

## CHAPTER 6 - POLICE REGULATIONS

### Article 1. Dogs

**§6-101. DOGS; LICENSE.** Any person who shall own, keep, or harbor a dog within the Municipality shall, within thirty (30) days after acquisition of the dog or the dog reaches the age of six (6) month, whichever is later, acquire a license for each such dog and thereafter annually by or before the first (1st) day of May of each year, provided the license and tax herein assessed shall be delinquent if not paid within ten (1) days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of one (\$1.00) dollar for each neutered male dog or spayed female dog and five (\$5.00) dollars for each non-neutered male dog or unspayed female dog (breeding dogs). The license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his name, address and the name, breed, color, and sex of each dog owned and kept by him. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (*Ref. 17-526, 54-603, 71-4412 RS Neb.*) (*Amended by Ord. No. 376, 2/6/90*)

**§6-101.1. DOG GUIDES, HEARING AID DOGS, AND SERVICE DOGS: EXEMPT FROM LICENSE TAX.** Every dog guide for a blind or visually impaired person, hearing aid dog for a deaf or hearing-impaired person, and service dog for a physically limited person shall be licensed as required by the Municipal Code, but no license tax shall be charged upon a showing by the owner that the dog is a graduate of a recognized training school for dog guides, hearing aid dogs, or service dogs. Upon the retirement or discontinuance of the dog as a dog guide, hearing aid dog, or service dog, the owner of the dog shall be liable for the payment of the required license tax. (*Ref. 54-603 RS Neb.*) (*Ord. No. 530, 8/4/98*)

**§6-102. DOGS; LICENSE TAGS.** Upon the payment of the license fee, the Municipal Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until the thirtieth (30th) day of April following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the Municipal 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 issued. (*Ref. 17-526, 54-603 RS Neb.*)

**§6-103. DOGS; WRONGFUL LICENSING.** It shall be unlawful for the owner,

keeper, or harborer of any dog to permit or allow such dog to wear any license, metallic tag or other Municipal identification than that issued by the Municipal Clerk for dogs, nor shall the owner, keeper, or harborer wrongfully and knowingly license an unspayed female dog with a license prescribed for a male or spayed female dog. (*Ref. 17-526, 54-603 RS Neb.*)

**§6-104. DOGS; OWNER DEFINED.** Owner shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog. Any such person or entity permitting any dog, for ten (10) days or more, to be in or about his house, store, building or enclosure, or to remain to be fed, shall be deemed the owner of such dog and be liable for the penalties herein imposed on owners. (*Ref. 54-606, 71-4401 RS Neb.*) (*Amended by Ord. No. 376, 2/6/90*)

**§6-105. DOGS; PROCLAMATION.** It shall be the duty of the Governing Body whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog to muzzle the same, or to confine it for a period of not less than thirty (30) days or more than ninety (90) days from the date of such proclamation, or until such danger is passed. The dogs may be harbored by any good and sufficient means in a house, garage, or yard on the premise wherein the said owner may reside. Upon issuing the proclamation it shall be the duty of all persons owning, keeping, or harboring any dog to confine the same as herein provided (*Ref. 17-526 RS Neb.*)

**§6-106. DOGS; DUTY TO KEEP UNDER RESTRAINT.** It shall be the duty of every owner of any dog, or anyone having any dog in his possession or custody, to ensure that the dog is kept under restraint and that reasonable care and precautions are taken to prevent the dog from leaving, while unattended, the real property limits of the owner, possessor or custodian, and that:

1. It is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and such enclosure must be securely locked at any time the dog is left unattended, OR
2. It is securely and humanely restrained by chain, cable and trolley, or other tether of sufficient strength to prevent escape, OR
3. It is securely and humanely confined within a vehicle, parked or in motion, OR
4. It is on a leash and under the control of a competent person, or is off leash and obedient to that person's commands and that person is present with the dog any time it is not restrained as provided in paragraphs 1, 2 or 3 above.
5. No owner of a dangerous dog, as defined, shall permit the dog to go beyond the property of the owner unless the dog is securely and humanely restrained by chain or leash.
6. While unattended on the owner's property, a dangerous dog shall be securely and

humanely confined, 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 or concrete. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property, such as "BEWARE OF DOG."

Failure to keep any dog confined or under restraint as herein provided shall be unlawful and any owner or person who knowingly releases or fails to keep a dog under restraint shall be guilty of a misdemeanor and be subject to the penalty set forth in section 12-101 of this Code. (*Ref. 17-547, 54601 thru 54-624 RS Neb.*) (*Amended by Ord. No. 376, 2/6/90*)

**§6-107. DOGS; CAPTURE IMPOSSIBLE.** The Municipal Police or any person so designated by the Governing Body shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved. (*Ref. 54-605 RS Neb.*)

**§6-108. DANGEROUS DOGS; CONFISCATION, DISPOSAL, PRIOR, CONVICTIONS.**

- A. Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated the provisions of this article relating to dangerous dogs.
- B. 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.
- C. If a dangerous dog of an owner with a prior conviction under the terms of this article relating to dangerous dogs, attacks or bites a person or another domestic animal, the owner shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than \$100.00 and not over \$500.00. In addition the dangerous dog shall be immediately confiscated by the animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(*Ref. 54-620 thru 54-623 RS Neb.*) (*Amended by Ord. No. 376, 2/6/90*)

**§6-109. DOGS; INTERFERENCE WITH POLICE.** It shall be unlawful for any person to hinder, delay, or interfere with any Municipal Policeman or any person so designated by the Governing Body who is performing any duty enjoined upon him by the

provisions of this Article, or to break open, or in any manner directly or indirectly aid, counsel, or advise the breaking open of the animal shelter, any ambulance wagon, or other vehicle used for the collecting or conveying of dogs to the shelter. (*Ref. 28-906 RS Neb.*)

**§6-110. DOGS; KILLING AND POISONING.** It shall be unlawful to kill, or to administer, or cause to be administered, poison of any sort to a dog, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy any dog that is the property of another person, or to place any poison, or poisoned food where the same is accessible to a dog; provided, that this section shall not apply to Municipal Policemen or any person so designated by the Governing Body acting within their power and duty. (*Ref. 28-1002 RS Neb.*)

**§6-111. DOGS; PUBLIC NUISANCE.** Any dog which:

1. Repeatedly is not confined or under restraint in violation of section 6-106 of this article, OR
2. Is dangerous, as defined in this article, and is not restrained or confined as provided in section 6-106 of this article, OR
3. Is unlicensed in violation of section 6-101 of this article, OR
4. Is trained, owned or harbored for the purpose, primarily or in part, of dog fighting, OR
5. Produces, because of quantity, manner of method in which the dogs are domesticated or maintained, unsanitary conditions if the city, OR
6. Barks, whines, howls or makes any noise in an excessive, continuous or untimely fashion so as to disturb the peace, is hereby declared to be a public nuisance and any person who knowingly keeps, owns, harbors or acts as custodian of a dog constituting this nuisance shall be guilty of a misdemeanor and be subject to the penalty set forth in section 12-101 of this Code.

(*Ref. 17-526, 18 1720 RS Neb.*) (*Amended by Ord. No. 376, 2/6/90*)

**§6-112. DOGS; IMPOUNDING.** It shall be the duty of the Municipal Police or person so designated by the Governing Body to capture, secure, and remove in a humane manner to the Municipal Animal Shelter or similar facility so designated by the Governing Body any dog violating any of the provisions of this Article. The dogs so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the pound for a period of not less than seven (7) days after public notice has been given unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the Municipal Clerk within twenty-four (24) hours after impoundment as public notification of such impoundment. Any dog may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee of fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense; and one hundred dollars (\$100.00) for each subsequent

offense. The owner shall also be required to pay a daily board fee of five dollars (\$5.00) per day. The owner shall then be required to comply with the licensing and rabies vaccination requirements within seventy-two (72) hours after release. If the dog is not claimed at the end of the required waiting period after public notice has been given, the Municipal Police, or other person so designated by the Governing Body, may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same. The Municipality shall acquire legal title for any unlicensed dog impounded in the Animal Shelter or other similar facility so designated by the Governing Body for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in the summary and humane manner as prescribed by the Board of Health. (*Ref. 17-548, 71-4408 RS Neb.*) (*Amended by Ord. No. 505, 7/1/97*)

**§6-113. DOGS; ANIMAL SHELTER.** The Animal Shelter shall be safe, suitable, and conveniently located for the impounding, keeping, and destruction of dogs. The said shelter shall be sanitary, ventilated, and lighted. (*Ref. 17-548 RS Neb.*)

**§6-114. DOGS: RABIES SUSPECTED.** Any dog suspected of being afflicted with rabies, or any dog not vaccinated in accordance with the provisions of this Article which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten (10) days. If upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner, or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten (10) days, at which time the dog shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog may be released from confinement. (*Ref. 71-4406 RS Neb.*)

**§6-115. DANGEROUS DOGS: DEFINITIONS.**  
Animal Control Authority shall mean the City Council;

Animal Control Officer shall mean any individual employed, appointed or authorized by the animal control authority for the purpose of aiding in the enforcement of this Article or any law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and shall include any state or local law enforcement or other employee whose duties is whole or in part include assignments that involve the seizure and impoundment of any animal;

Dangerous Dog shall mean any dog that, according to the records of an animal control authority: (a) has killed or inflicted severe injury on a human being on public or private property; (b) has killed a domestic animal without provocation while the dog was off the owner's property; or (c) has been previously determined to be a potentially dangerous dog

by an animal control authority and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a willful trespass as defined in RS Neb. section 20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog, who was tormenting, abusing, or assaulting the dog, who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime;

Potentially Dangerous Dog shall mean: (a) any dog that when unprovoked (i) inflicts a non severe injury on a human or injures a domestic animal either on public or private property or; (ii) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or; (b) any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals;

Domestic Animal shall mean a cat, a dog, or livestock; AND

Severe Injury shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim. (*Ref. 54-617 RS Neb.*) (*Ord. No. 376,2/6/90*)

**§6-116. DOGS; ABANDONMENT OR ABUSE OF DOGS.** It shall be unlawful for anyone to knowingly abandon or abuse any dog within the city. Each person who does knowingly abandon or abuse or willingly permits or aids in this abandonment or abuse shall be guilty of a misdemeanor and be subject to the penalty set forth in section 6-501 of this chapter. (*Ref. 54-6007 RS Neb.*) (*Ord. No. 376, 2/6/90*)

**§6-117. DOGS; NUMBER RESTRICTED.** (1) It shall be unlawful to own, keep or harbor at any time more than three dogs over the age of four (4) months per residential or dwelling unit in the Municipality; provided however, this section shall not apply to kennels.

**Article 2. Cats**

**§6-201. CATS; PROCLAMATION.** It shall be the duty of the Governing Body whenever in its opinion the danger to the public safety from rabid cats is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any cat to muzzle the same, or to confine it for a period of not less than thirty (30) days or more than ninety (90) days from the date of such proclamation, or until such danger is passed. The cats may be harbored by any good and sufficient means in a house, garage, or yard on the premise wherein the said owner may reside. Upon issuing the proclamation it shall be the duty of all persons owning, keeping or harboring any cat to confine the same as herein provided. (*Ref. 17-526 RS Neb.*)

**§6-202. CATS; RUNNING AT LARGE.** It shall be unlawful for the owner of any cat to allow such cat to run at large at any time within the corporate limits of the Municipality. It shall be the duty of the Municipal Police or any person so designated by the Governing Body to cause any cat found to be running at large within the Municipality to be taken up and impounded. "Running at Large" shall mean any cat found off the premise of the owner, and not under control of the owner or a responsible person; either by leash, cord, chain, wire, rope, cage of other suitable means of physical restraint.

**§6-203. CATS; CAPTURE IMPOSSIBLE.** The Municipal Police or any person so designated by the Governing Body shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved. (*Ref. 54-605 RS Neb.*)

**§6-204. CATS; VICIOUS.** It shall be unlawful for any person to own, keep, or harbor any cat of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to attack, without the said cat being securely confined. If any vicious or dangerous cat is otherwise held, confined, or allowed to run at large, the Municipal Police or any person so designated by the Governing Body shall have the authority to put the cat to death. (*Ref. 17-647 RS Neb.*)

**§6-205. CATS; MEOWING, HOWLING AND OFFENSIVE.** It shall be unlawful for any person to own, keep, or harbor any cat which by loud, continued, or frequent howling or meowing shall annoy or disturb any neighborhood, or person, or which habitually chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the Municipality. (*Ref. 17-547 RS Neb.*)

### Article 3. Animals Generally

**§6-301. ANIMALS; RUNNING AT LARGE.** It shall be unlawful for the owner, keeper, or harbinger of any animal, or any person having the charge, custody, or control thereof, to permit a horse, mule, cow, sheep, goat, swine, or other animal to 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. *(Ref. 17-547 RS Neb.)*

**§6-302. FOWLS; RUNNING AT LARGE.** It shall be unlawful for any person to allow poultry, chickens, turkeys, geese, or any other fowls to run at large within the corporate limits, except in enclosed places on private property. *(Ref. 17-547 RS Neb.)*

**§6-303. FOWLS; WRITTEN PERMISSION.** It shall be unlawful for any person to keep on their private property poultry, chickens, turkeys, geese, or other fowls unless, and until they have received the written consent of the owners or lessees of the property immediately adjoining the private property where such fowls are to be kept, and all other property owners within one hundred fifty (150) feet of the place where such animals are to be kept, which consent shall be filed at the office of the Municipal Clerk and shall be subject to revocation by any of the said owners or lessees at any time.

### **§6-304. ANIMALS; ABANDONMENT, NEGLIGENCE, AND CRUELTY; DEFINITIONS.**

- A. ABANDON shall mean to leave any animal 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;
- B. ANIMAL shall mean any vertebrate member of the animal kingdom except man. The term shall not include an uncaptured wild creature;
- C. CRUELLY MISTREAT shall mean to knowingly and intentionally kill, maim, disfigure, torture, heal, mutilate, burn, scald, or otherwise set upon any animal;
- D. CRUELLY NEGLIGENCE shall mean 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;
- E. HUMANE KILLING shall mean the destruction of an animal by a method which causes the animal a minimum of pain and suffering; and
- F. LAW ENFORCEMENT OFFICER shall mean any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of any city or village, or any other public official authorized by a city or village to enforce state or local animal control laws, rules, regulations, or ordinances.

*(Ref. 28-1008 RS Neb.) (Ord. No. 387, 1/8/91)*



**§6-305. ANIMALS; ABANDONMENT, NEGLECT, AND CRUELTY; LAW ENFORCEMENT OFFICER; POWERS; IMMUNITY.**

- A. 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.
- B. Any law enforcement officer authorizing 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 by law.
- C. 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.

*(Ref. 28-1012 RS Neb.) (Ord. No. 387, 1/8/91)*

**§6-306. ANIMALS; ABANDONMENT, NEGLECT, AND CRUELTY; PENALTY.**

A person commits cruelty to animals if he or she abandons, cruelly mistreats, or cruelly neglects an animal. *(Ref. 28-1009 RS Neb.) (Ord. No. 387, 1/8/91)*

**§6-307. ANIMALS; PITTING; DEFINITIONS.** Bearbaiting shall mean the pitting of any animal against a bear. Cockfighting shall mean the pitting of a fowl against another fowl. Dogfighting shall mean the pitting of a dog against another dog. Pitting shall mean bringing animals together in combat. *(Ref. 28-1004 RS Neb.) (Ord. No. 388, 1/8/91)*

**§6-308. ANIMALS; PITTING; PROHIBITED.** No person shall knowingly promote, engage in, or be employed at dogfighting, cockfighting, bearbaiting, or pitting an animal against another. Nor shall any person knowingly receive money for the admission of another person to a place kept for such purpose. Nor shall any person knowingly own, use, train, sell, or possess an animal for the purpose of animal pitting. Nor shall any person knowingly permit any act as described in this section to occur on any premises owned or controlled by him or her. *(Ref. 28-1005 RS Neb.) (Ord. No. 388, 1/8/91)*

**§6-309. ANIMALS; PITTING; SPECTATORS PROHIBITED.** No person shall knowingly and willingly be present at and witness as a spectator dogfighting, cockfighting, bear-baiting, or the pitting of an animal against another as prohibited in section 6-307. *(Ref. 28-1005 RS Neb.) (Ord. No. 388, 1/8/91)*

**§6-310. ANIMALS; KEEPING OF LIVESTOCK.** It shall be unlawful for any person to keep within the city limits, in an area of less than 3,000 square feet of land per animal, swine, cattle, goats, horses, and other animals of any kind from which any offensive or obnoxious odors shall be emitted, excluding dogs. Said area shall be subject to all zoning and permitting restrictions. *(Ord. No. 475, 1/7/97)*

**Article 4. Miscellaneous Misdemeanors**

**§6-401. MISDEMEANORS; ASSAULT IN THE THIRD DEGREE.** It shall be unlawful for any person to intentionally, knowingly, or recklessly cause bodily injury to another person; or threaten another in a menacing manner. It shall further be unlawful for any person to commit the above act in a fight or scuffle entered into by mutual consent. *(Ref. 28-310 RS Neb.) (Class 1 or 2)*

**§6-402. MISDEMEANORS: ARSON IN THE THIRD DEGREE.** It shall be unlawful for any person to intentionally set fire to, burn, cause to be burned, or by the use of any explosive, damage or destroy, or cause to be damaged or destroyed, any property of another without his consent, other than a building or occupied structure; provided, that the damages do not exceed one hundred (\$100.00) dollars. *(Ref. 28-504(1)(3) RS Neb.) (Class 1)*

**§6-403. MISDEMEANORS; CRIMINAL MISCHIEF.** It shall be unlawful for any person to damage property of another intentionally or recklessly; or intentionally tamper with property of another so as to endanger person or property; or intentionally or maliciously cause another to suffer pecuniary loss by deception or threat; provided, that the value of the property involved is under three hundred (\$300.00) dollars. *(Ref. 28-519 RS Neb.) (Class 2 or 3)*

**§6-404. MISDEMEANORS; CRIMINAL TRESPASS.** It shall be unlawful for any person, knowing that he is not licensed or privileged to do so, to:

- A. Enter or secretly remain in any building or occupied structure, or any separately secured or occupied portion thereof; or
- B. Enter or remain in any place as to which notice against trespass is given by:
  - 1. Actual communication to the actor; or
  - 2. Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or
  - 3. Fencing or other enclosure manifestly designed to exclude intruders.

*(Ref. 28-520, 28-521 RS Neb.)(Class 1, 2 or 3)*

**§6-405. MISDEMEANOR; IMPERSONATING A PUBLIC SERVANT.** It shall be unlawful for any person to falsely 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. *(Ref. 28-609 RS Neb.)(Class 3)*

**§6-406. MISDEMEANORS; 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. *(Ref. 28-610 RS Neb.)(Class 1)*

**§6-407. MISDEMEANORS; PUBLIC INDECENCY.** It shall be unlawful for any person, eighteen (18) years of age or over, to perform or procure or assist any other person to perform in a public place and where the conduct may reasonably be expected to be viewed by members of the public:

- A. An act of sexual penetration as defined by subdivision (5) of section 28-318 RS Neb.; or
- 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. (*Ref. 28-806 RS Neb.*) (*Class 2*)

**§6-408. MISDEMEANORS; INDECENCY WITH AN ANIMAL.** It shall be unlawful for any person to subject an animal to sexual penetration as defined in subdivision (5) of section 28-318 RS Neb. (*Ref. 28-1003 RS Neb.*)(*Class 3*)

**§6-409. MISDEMEANORS; REFUSING TO AID A PEACE OFFICER.** It shall be unlawful for any person, upon a request by a person known to him to be a peace officer, to unreasonably refuse or fail to aid such peace officer in:

- A. Apprehending any person charged with or convicted of any offense against any of the laws of this state; or
- B. Securing such offender when apprehended; or
- C. Conveying such offender to the jail of the county. (*Ref. 28-903 RS Neb.*) (*Class 2*)

**§6-410. MISDEMEANORS; OBSTRUCTING A PEACE OFFICER.** It shall be unlawful for any person, to use or threaten to use violence, force, physical interference, or obstacle, to intentionally obstruct, impair, or hinder the enforcement of the penal law or the preservation of the peace by a peace officer or judge acting under color of his official authority. (*Ref. 28-906 RS Neb.*)(*Class 1*)

**§6-411. MISDEMEANORS; 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 such 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 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;
  - (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 such investigation.
- (b) A person who violates this section commits the offense of false reporting. (*Ref. 28-907 RS Neb.*) (*Amended by Ord. No. 532, 8/4/98*)

**§6-412. MISDEMEANORS; INTERFERING WITH A FIREMAN.** A person commits the offense of interfering with a fireman if at any time and place where any fireman is discharging or attempting to discharge any official duties, he willfully:

- A. Resists or interferes with the lawful efforts of any fireman in the discharge or attempt to discharge an official duty; or
- B. Disobeys the lawful orders given by any fireman while performing his duties; or
- 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 has no legal right or obligation to protect or control, not to assist in extinguishing a fire. (*Ref. 28-908 RS Neb.*)

**§6-413. MISDEMEANORS; DISTURBING THE PEACE.** It shall be unlawful for any person to intentionally disturb the peace and quiet of any person, family or neighborhood. (*Ref. 28-1322 RS Neb.*)

**§6-414. MISDEMEANORS; MAINTAINING A NUISANCE.** It shall be unlawful for any person to erect, keep up or continue and maintain any nuisance to the injury of any part of the citizens of the Municipality. (*Ref. 18-1720, 28-1321 RS Neb.*)

**§6-415. MISDEMEANORS; PROHIBITED FENCES.** It shall be unlawful for any person to erect, or cause to be erected, and maintain any barbed wire or electric fence within the corporate limits, where such fence abuts a public sidewalk, street or alley. (*Ref. 18-1720, 28-1321, 39-705 RS Neb.*)

**§6-416. MISDEMEANORS; APPLIANCES IN YARD.** It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children whether on private or public property unless he shall

first remove all doors and make the same reasonably safe. (*Ref. 18-1720, 28-1321 RS Neb.*)

**§6-417. MISDEMEANORS; 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, occupant, lessee, or mortgagee 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 excessive growth 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 excessive growth 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, occupant, lessee, or mortgagee 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 in accordance with the processes and procedures described in Red Cloud Code §4-303, except such nuisance notice may be sent by first-class mail and such mail shall be conspicuously marked as to its importance.

(2) Within five days after receipt of such notice, the owner, occupant, lessee, or mortgagee of the lot or piece of ground may request a hearing with the City to appeal the decision to abate or remove a nuisance by filing a verbal or written appeal with the office of the City Clerk. A hearing on the appeal shall be held within fourteen days after the filing of the appeal and shall be conducted by the Governing Body or an officer appointed by such Governing Body. A decision on the appeal shall be rendered within five business days after the conclusion of the hearing. If the appeal fails, the City may have such work done.

(3) If unpaid for two (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 benefited in the same manner as other special taxes for improvements are levied and assessed; or

(b) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(G) For purposes of this section:

(1) "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; and

(2) WEEDS includes, but is not limited to, bindweeds (*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*); and

(3) EXCESSIVE GROWTH shall include the growth of any weeds, grasses, or worthless vegetation eight (8) inches or more in height.

*(Ref. 17-563, 18-1720 Neb. Rev. Stat.) (Amended by Ord. No. 401, 6/16/92; 452, 7/6/95; 578, 1/4/05; 625, 9/4/13)*

**§6-418. MISDEMEANORS; DISEASED OR DYING TREES.** *(Repealed by Ord. No. 437, 1/3/95)*

**§6-419. MISDEMEANORS; RADIO 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 a misdemeanor. *(Ref. IS-1720, 28-1321 RS Neb.)*

**§6-420. MISDEMEANORS; DISCHARGE OF FIREARMS.** It shall be unlawful for any person, except an officer of the law in the discharge of his official duty, to fire or discharge any gun, pistol, or other fowling piece within the Municipality; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Governing Body. *(Ref. 17-556 RS Neb.)*

**§6-421. MISDEMEANORS; SLINGSHOTS, AIR GUNS, BB GUNS.** It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the Municipality; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons discharging such slingshots, air guns or BB guns, have written permission from the Governing Body. *(Ref. 17-556 RS Neb.) (Amended by Ord. No. 372, 6/6/89)*

**§6-422. MISDEMEANORS; INJURY TO TREES.** *(Repealed by Ord. No. 437, 1/3/95)*

**§6-423. MISDEMEANORS; POSTING.** It shall be unlawful for any person, firm or corporation to use the streets, sidewalks or public grounds of the Municipality for signs, signposts, the posting of handbills or advertisements, without written permission of the Governing Body. *(Ref. 17-140, 17-207 RS Neb.)*

**§6-424. MISDEMEANORS; DISORDERLY CONDUCT.** It shall be unlawful for any person to engage in conduct or behavior which disturb the peace and good order of the Municipality by clamor or noise, intoxication, drunkenness, fighting, using of obscene or profane language in the streets or other public places, or is otherwise indecent or disorderly conduct or lewd or lascivious behavior. *(Ref. 17-129, 17-556 RS Neb.)*

**§6-425. MISDEMEANORS; 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. *(Ref. 17-142, 17-555, 17-557, 39-703, 39-704 RS Neb.)*

**§6-426. MISDEMEANORS; 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. *(Ref. 17-555, 17-970 RS Neb.)*

**§6-427. MISDEMEANORS; MISREPRESENTATION BY MINOR.** It shall be unlawful for any minor, as defined by section 53-102 RS Neb., to obtain or attempt to obtain, alcoholic liquor by misrepresentation of age, or by any other method, in any tavern or other place where alcoholic liquor is sold. *(Ref. 53-102, 53-180.01, 53-180.05 RS Neb.)*

**§6-428. MISDEMEANORS; MINOR IN POSSESSION.** It shall be unlawful for any minor, as defined by section 53-102 RS Neb. to transport, knowingly possess, or have under his control in any motor vehicle, beer or other alcoholic liquor on any public street, alley, roadway, or property owned by the State of Nebraska or any subdivision thereof, or any other place within the Municipal limits. *(Ref. 53-102, 53-180.02, 53-180.05 RS Neb.)*

**§6-429. MISDEMEANORS; DRINKING IN PUBLIC.** It shall be unlawful for any person to consume alcoholic beverages in the public streets, alleys, roads, highways, or upon any property owned by the Municipality or other governmental subdivision thereof, or inside vehicles while upon the public streets, alleys, roads, or highways, in theaters, dance halls, or any other place open to the public, except when permission is granted by the Governing Body; provided, the provisions of this section shall not apply to liquor

establishments licensed by the State of Nebraska. (*Ref. 53-186, 53-1,100 RS Neb.*)

**§6-430. MISDEMEANORS; FIRE EQUIPMENT.** It shall be unlawful for any person who is not an active member of the Municipal Fire Department to deface, destroy, handle, or loiter about the equipment and property of the Fire Department. (*Ref. 28-519 RS Neb.*)

**§6-431. MISDEMEANORS; FIRE HOSE.** It shall be unlawful for any person, without the consent of the Fire Chief, or the Assistant Fire Chief to drive any vehicle over the unprotected hose of the Fire Department at any time. (*Ref. 39-682 RS Neb.*)

**§6-432. MISDEMEANORS; ABANDONED AUTOMOBILES.** It shall be unlawful to abandon any automobile on the Municipal streets, highways, alleys, parks or other property. An automobile shall be deemed to be abandoned if left unattended:

- A. With no number plates affixed thereto, for more than six (6) hours on any public property; or,
- B. For more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted; or,
- C. For more than forty-eight (48) hours, after the parking of such vehicle shall have become illegal, if left on a portion of a public property on which parking is legally permitted; or,
- D. For more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner shall be terminated.

The title to any automobile so abandoned which at the time of such abandonment, has no number plates of the current year affixed and is of a wholesale value, taking into consideration the condition of such vehicle, of one hundred dollars (\$100.00) or less, shall immediately vest in the Municipality. In the event the automobile is licensed for the current year or is of a wholesale value of over one hundred dollars (\$100.00) the Municipal Police shall make a reasonable effort to contact the owner of the said automobile by sending a notice to the registered owner, if known; by sending an inquiry to the county it is registered in, if the owner is unknown; or by contacting the Director of Motor Vehicles, if the car is without license plates and the owner is unknown. If notified by the Director of Motor Vehicles that a lien or mortgage exists on said vehicle, 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. If the owner, lienholder or mortgagee, is known and does not claim the automobile within five (5) days after the date when the notice was mailed, or upon receiving word from the Director of Motor Vehicles that the owner is unknown, title will immediately vest in the Municipality and the automobile may be sold. Any proceeds from the sale of the automobile less any expenses incurred by the Municipality in such removal, storage and sale shall be held without interest in a separate account for the benefit of the owner of such vehicle for a period of two (2) years if not



claimed within such period of time, the proceeds shall then be paid into the General Fund.

For purposes of this section, public property shall mean any public right-of-way, street, highway, alley, park or other state, county or municipally-owned property; and private property shall mean any privately-owned property which is not included within the definition of public property.

Any person who abandons an automobile as hereinbefore defined shall be deemed to be guilty of a misdemeanor. (*Ref 60-1901 through 60-1911 RS Neb.*)

**§6-433. MISDEMEANORS; SHOOTING HIGHWAY SIGNS, MARKERS OR NOTICES.** It shall be unlawful for any person to willfully or maliciously 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 said highways. (*Ref. 60-6,130 RS Neb.*)

**§6-434. MISDEMEANORS: 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. (*Ref. 60-6,130 Neb.*)

**§6-435. MISDEMEANORS; WOODPILES OVER TWO CORDS.** It shall be unlawful to store up or maintain, or permit anyone to store up or maintain, a woodpile containing over two cords (256 cubic feet) of wood within the corporate limits of the City of Red Cloud. Any person who stores up or maintains, or permits such storing up or maintenance on their property, of a woodpile containing over two cords (256 cubic feet) of wood, within the corporate limits of the City of Red Cloud, shall be guilty of a Class V misdemeanor.

Any woodpile containing over two cords (256 cubic feet) of wood located within the corporate limits of the City of Red Cloud is hereby declared to be a nuisance subject to the penalties and procedures of Chapter 4 of this Code. (*Ref. 18-1720, 28-106 RS Neb.*) (*Ord. No. 408, 1/5/93*)

**§6-436. MISDEMEANORS; PARKING OR STORING UNLICENSED MOTOR VEHICLES.** (1) It shall be unlawful to park or store any motor vehicle, which is required to be registered pursuant to Nebraska statute, on private property within the City limits and within public view for a period of over ninety (90) days, unless such vehicle is registered and has number plates for the current year affixed, PROVIDED:

(a) No vehicle shall be considered in public view if enclosed within a garage or building, even though visible through windows thereof, or if located behind a barrier to view of at least five (5) feet in height.

(b) Vehicles held for sale by a duly licensed dealer in such motor vehicles shall not be

subject to the terms hereof, if parked or stored in business premises.

(2) Any person who violates the provisions hereof shall be guilty of a Class V misdemeanor. (*Ord. No. 415, 10/12/93*) (*Amended by Ord. No 543, 12/5/00*)

**§6-437. MISDEMEANORS; DRIVING UNDER THE INFLUENCE.** (1) It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:

- (a) While under the influence of alcoholic liquor or of any drug;
  - (b) When such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; or
  - (c) When such person has a concentration of ten-hundredth's of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.
- (2) Any person who operates or has in his or her actual physical control a motor vehicle in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood, breath, or urine for purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine.
  - (3) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of the Municipality may require any person arrested for any offense arising out of acts alleged to have been committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in the Municipality while under the influence of alcoholic liquor or drugs in violation of this section.
  - (4) Any peace officer who has been duly authorized to make arrests for violation of traffic laws of the state or of ordinances of the Municipality may require any person who operates or has in his or her actual physical control a motor vehicle in the Municipality to submit to a preliminary test of his or her breath for alcohol concentration if the officer has reasonable grounds to believe that such person has alcohol in his or her body, has committed a moving traffic violation, or has been involved in a traffic accident. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicated an alcohol concentration in violation of subsection (1) of this section shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of an offense.
  - (5) 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, breath, or urine for a determination of the concentration of alcohol or the presence of drugs. If the chemical test discloses the presence of a concentration of alcohol in violation of subsection (1) of this section, or if any person refuses to submit to such test or tests required pursuant to this section, such person shall be subject to the administrative

revocation procedures provided in section 60-6,205 to 60-6,208 RS Neb., and shall be guilty of an offense.

- (6) 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 section 60-6,201 RS Neb., for the test administered and the analysis thereof if such test was actually made. (*Ref. 60-6,196, 60-6,197, 60-6,203 RS Neb.*) (*Ord. No. 429, 8/2/94*)

**§6-438. MISDEMEANORS; LITTERING.** (1) 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:

- (a) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or
  - (b) The litter is placed in a receptacle or container installed on such property for such purpose.
- (2) The word litter as used in this section shall mean 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 as used in this section shall mean any material appearing in a place or in a context not associated with that material's function or origin.
  - (3) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or watercraft commits the offense of littering. (*Ref. 28-523 RS Neb.*) (*Ord. No. 451, 7/6/95*)

**§6-439. MISDEMEANORS; VIOLENCE ON A SERVICE DOG; INTERFERENCE WITH A SERVICE DOG.**

(1) A person commits the offense of violence on a service dog when he or she (a) intentionally injures, harasses, or threatens to injure or harass or (b) attempts to intentionally injure, harass, or threaten a dog that he or she knows or has reason to believe is a dog guide for a blind or visually impaired person, a hearing aid dog for a deaf or hearing-impaired person, or a service dog for a physically limited person.

(2) A person commits the offense of interference with a service dog when he or she (a) intentionally impedes, interferes, or threatens to impede or interfere or (b) attempts to intentionally impede, interfere, or threaten to impede or interfere with a dog that he or she knows or has reason to believe is a dog guide for a blind or visually impaired person, a hearing aid dog for a deaf or hearing-impaired person, or a service dog for a physically limited person.

(3) Evidence that the defendant initiated or continued conduct toward a dog as described in subsection (1) or (2) of this section after being requested to avoid or discontinue such conduct by the blind, visually impaired, deaf, hearing-impaired, or

physically limited person being served or assisted by the dog shall create a rebuttable presumption that the conduct of the defendant was initiated or continued intentionally.

(4) For purposes of this section:

(a) Blind person means a person with totally impaired vision or with vision, with or without correction, which is so severely impaired that the primary means of receiving information is through other sensory input, including but not limited to braille, mechanical reproduction, synthesized speech, or readers;

(b) Deaf person means a person with totally impaired hearing or with hearing, with or without amplification, which is so severely impaired that the primary means of receiving spoken language is through other sensory input, including but not limited to lip reading, sign language, finger spelling, or reading;

(c) Hearing-impaired person means a person who is unable to hear air conduction thresholds at an average of 40 decibels or greater in the person's better ear:

(d) Physically limited person means a person having limited ambulatory abilities, including but not limited to having a permanent impairment or condition that requires the person to use a wheelchair or to walk with difficulty or insecurity to the extent that the person is insecure or exposed to danger; and

(e) Visually impaired person means a person having a visual acuity of 20/200 or less in the person's better eye with correction or having a limitation to the person's field of vision so that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees. (*Neb. RS 28-1009.01*) (*Ord. No. 531, 8/4/98*)

## **§ 6-440 MISDEMEANORS; SEXUAL PREDATORS/SEX OFFENDERS; REGISTRATION; PROHIBITED ACTS.**

(1) *Findings and Intent.*

(a) The Nebraska Legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons place of residency as provided in the Sexual Predator Residency Restriction Act.

(b) Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant.

(c) It is the intent of this section to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

(2) *Definitions.* For purposes of this section, the following definitions shall apply:

**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 one location, and may be mobile or transitory.

**RESIDENCE.** A place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory.

**SCHOOL.** A public, private, denominational, or parochial school which meets the requirements for state accreditation or approval prescribed in Chapter 79 RS Neb.

**SEX OFFENDER.** An individual who has been convicted of a crime listed in section 29-4003 RS Neb. 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 section 29-4001.01, and who has victimized a person eighteen (18) years of age or younger.

*(3) Sexual Predator Residency Restrictions; Exceptions; Penalties.*

*(a) Prohibited Location of Residence; Exceptions.* It is unlawful for any sexual predator to reside within five hundred (500) feet of a school or child care facility. This section shall not apply to a sexual predator who:

*(i)* Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;

*(ii)* Established a residence before July 1, 2006, and has not moved from that residence; or

*(iii)* 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.

*(b) Measure of Distance.* 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.

*(c) Penalties.* A person who violates this section shall be punished as provided generally in the code. *(Ref 29-4015 to 29-4017 RS Neb.) (Ord. No. 581, 7/11/06, Amended by Ord. No. 616, 7/3/12)*

**Article 5. Penal Provisions**

**§6-501 VIOLATION: PENALTY.** *(Repealed by Ord. No. 587, 1-08-08. See §12-101)*

**§6-502. ABATEMENT OF NUISANCE.** Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case. *(Ref. 18-1720, 18-1722 RS Neb.)*