   Driving stakes, 94.74
STREETS AND ALLEYS (Cont’d)
   Excavation, 94.73
   Grading, paving, and other improvements, 94.66
   Harmful liquids, 94.76
   Improvement districts; objections, 94.80
   Improvement of main thoroughfares, 94.82
   Improvement of streets on corporate limits, 94.81
   Improvements without petition or creation of district, 94.67
   Mixing concrete, 94.75
   Names and numbers, 94.71
   Opening, widening, improving, or vacating, 94.68
   Petition for improvements, 94.83
   Snow, debris, and the like on street prohibited, 94.77
   Vacating public ways; procedure, 94.69

SUBDIVISION REGULATIONS ADOPTED BY REFERENCE, 154.02

SUBSTANCE OFFENSES
   Drinking on public property; open beverage container, 133.30
   Minors; prohibited acts involving alcoholic liquor, 133.29
   Misrepresentation by minor to obtain alcohol, 133.28
   Misrepresentation by minor to obtain tobacco, 133.27
   Sale of tobacco to minors, 133.26
   Tobacco purchase by minors prohibited, 133.31
   Use of tobacco by minors, 133.25

SWIMMING POOL
   Rules and regulations, 90.40

TAX LEVIES
   All-purpose levy; allocation; abandonment; extraordinary levies, 35.52
   Levies for other taxes and special assessments, 35.51
   Motor vehicle fee, 35.56
   Property tax levy for general revenue purposes, 35.50
   Property tax levy; maximum; authority to exceed, 35.53
   Property tax request; procedure for setting, 35.55
   Property tax; certification of amount; collection, 35.54

TOBACCO
   Sale of tobacco to minors, 133.26
   Tobacco purchase by minors prohibited, 133.31
   Use of tobacco by minors, 133.25
TRAFFIC CODE

Administration and Enforcement
- Removal of illegally parked vehicles, 73.66
- Tickets, 73.65

All-Terrain Vehicles
- Accident report, 72.04
- Definitions, 72.01
- Operation on streets; conditions and restrictions, 72.02
- Registration, 72.03
- Sidewalks; operation prohibited, 72.05

Alleys; restrictions, 73.17

Arterial streets; designation, 71.008

Authorized emergency vehicles; privileges, 70.10

Backing freight vehicle to curb, 73.11

Bicycles
- Attachment of license plate; bicycle inspection, 72.22
- Clinging to motor vehicle prohibited, 72.25
- License application; fee; issuance, 72.21
- License required, 72.20
- Operating rules, 72.24
- Transfer of ownership, 72.23

City parking lots; use restrictions, 73.14

Current registration, 73.07

Definitions, 70.01

Designation of type of parking, 73.16

Display or repair of vehicle, 73.06

Double parking prohibited, 73.15

Emergency regulations, 70.12

Enforcement of rules and laws, 70.07

Failure or refusal to obey order, 70.08

Fire hydrants and stations, 73.18

General prohibitions; exceptions, 73.03

Interference with traffic control devices or railroad signs or signals, 71.003

Intersections, 73.05

Obedience to traffic control devices; exceptions, 70.09

Obstructing street, intersection, or entrance, 73.04

Operating Rules
- Backing, 71.079
- Careless driving, 71.077
- Child passenger restraint system, 71.081
- Driving under the influence; persons under 21, 71.083
- Engine brake use prohibited, 71.084
TRAFFIC CODE (Cont’d)

Operating Rules (Cont’d)

Funeral processions, 71.080
Motorcycles; helmet required, 71.082
Negligent driving, 71.078
Reckless driving, 71.075
Willful reckless driving, 71.076

Ordinances contrary to state law prohibited, 70.05

Painting of curbs, 73.13
Parallel, angle, and center parking, 73.10

Parking for Handicapped or Disabled Persons

Citation; complaint; trial, 73.49
Definitions, 73.45
Designation of off-street parking spaces, 73.47
Designation of on-street parking spaces, 73.46
Removal of unauthorized vehicle, 73.48

Parking schedules

Truck parking; business zones, Ch. 75, Sch. I

Penalty, 71.999

Placement and maintenance of traffic control devices, 70.06
Police enforcement, 70.13
Prohibitions on operation of vehicles, 70.04
Refusal to obey, 70.14
Regulation of highways; police powers, 70.03
Regulation or prohibition authorized, 73.01
Restrictions on direction of travel, 71.001
Right-of-way; stop and yield signs, 71.002

Right of Way; Position of Vehicle on Roadway

Driving on shoulder prohibited; exceptions, 71.062
Emergency vehicles; right of way, 71.056
Jaywalking, 71.063
Overtaking vehicles; right of way, 71.059
Passing and overtaking; position on roadway, 71.060
Position on roadway in general; right side, 71.055
Right of way; intersections, 71.057
Slow-moving vehicles, 71.058
Stops; crossing sidewalks, 71.061

Roadway outside business or residential district, 73.02

Schools, theaters, 73.19

Signs, markers, devices, or notices; prohibited acts, 71.004
Snow; weather emergencies; highway maintenance, 73.09
TRAFFIC CODE (Cont’d)

Snowmobiles
    Equipment, 72.40
    Public lands, 72.42
    Unlawful acts, 72.41

Speed limits, Ch. 74, Sch. I

Speed Limits
    Alternative maximum limits, 71.023
    Basic rule, 71.020
    Bridges and other elevated structures, 71.022
    Maximum limits, 71.021
    Near schools, 71.024

Time limits, 73.08

Tire requirements and prohibitions; permissive uses, 71.005

Traffic infractions; penalty, 70.99

Traffic lanes; designation, 71.006

Traffic officers, 70.11

Traffic regulations; general authority, 70.02

Traffic schedules
    Speed limits, Ch. 74, Sch. I

Truck Parking and Loading
    Alleys, 73.32
    Residential zones, 73.31
    Truck parking, loading and unloading, 73.30

Truck parking; business zones, Ch. 75, Sch. I

Turning
    Turning method, 71.040
    U-turns, 71.041

Unattended motor vehicle, 73.12

Unauthorized signs, 71.009

TRAFFIC SCHEDULES
    Speed limits, Ch. 74, Sch. I

TRAILERS AND TRAILER COURTS
    Administration and Enforcement
        Duty of occupants; owner access, 151.103
        Duty of owners and occupants; inspector access, 151.102
        Emergencies, 151.105
        Inspection of records, 151.101
        Inspections required, 151.100
        Notice of violation, 151.104

Definitions, 151.001
TRAILERS AND TRAILER COURTS (Cont’d)

Mobile Homes Outside Trailer Courts; Permits
  Additions, 151.086
  Applicable regulatory codes, 151.080
  Application fee, 151.076
  Application for permit, 151.075
  Drawing of tract, 151.079
  Lot size, 151.078
  Maintenance, 151.083
  Minimum living space, 151.081
  Mobile home stand; anchors and tie-downs, 151.082
  Notice of hearing, 151.077
  Permit nontransferable, 151.087
  Permit revocation, 151.084
  Special circumstances, 151.085

Permits
  Permit application; renewal, 151.016
  Permit fees, 151.018
  Permit required, 151.015
  Plans and specifications, 151.017

Requirements and Restrictions
  Access roads, 151.032
  General space requirements, 151.031
  Location; drainage, 151.030
  Motor vehicle parking, 151.035
  Register of occupants, 151.038
  Restrictions on animals and pets, 151.037
  Stands and skirting, 151.036
  Supervision and maintenance, 151.039
  Trailer location, 151.033
  Trailer occupancy unlawful unless on space, 151.034

Services; Utilities; Health and Safety
  Fire protection, 151.060
  Independent water supply, 151.051
  Plumbing, 151.053
  Refuse disposal, 151.057
  Refuse removal, 151.059
  Refuse storage, 151.058
  Sewage disposal, 151.056
  Sewer connection, 151.054
  Sewer lines, 151.055
  Water reservoirs, 151.052
  Water supply, 151.050
TRASH (See GARBAGE)

TREASURER; CITY, 31.07

TREE BOARD; TREES
   City Tree Board, 96.02
   Definitions, 96.01
   Trees
      Distances and clearances for planting public trees, 96.16
      Interference with Tree Board; right of access, 96.21
      Public tree care, 96.17
      Public tree topping, 96.18
      Removal of dead public trees, 96.20
      Street tree clearance, 96.19
      Tree service registration, 96.22
      Tree species list, 96.15

TREES; DEAD OR DISEASED, 93.18

TRESPASSING, 130.06

TRUCK PARKING AND LOADING
   Alleys, 73.32
   Residential zones, 73.31
   Truck parking, loading and unloading, 73.30

TRUCK PARKING; BUSINESS ZONES, Ch. 75, Sch. I

UTILITIES GENERALLY
   Application for service, 50.07
   Delinquent utility charges; lien; civil action., 50.06
   Denial of service; when prohibited, 50.01
   Discontinuance of service; notice procedure, 50.03
   Diversion of services, meter tampering, unauthorized reconnection, prohibited; evidence, 50.04
   Diversion of services; civil action, 50.05
   Utility bills; collection, 50.02

UTILITY DEPARTMENTS
   Electrical Department; operation, 32.042
   Sewer Department; operation and funding, 32.041
   Water Department; operation and funding, 32.040
VEHICLES; ABANDONED AND WRECKED (See ABANDONED AND WRECKED VEHICLES)

WASTEWATER SUPERINTENDENT, 31.15

WATER
    Administration and Enforcement
        Destruction of property, 51.904
        Fees; collection, 51.900
        Lien, 51.902
        Minimum rates, 51.901
        Service shutoff or reduction; liability disclaimer, 51.903
    Construction and Connections
        Application for service, 51.016
        Contamination; prevention; encroachment limitations and setbacks, 51.029
        Fire hydrants, 51.025
        Installation expense, 51.022
        Installation procedure, 51.020
        Lead solder and flux prohibited, 51.028
        Mandatory hook-up, 51.015
        Meter; tampering or bypass prohibited, 51.024
        Meters, 51.021
        Private water wells; standards and restrictions; permits, 51.027
        Repairs; meter testing, 51.023
        Service contract nontransferable; shutoff notice required, 51.018
        Service to nonresidents, 51.019
        Unsafe connections prohibited, 51.026
        Water contract, 51.017
    Cross-Connection and Backflow Prevention
        Definitions, 51.051
        Education, 51.056
        Existing backflow prevention devices, 51.053
        Private contractors and testing, 51.054
        Records, 51.057
        Responsibility and authority, 51.050
        State standards apply, 51.052
        Surveys, 51.055
        Violations; notice, 51.058
        Violations; remedies, 51.059
        Definitions, 51.001
        Fluoride; addition to water prohibited, 51.003
        Pollution of waters prohibited, 51.002
WATER (Cont’d)
Water Conservation, Drought and Emergency Contingency Plan
  Definitions, 51.080
  Drought and emergency contingency; generally, 51.086
  Findings, 51.082
  Long-term water use efficiency, 51.090
  Objectives, 51.083
  Plan revision, monitoring, and evaluation, 51.091
  Stage 1: Water Watch, 51.087
  Stage 2: Water Warning, 51.088
  Stage 3: Water Emergency, 51.089
  Water conservation practices, 51.085
  Water plan established, 51.081
  Water protection programs, 51.084

WATER AND WASTEWATER SUPERINTENDENT, 31.15

WATER DEPARTMENT; OPERATION AND FUNDING, 32.040

WEAPONS OFFENSES
  Discharge of firearms, 133.60
  Slingshots, air guns, BB guns, 133.61

WEEDS; LITTER; STAGNANT WATER, 93.19, 133.05

WELLHEAD PROTECTION
  Administration and enforcement, 155.04
  Application for permit, 155.05
  Definition, 155.01
  Established, 155.02
  Penalty, 155.99
  Permit required, 155.03
  Permit required before work, 155.06
  Pre-existing structures or uses, 155.07

WIND ENERGY CONVERSION SYSTEMS
  Aviation regulations, 150.057
  Building permit application, 150.058
  Definitions, 150.050
  Electrical components, 150.054
  Electromagnetic interference, 150.056
  Guy wires, 150.052
  Liability insurance, 150.061
WIND ENERGY CONVERSION SYSTEMS (Cont’d)
  Maintenance, 150.062
  Noise, 150.055
  Permit application; electrical components, 150.059
  Tower, 150.051
  Warning sign; labeling, 150.060
  Wind rotor, 150.053

WRECKED VEHICLES (See ABANDONED AND WRECKED VEHICLES)

ZONING INSPECTOR, 31.17

ZONING ORDINANCE ADOPTED BY REFERENCE, 154.01