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CHAPTER II

MISDEMEANORS

ARTICLE I - MISDEMEANORS

SECTION 2-101: DRINKING AND POSSESSION OF ALCOHOLIC LIQUORS ON STREETS, IN PUBLIC PLACES OR ON PUBLIC PROPERTY

It shall be unlawful for any person to drink alcoholic liquor of any kind or to have in his/her possession or upon his/her person any bottle or receptacle containing alcoholic liquors which is open or has been opened, or the seal of which has been broken, or the contents of which have been partially removed or consumed, while on the streets or alleys, or upon property used or owned by the government of the United States, the State of Nebraska, or any governmental subdivision thereof, or in theaters, dance halls or in any other place open to or frequented by the public within said village, unless such premises are licensed for such purposes by the State of Nebraska or unless a special permit has been granted for the same by the Village Board.

Upon application for a special permit for the consumption of alcoholic liquor on public streets or other public places, the Village Board may permit such consumption on such terms and conditions as it may determine. For such permit to be issued, written application must be made to the village clerk and the same must be acted upon at a special or regular meeting of the Village Board. The terms and conditions for issuance of a special permit shall be set forth in the minutes of the meeting at which such application is considered.

SECTION 2-102: DISTURBING THE PEACE

It shall be unlawful for any person to disturb the peace and quiet of any person, family, neighborhood or public assembly, or to make any loud, boisterous or unusual noise, or to quarrel, curse, swear or use obscene or indecent language within this village.

SECTION 2-103: EXCESSIVE NOISE

It is hereby determined to be unlawful to operate industrial equipment, heavy machinery, jack hammers and other industrial equipment emitting loud noise or to race automobile engines within the Village between the hours of 8:00 P.M. and 7:00 A.M. in such a manner as to disturb the comfort, repose, peace and quiet of residents of the Village, unless such activity has been approved in advance by the Village Board.

SECTION 2-104: DISORDERLY CONDUCT

It shall be unlawful for any person to engage in any riotous or disorderly conduct,

or to fight, strike or assault another person in a threatening manner, or to do or engage in any other disorderly act within said village.

Source: Neb. Rev. Stat. §17-556

SECTION 2-105: 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.

SECTION 2-106: TRESPASSING

It shall be unlawful for any person to trespass upon any private grounds within the Village, 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.

SECTION 2-107: WINDOW PEEPING

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

SECTION 2-108: NON-LICENSED GAMBLING OPERATIONS

It shall be unlawful for any person or organization to operate or permit to be operated in this village any lottery, game of chance or gambling device of any kind unless the same is licensed, regulated and operated pursuant to Nebraska law.

SECTION 2-109: GAMBLING

It shall be unlawful for any person to participate in any lottery or game of chance except bingo in this village unless authorized and licensed by state law.

Source: Neb. Rev. Stat. §28-1101 through 28-1104

SECTION 2-110: STALKING

Any person who willfully and maliciously harasses another person with the intent to terrify, threaten or intimidate commits the offense of stalking. For purposes of this section, "harass" shall mean to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens or intimidates the person and which serves no legitimate purpose, and "course of conduct" shall mean a pattern of conduct composed of a series of acts of following, detaining, restraining the personal liberty of or stalking the person or repetitiously telephoning the person.

SECTION 2-111: INDECENT EXPOSURE OF PERSON; PUBLIC URINATION;
INDECENT BOOK, PICTURE, PLAY OR DESIGN

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

SECTION 2-112: RESISTING OR FAILING TO ASSIST OFFICER

It shall be unlawful for any person in this village to hinder, obstruct or resist any police officer or policeman in making any arrest or performing any duty of his/her office, or to refuse or neglect to assist any such officer when called upon by him/her in making of any arrest or the conveying of a prisoner to jail.

Source: Neb. Rev. Stat. §28-903, 28-904

SECTION 2-113: IMPERSONATING OFFICER

It shall be unlawful for any person in said village, other than a regular policeman or other authorized officer or employee of the village, to wear a badge similar to or resembling the badges prescribed for or furnished to the police force or any other officer or employee of the village, or to willfully impersonate or endeavor to impersonate any such policeman, officer or employee or seek to exercise authority as such.

Source: Neb. Rev. Stat. §28-610

SECTION 2-114: LITTERING

No person shall throw or deposit or accumulate upon any street, public way or lot or parcel of ground in the Village:

A. Any glass bottle, glass, nails, tacks, wire, cans or other substance likely to injure any person or animal or damage any vehicle upon the street, public way or other property;

B. Materials that may make the street, public way or property unsightly, such as rubbish, sewage, garbage, paper or any other material of such nature.

Any person who deposits or permits to be deposited upon any street, public way or other property any litter or destructive or injurious material shall immediately remove such or cause it to be removed so as to abate any nuisance occasioned thereby.

Any person who removes a wrecked or damaged vehicle from a street shall also remove any glass or other injurious substances deposited on the street from such vehicle.

If the owner fails to remove such litter after five days' notice by publication and by certified mail, the village sewer commissioner or the village police shall remove or cause the litter to be removed and shall assess the cost thereof against the property so benefited.

Source: Neb. Rev. Stat. §28-523

SECTION 2-115: DISCHARGE OF FIREARMS

It shall be unlawful for any person, except an officer of the law in the discharge of his/her official duties, to fire or discharge any gun, pistol or other firearm within the Village; provided nothing herein shall be construed to apply to any licensed shooting gallery or to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the chairman and Board of Trustees.

Source: Neb. Rev. Stat. §17-556

SECTION 2-116: DISCHARGE OF SLINGSHOTS, PAINTBALL GUNS, BLOW GUNS, AIR RIFLES OR SIMILAR INSTRUMENTS

It shall be unlawful for any person to discharge a slingshot, paint ball gun, blow gun, air rifle or other like instruments capable of launching a dangerous projectile therefrom at any time or under any circumstances within the Village.

SECTION 2-117: APPLIANCES IN YARD

It shall be unlawful for any person to permit any household appliance to be stored in the open on private or public property.

Source: Neb. Rev. Stat. §18-1720

SECTION 2-118: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS

It shall be unlawful for any person to operate any radio, tape player, compact disc player, stereophonic sound system or similar device which reproduces or amplifies radio broadcasts or musical recordings in or upon any street, alley or other public place in such a manner as to be audible to other persons more than 50 feet from the source. Persons operating such devices while participating in licensed or permitted activities, such as parades, shall not be deemed in violation of this section.

SECTION 2-119: 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.

SECTION 2-120: OBSTRUCTIONS IN CURBS AND GUTTERS

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

2. It shall be unlawful for any person to place, permit or allow leaves, grass clippings and any other yard waste in curbs and gutters within the streets of the Village of Cairo.

(Am. Ord. No. 396, 3/11/08)

SECTION 2-121: SEXUAL PREDATOR; DEFINITIONS

1. "Child Care Facility" means a facility licensed pursuant to the Nebraska Child Care Licensing Act.

2. "School" means a public, private, denominational, or parochial school which meets the requirements for accreditation or approval prescribed by Nebraska Law.

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

4. "Sexual predator" means an individual who is required to register under the Nebraska Sex Offender Registration Act, who has a high risk of recidivism as determined by the Nebraska State Patrol and who has victimized a person eighteen years of age or younger.

(Ord. No. 379, 8/8/06)

SECTION 2-122: SEXUAL PREDATOR; RESIDENCY RESTRICTIONS

1. It is hereby is determined unlawful for any sexual predator to reside within 500 feet from a school or child care facility.

2. For the purpose of determining the minimum distance separation, the distance shall be measured in a straight line outward from the outer property line of the school or child care facility to the proposed place of residence.

(Ord. No. 379, 8/8/06)

SECTION 2-123: SEXUAL PREDATOR; EXCEPTIONS

These restrictions shall not apply to sexual predators who reside within a prison or correctional or treatment facility operated by the state or county or to anyone who established a residency within such minimum distance before July 1, 2006, and has not moved from that residence since that date or who has established a residence subsequent to July 1, 2006, but a school or child care facility has been established since such date within such minimum distance. (Ord. No. 379, 8/8/06)

SECTION 2-124: DEAD OR DISEASED TREES OR SHRUBS

1. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees or shrubs within the right-of-way of streets within the corporate limits of the Village.

2. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees or shrubs on private property within the corporate limits of the Village. For the purpose of carrying out the provisions of this section, the Village shall have the authority to enter upon private property to inspect the trees thereon.

3. Whenever any certified arborist shall file with the Village Board a statement in writing based upon a laboratory test or other supporting evidence that trees or tree materials or shrubs located upon private property or village easements within the Village are infected with or harbor any tree or plant disease or insect or larvae, the uncontrolled presence of which may constitute a hazard to or result in the damage or extinction of other trees or shrubs in the community, describing the same and where located, the board shall direct the village clerk to forthwith issue notice requiring the owner or agent of the owner of the premises to treat or remove any such designated tree, tree material or shrub within a time specified in the notice.

4. The Village shall have the right to cause the removal of any dead or diseased trees or shrubs on private property within the Village when such trees or shrubs constitute a hazard to life and property or harbor insects or disease which constitutes a potential treat to other trees or shrubs. This includes trees or shrubs that are located on a village easement; and the adjacent property owners shall be responsible for the cost of treatment or removal of any such trees or shrubs. The Village will notify in writing the owners of such trees or shrubs by certified mail. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees or shrubs and charge the cost of removal on the owner's property tax notice.

Source: Neb. Rev. Stat. §17-555, 18-1720, 28-1321 (Ord. No. 458, 12/11/17)

ARTICLE II - CURFEW

SECTION 2-201: CURFEW HOURS

It shall be unlawful for any person under the age of 17 years to loiter, idle, wander, stroll, play or be in or upon the public streets, public places and public buildings, places of amusement and entertainment, vacant buildings or vacant lots or operate any bicycle or other vehicle, in, upon, over or through the streets of other public places of the Village between the hours of 10:30 P.M and 6:00 A.M. of the following day, Sunday through Thursday, and between 12:00 A.M and 6:00 A.M. on Friday and Saturday, unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of said minor person or unless the minor person is upon an emergency errand or legitimate business directed by his/her parents, guardian or legal custodian, except as hereinafter provided.

SECTION 2-202: CURFEW HOURS EXTENDED

Nothing herein contained shall prohibit said minor persons from attending special school functions or adult-supervised entertainment conducted by any school, church or fraternal organization which continue beyond the curfew hours as set out in Section 2-201 above. In all such cases the hours herein prohibited shall be extended for those minors attending said special social functions or entertainment one hour after the closing of said special function.

SECTION 2-203: VIOLATION; PARENTAL LIABILITY

It shall be unlawful for the parent, guardian or other adult person having the care and custody of minors under the age of 18 years to allow or permit said minor persons to do any of the acts or things prohibited by Section 2-201 or 2-202 of this article.

SECTION 2-204: ENFORCEMENT; POLICE AUTHORIZATION

Every member of the police force, while on duty, shall be authorized to detain any such minor willfully violating the provisions of this ordinance, and upon apprehension of said minor shall forthwith notify the parents or legal guardians or person in custody of said minor child by telephone or other appropriate means.

SECTION 2-205: PENALTIES

Any violation of the foregoing provisions of this article shall constitute a misdemeanor and shall be punishable by a warning for the first offense and a fine of \$10.00 for the second offense. A third and any subsequent violation shall constitute a violation of Section 2-203 and the parents of said child shall be determined to be guilty of a misdemeanor.

ARTICLE III – DOGS AND CATS

SECTION 2-301: OWNER DEFINED

Any person who shall feed, shelter or permit any dog or cat to be present in or about his/her house, store or enclosure for a period of ten or more days shall be deemed the owner of such dog or cat and shall be bound by all of the rules and regulations hereafter and shall be liable for all penalties herein described.

SECTION 2-302: DOGS; LICENSING

1. Any person who shall own, keep or harbor a dog over the age of three months within the Village shall, within 30 days after acquisition of the said dog, acquire a license for each such dog annually on or before January 1 each year. Said tax shall be delinquent from and after February 1 each year; provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to January 1 of any year shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within 30 days thereafter. Licenses shall be issued by the village clerk upon the payment of a license fee for each dog if paid when due, and a fee for each dog when delinquent. Such fees shall be as set by the Village Board and filed in the office of the village clerk. Said license shall not be transferable. At the time the application is made, upon a printed form provided for such purpose, the owner shall state his/her name and address and the name, breed, color and sex of each dog owned and kept by him/her. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented with the license application and no license or tag shall be issued until the certificate is shown.

2. Upon proper application and proof of rabies shots, the village clerk shall issue to the owner of the dog a license certificate and a metallic tag for each dog so licensed. The tag shall be properly attached to the collar or harness of each dog so licensed and shall entitle the owner to keep or harbor the said dog until December 31 of the same year of such licensing. It shall be the duty of the village clerk to issue tags of a suitable design that are different in appearance each year.

3. Any dog found running at large upon the streets and public grounds of the Village without a current license tag affixed as required in this article is hereby declared a public nuisance and shall be impounded pursuant to Section 2-319 hereafter.

Source: Neb. Rev. Stat. §17-526, 54-603 (Am. by Ord. No. 440, 6/9/15)

SECTION 2-303: DOGS; WRONGFUL LICENSING

It shall be unlawful for the owner, keeper or harbinger of any dog to permit or allow such dog to wear any license, metallic tag or other village identification other

than that issued by the village clerk for dogs. (Am. by Ord. No. 440, 6/9/15)

SECTION 2-304: DOGS; REMOVAL OF TAGS

It shall be unlawful for any person to remove or cause to be removed the collar, harness or metallic tag from any licensed dog without the consent of the owner, keeper or possessor thereof. (Am. by Ord. No. 440, 6/9/15)

SECTION 2-305: CATS; REGISTRATION

1. Any person who shall own, keep or harbor a cat over the age of three months shall, within 30 days after acquisition of the said cat, register each such cat. Said registration shall be required one time only as a means to distinguish a domesticated cat from a stray or feral cat. A registration fee shall be assessed as set by the Village Board and filed in the office of the village clerk. At the time the application is made, upon a printed form provided for such purpose, the owner shall state his/her name and address and the name, color and sex of such cat. Upon proper application, the village clerk shall issue to the owner of the cat a metallic tag which shall be properly attached to the collar of the cat so registered. Unregistered cats shall be impounded as provided in Section 2-319. It shall be the duty of the village clerk to issue tags of a suitable design.

2. There shall be a limit of three cats and/or kittens per household within the Village; provided, the offspring of any female cat shall not count toward the maximum number of cats allowed for a period of four months after the birth of the kittens.

(Ord. No. 441, 8/11/15)

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SECTION 2-306: DOGS; BARKING AND OFFENSIVE BEHAVIOR

It shall be unlawful for any person to own, keep or harbor any dog which by loud, continued or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person, or which habitually barks or chases pedestrians, vehicles or riders of horses while they are on any public sidewalks, streets or alleys in the Village. Upon the written complaint of any affected person filed with the village police that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, the village police shall investigate the complaint and, if in his/her opinion the situation warrants, shall notify the owner to silence and restrain such dog. In the event that the owner fails to silence such dog the owner shall be issued a citation for violation of this section.

Source: Neb. Rev. Stat. §17-526

SECTION 2-307: RUNNING AT LARGE

"Running at large" shall mean any dog or cat found off the premises of the owner and not under the control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. It shall be unlawful for the owner of any dog or cat to suffer or permit such dog or cat to run at large within said village, and every dog or cat found running at large in violation hereof is declared to be a public nuisance and may be picked up and impounded as provided for in Section 2-319 of this article.

SECTION 2-308: DAMAGE BY DOG OR CAT; LIABILITY OF OWNER

It shall be unlawful for any person to allow a dog or cat owned, kept or harbored by him/her, or under his/her charge or control, to injure or destroy any real or personal property of any description belonging to another person. The owner of

any such dog or cat, in addition to the usual judgment upon conviction, shall be liable to the persons so injured in an amount equal to the value of the damage so sustained.

SECTION 2-309: FIGHTING DOGS

It shall be unlawful for any person, by agreement or otherwise, to set dogs to fighting, or by any gesture or word to encourage the same to fight.

SECTION 2-310: KILLING AND POISONING

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

SECTION 2-311: DANGEROUS DOGS; DEFINITIONS

"Animal Control Authority" shall mean the Village Board of Cairo.

"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 act or any other law or ordinance relating to the licensing, control, or seizure and impoundment of animals, and shall include any state or local law enforcement personnel or other employees whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

"Dangerous dog" shall mean any dog that:

1. has killed or inflicted injury on a human being on public or private property;
2. has killed or injured a domestic animal while the dog was off the owner's property.

A dog shall not be defined as a dangerous dog if any threat or any damage was sustained by a person who, at the time, was committing a willful trespass or any other tort upon the property owner of the dog; nor shall a dog be considered a dangerous dog if the dog was provoked or abused by the party complaining.

"Domestic animal" shall mean a cat, a dog or livestock.

"Owner" shall mean any person, firm, corporation, organization, political subdivision or department possessing, harboring, keeping or having control or custody of a dog.

"Injury" shall mean any physical injury that results in lacerations, or one or more broken bones, or that creates a potential danger to the life or health of the victim.

Source: Neb. Rev. Stat. §54-617

SECTION 2-312: DANGEROUS AND POTENTIALLY DANGEROUS DOGS; CONFINED

While unattended on the owner's property, a dangerous dog or potentially dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The owner of a dangerous dog or potentially 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 or potentially dangerous dog is on the property.

Source: Neb. Rev. Stat. §54-619

SECTION 2-313: DANGEROUS DOGS; FAILURE TO COMPLY

Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article, and said officer may enter upon private property in order to confiscate the animal. In lieu of confiscation, the animal control officer may immediately destroy the dangerous dog if it poses a threat of harm to said officer or any other person or property. The owner shall be responsible for the costs incurred by the Animal Control Authority for the care and boarding of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the owner violated this article.

Source: Neb. Rev. Stat. §54-620

SECTION 2-314: RABIES VACCINATION

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

SECTION 2-315: RABIES SUSPECTED; IMPOUNDMENT

Any dog or other animal suspected of being afflicted with rabies or any dog not

vaccinated in accordance with the provisions set forth above which has bitten any person or has caused an abrasion of the skin of any person shall be seized by a police officer or animal control officer of this village and shall be impounded under the supervision of a licensed veterinarian or public health authority for not less than ten days. If, upon examination by a veterinarian, the dog or other animal has no clinical signs of rabies at the end of such impoundment, it shall be released to the owner upon payment of the costs of said impoundment by said owner or, in the case of a stray, shall be disposed of in whatever manner deemed best by the village police officer.

Source: Neb. Rev. Stat. §71-4406

SECTION 2-316: RABID ANIMALS; CAPTURE IMPOSSIBLE

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

SECTION 2-317: RABID DOGS; PROCLAMATION

It shall be the duty of the Village Board whenever, in its opinion, the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping or harboring any dog to muzzle the same, or to confine it for a period of not less than 30 days or more than 90 days from the date of such proclamation, or until such danger is past. Such dogs may be harbored by any good and sufficient means in a house, garage or yard on the premises wherein the said owner may reside. Upon issuance of the proclamation, it shall be the duty of all persons owning, keeping or harboring any dog to confine the same as herein provided.

SECTION 2-318: INTERFERENCE WITH POLICE

It shall be unlawful for any person to hinder, delay or interfere with any animal control officer who is performing any duty enjoined upon him/her by the provisions of this article, or to break open or in any manner directly or indirectly aid, counsel or advise the breaking open of the village animal shelter, any ambulance wagon or other vehicle used for the collecting or conveying of dogs or cats to the shelter.

Source: Neb. Rev. Stat. §28-906

SECTION 2-319: IMPOUNDING

1. It shall be the duty of the animal control officer to capture, secure and remove in a humane manner to the designated village animal shelter any dog or cat violating any of the provisions of this article. The dogs or cats so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day, and may be transported to a veterinarian clinic for

safekeeping. Each impounded dog or cat shall be kept and maintained at the pound for a period of not less than three days after the public notice has been given, unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the village clerk within 24 hours after impoundment as public notification of such impoundment.

2. Any dog or cat may be reclaimed by its owner during the period of impoundment by payment of an impounding fee which shall be imposed upon the owner of said dog or cat by the Village and paid by the owner to the Village before release of the animal from the Village's appointed animal control shelter. Other fees may be charged to the owner of said dog or cat if charged to the Village by the said shelter, which fees shall also be paid in full prior to the animal's release. All fees shall be as set by resolution of the City Council and maintained on file in the office of the village clerk. The owner shall be required to comply with the rabies vaccination requirements within 72 hours after release.

3. If the dog or cat is not claimed at the end of the required waiting period after public notice has been given, the animal control officer shall dispose of the dog or cat in accordance with the applicable rules and regulations pertaining to the same; provided, if in the judgment of the animal control officer a suitable home can be found for any such dog or cat within or without the Village, the said dog or cat shall be turned over to that person; and the new owner shall then be required to neuter such animal, pay all fees and meet all licensing and vaccinating requirements provided in this article.

4. The Village shall acquire legal title to any unlicensed dog or cat impounded in the animal shelter for a period longer than the required waiting period after giving notice. All dogs or cats shall be destroyed and buried in a humane manner, unless a suitable home can be found for such dog or cat.

Source: Neb. Rev. Stat. §17-548, 71-4408 (Am. Ord. No. 469, 9/10/19)

SECTION 2-320: PENALTIES

In addition to any other penalty provided by this article, any person or owner of a dog who shall violate any provisions of this article shall be fined not less than \$10.00 nor more than \$500.00. Each day's violation of this article shall constitute a separate offense and may be prosecuted as such.

ARTICLE IV - ANIMALS AND FOWL

SECTION 2-401: ANIMALS; PROHIBITED

The keeping, running at large, or herding of horses, mules, cattle, hogs, sheep or goats upon the streets, avenues, alleys, parks, public or private grounds within the corporate limits of the Village is hereby prohibited and declared to be a nuisance; provided that this prohibition shall not apply to the keeping of such animals in the Village for temporary periods of time in conjunction within official fairs or stock shows.

SECTION 2-402: FOWL; PROHIBITED

The keeping or running at large of chickens, ducks, geese, turkeys, guinea fowls, or any other fowls upon public or private grounds within the corporate limits of the Village is hereby prohibited and declared to be a nuisance; provided, this prohibition shall not apply to the keeping, within residences, of song birds and other similar pet birds.

SECTION 2-403: CRUELTY TO ANIMALS

No person shall cruelly or unnecessarily beat, overwork or insufficiently shelter or feed any animal within the Village.

A person commits cruelty to animals if, except as otherwise authorized by law, he/she intentionally or recklessly:

1. Subjects any animal to cruel mistreatment, which consists of every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering;
2. Subjects any animal in his/her custody to cruel neglect, which consists of a failure to provide food, water, protection from the elements, opportunity to exercise, or other care normal, usual and proper for an animal's health and well being;
3. Abandons any animal, which means the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care;
4. Kills or injures any animal belonging to another. No person shall kill or injure any animal by any manner unless the animal is vicious or dangerous and cannot be captured without danger to the persons attempting to effect a capture of the said animal.

Source: Neb. Rev. Stat. §28-552, 28-553

ARTICLE V - NUISANCES

(Article am. by Ord. No. 420, 2/14/12)

SECTION 2-501: MAINTAINING A NUISANCE

It shall be unlawful for any person to erect, keep up or continue and maintain any nuisance within the corporate limits of the Village to the injury of any part of the citizens of the Village.

SECTION 2-502: LITTER, WEEDS, STAGNANT WATER

A. 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 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*).

B. Lots or pieces of ground within the Village shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon. Permitting or maintaining the accumulation of stagnant water on any lot or piece of ground within the Village is prohibited and declared a nuisance.

C. The throwing, depositing, or accumulation of litter on any lot or piece of ground within the Village is prohibited and declared a public nuisance except when deposited in proper receptacles; provided, 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 on any lot or piece of ground located within the corporate limits during any calendar year

if, within the same calendar year, the Village has previously acted to remove weeds, grasses, or worthless vegetation exceeding 12 inches in height on the same lot or piece of ground and had to seek recovery of the costs and expenses of such work from the owner. The cost per occurrence for the village to perform mowing services will be a fee as set by resolution of the Village Board and kept on file in the office of the village clerk. If not paid within 30 days, the owner or occupant will be assessed an additional fee per month until the bill is paid in full. If the bill is not paid within 60 to 90 days, it will be turned over to a collection company. (Am. Ord. No. 474, 11/12/19)

E. Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this ordinance, shall be guilty of an offense.

F. 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 Village or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. Within 15 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 Village or fails to comply with the order to abate and remove the nuisance, the Village may have such work done. The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the Village may either (1) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (2) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

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SECTION 2-503: GARBAGE AND REFUSE

A. *Collection and Removal.* The Village Board 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 Village may require the owner's duly authorized agent or tenant of such lot or land to remove the garbage or refuse from such lot or land and streets, roads, or alleys.

B. *Notice.* Notice that the 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. Such notice shall be provided by personal service or by certified mail. After providing such notice, the Village through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse or cause it to be removed from such lot or land and streets, roads, or alleys.

C. *Removal by Village.* If the chairman declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the Village shall remove the garbage or refuse or cause it to be removed from such lot or land within 48 hours after notice

by personal service or following receipt of a certified letter in accordance with subsection (B) above if garbage or refuse has not been removed.

D. *Lien*. Whenever the Village removes any garbage or refuse or causes it to be removed from any lot or land pursuant to this article, it shall, after a hearing conducted by the Village Board, assess the cost of removal against such lot or land.

(Neb. Rev. Stat. §18-1752)

SECTION 2-504: JUNK VEHICLES; VIOLATION, PENALTY

A. It shall be unlawful to store or keep rusted, wrecked, junked or partially dismantled automobiles on private property. It shall be unlawful to deposit, park, place, permit to remain, store or have any motor vehicle or parts thereof or portions therefrom which are in a rusted, wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not; or for the owner of any such vehicle or the owner or occupant of any property to permit or suffer the same to be left on any property unless the same be authorized in conjunction with a business properly operated pursuant to and in compliance with all applicable provisions of the ordinances of the Village, or unless such vehicles are located entirely within a fenced enclosure at least 6 feet high or a garage so as not to be visible from adjoining public or private property, or unless a conditional use permit has been obtained pursuant to the applicable provisions of the ordinances of the Village. A motor vehicle which does not have affixed thereto a valid current Nebraska motor vehicle license will be presumed to be junked, inoperative or abandoned.

B. Any person violating the provisions of this article shall upon conviction be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed \$500.00, together with court costs.

SECTION 2-505: JUNK VEHICLES; CONDITIONAL USE PERMITS

Any person desiring to commence or proceed to repair, restore a motor vehicle which would otherwise be defined in Section 2-502(A)(1) or cause the same to be done shall file with the village clerk an application for a conditional use permit. The application shall be in writing on a form to be furnished by the clerk. Every such application shall set forth the vehicle identification number upon which the restoration or repair is to be done, the name of the owner, the length of estimated time for the repair and the nature of the repair or restoration, and such other information as may be requested thereon. The application and plan so filed with the village clerk shall be checked and examined by the Village Board and if they are found to be in conformity with the requirements of all other applicable ordinances, the Board shall authorize the village clerk to issue the said applicant a permit upon the payment of the permit fee set by resolution of the Village Board.

SECTION 2-506: DANGEROUS BUILDINGS; DEFINITIONS

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

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

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

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

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

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

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

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

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

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

J. Those that, due to their condition or because of a lack of doors or windows, readily admit birds and animals or are attractions for children or other persons to enter;

K. Those having been inspected by a specially appointed building inspector or a professional engineer appointed by the Village which are, after inspection

tion, deemed to be structurally unsafe or unsound as found by the inspection of such building inspector or professional engineer;

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

SECTION 2-507: DANGEROUS BUILDINGS; STANDARDS

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

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

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

C. In any case where an unsafe or dangerous building or structure cannot be repaired so that it will no longer exist in violation of the terms or provisions of this article, it shall be demolished. In all cases where the unsafe or dangerous building is a fire hazard existing or erected in violation of the applicable fire codes and regulations or any other provision of a village ordinance or state statute, it shall be demolished.

SECTION 2-508: DANGEROUS BUILDINGS; PUBLIC NUISANCE

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

SECTION 2-509: DANGEROUS BUILDINGS; BUILDING INSPECTOR

The Village Board may appoint a special building inspector or professional engineer who shall, at the direction of the Board:

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

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

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

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

SECTION 2-510: DANGEROUS BUILDINGS; NUISANCE; PROCEDURE

If the special building inspector or professional engineer designated by the Village Board finds that a building or structure is unsafe or dangerous and a nuisance, the Board shall:

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

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

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

SECTION 2-511: DANGEROUS BUILDINGS; DISPUTES

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

meeting.

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

SECTION 2-512: DANGEROUS BUILDINGS; APPEAL

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

SECTION 2-513: DANGEROUS BUILDINGS; FAILURE TO COMPLY

In case any owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure shall fail, neglect, or refuse to comply with the notice by or on behalf of the Village to repair, rehabilitate or demolish and remove a building or structure which is unsafe or dangerous and a public nuisance, the Village may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Village Board, which is authorized to levy the cost as a special assessment against the property. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments under Nebraska statutes. In addition, the Village may bring a civil action against the offending party to recover the cost of the work.

SECTION 2-514: DANGEROUS BUILDINGS; IMMEDIATE HAZARD

In the event the building constitutes an immediate hazard to the life or safety of any persons and must be demolished to protect their health or safety, a specially appointed building inspector or a professional engineer designated by the Village Board shall report such facts to the Village Board, which shall follow the procedures set forth in state statutes. The Village, by and through the Village Board, may immediately contract for the immediate demolition of the unsafe or dangerous building without requiring bids. The cost of such emergency vacation and demolition of unsafe or dangerous buildings or structures shall be levied, equalized and assessed as are other special assessments.

SECTION 2-515: JURISDICTION

The chairman and Hall County sheriff are directed to enforce this municipal code against all nuisances. The jurisdiction of the chairman, Hall County sheriff and court shall extend to, and the territorial application of this chapter shall include, all territory adjacent to the limits of the Village within one mile thereof and all territory within the corporate limits. (Neb. Rev. Stat. §18-1720)

SECTION 2-516: ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in this chapter, the Village may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. Whenever in any action it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case. (Neb. Rev. Stat. §18-1720; 18-1722)

ARTICLE VI - PENAL PROVISION

SECTION 2-601: VIOLATION; PENALTY

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

