

## **CHAPTER II MISDEMEANORS**

### **ARTICLE I - MISDEMEANORS**

#### **SECTION 2-101: DRINKING ON STREETS, IN PUBLIC PLACES OR ON PUBLIC PROPERTY; PERMITS FOR; APPLICATION**

It shall be unlawful for any person to drink alcoholic liquor of any kind 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 city, 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 City Council.

Upon application for a special permit for the consumption of alcoholic liquor on public streets or other public places, the City Council 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 city clerk and the same must be acted upon at a special or regular meeting of the City Council. 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: EXCESSIVE NOISE CONTROL**

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

#### **SECTION 2-103: LITTERING**

It shall be unlawful for any person to throw, cast, lay or drop on any public way or property any paper, scrap material or other waste whatsoever.

#### **SECTION 2-104: APPLIANCES IN YARD**

It shall be unlawful for any person to permit a refrigerator, icebox, freezer or any other appliance to be outside of an enclosed structure and accessible to children whether on private or public property, unless he/she shall first remove all doors and make the same reasonably safe.

#### **SECTION 2-105: CLIMBING ON BUILDINGS**

It shall be unlawful for any person to climb upon or to be upon the roof, window ledges or projections of any building within the corporate limits of the City without having first obtained permission from the owner or occupant of such building.

#### SECTION 2-106: DROPPING OBJECTS

It shall be unlawful for any person to injure, endanger or annoy any person walking or in any other manner proceeding along a street, alley or other public place in the City by throwing or dropping, or threatening to throw or drop, any material or substance of any kind from the roof or upper part of any building upon, at, or near such person walking or proceeding along said street, alley or public place.

#### SECTION 2-107: SIDEWALK SOLICITING

It shall hereafter be declared unlawful for any persons, firm or corporation to offer for sale or sell, barter or trade any article, commodity or thing of any nature whatsoever upon any of the following streets or the sidewalks or curbs within the City, except by special permit of the City Council; provided, however, that this section shall not apply to the sale of tickets or token of appreciation on the sidewalks adjacent to philanthropic institutions.

## ARTICLE II - CURFEW

### SECTION 2-201: DEFINITIONS

"Minor child" is defined as any person who is less than 18 years of age.

"Week nights" are defined as commencing at 10:30 P.M. on Sunday and concluding at 6:00 A.M. on Friday.

"Weekends" are defined as commencing at 6:00 A.M. on Friday and concluding at 10:30 P.M. on Sunday.

### SECTION 2-202: CURFEW HOURS

1. It shall be unlawful for any person less than 18 years of age 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 lots, or other unsupervised places, or to ride in or upon, drive or otherwise operate, any bicycle or any vehicle, in, upon, over or through said streets, alleys or other public places or unsupervised places of the City from 10:30 P.M. to 6:00 A.M. on week nights or between 12:01 A.M. and 6:00 A.M. on weekends, unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of such minor child; provided, however, that should any minor person show that said minor person is upon an emergency errand as directed by his/her parent, guardian or legal custodian, he/she shall be permitted to promptly complete such emergency errand. Additionally, should the minor person show that he/she is attending a special and adult supervised function conducted by any school, church or fraternal organization which continues beyond 10:30 P.M., said minor child's curfew shall be extended by ½ hour after the closing of such special function. It is further provided that a minor child traveling to, from or during lawful employment shall be exempt from the provisions hereof, provided that he/she follows the most direct route to, from or during such employment.

2. Provided further, it shall be unlawful for any person less than 14 years of age 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 lots or other unsupervised places, or to ride in or upon, drive or otherwise operate any bicycle or any vehicle in, upon, over or through said streets, alleys or other public places or unsupervised places of the City from 10:30 P.M. to 6:00 A.M. on week nights or weekends, unless such child is accompanied by a parent, guardian, or other adult person having the legal care and custody of such minor child; provided, however, that should any minor person show that said minor person is upon an emergency errand as directed by his/her parent, guardian or legal custodian, he/she shall be permitted to promptly complete such emergency errand. Additionally, should the minor person show that he/she is attending a special and adult supervised function conducted by any school, church or fraternal organization which continues beyond 10:30 P.M., said minor child's curfew shall be extended by ½ hour after the closing of such special function. It is further provided that a minor child traveling to, from or during lawful employment shall be

exempt from the provisions hereof, provided that he/she follows the most direct route to, from or during such employment.

#### SECTION 2-203: ISSUANCE OF CITATION

Every law enforcement officer within the City is hereby authorized to issue a citation to the minor and/or parent, guardian or person with the legal care and custody of any minor child in violation of the provisions of this article within the officer's discretion.

#### SECTION 2-204: PARTIES LIABLE

It shall be unlawful for the minor, parent, guardian or other adult person having the legal care and custody of a minor child under the ages described above to allow or permit such minor child to do any of the things or acts prohibited by Section 2-202 of this article between the hours set out therein.

#### SECTION 2-205: NOTIFICATION OF PARENTS

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

## ARTICLE III - DOGS

### SECTION 2-301: DEFINITIONS; GENERAL PROVISIONS

#### a) Adequate Shelter

Adequate shelter shall mean a physical structure available for use by an animal so that when factors related to the age, size, physical condition, medical condition, species and breed disposition are considered, the animal's well-being is not endangered by weather or environmental conditions.

#### b) Animal Control Authority

Animal Control Authority shall be the Chief of Police, the City Zoning Administrator, and a person to be appointed by the Mayor.

#### c) Animal Control Officer

Animal control officer shall mean any police officer and any person authorized by law or employed or appointed for the purpose of aiding in the enforcement of this section or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals.

#### d) Anti-escape

Anti-escape shall mean any housing, fencing or device which a dog cannot go over, under, through or around.

#### e) Residential Kennel

Residential kennel shall mean any premises where more than three, but not more than six dogs over the age of six months are owned, kept or harbored, provided, however, this definition shall not apply to zoos or to animal hospital operated by veterinarians duly licensed under the laws of the State of Nebraska.

#### f) Commercial Kennel

Commercial kennel shall mean any premises where more than six, but not more than ten dogs over the age of six months are owned, kept or harbored, provided, however this definition shall not apply to zoos or to animal hospital operated by veterinarians duly licensed under the laws of the State of Nebraska.

#### g) Dangerous Dog

Dangerous dog shall mean any dog that (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 according to this chapter and such dog subsequently bites, attacks or endangers the safety of humans or domestic animals. Under (a) and (c) herein, the dog shall not be considered a dangerous dog if the conduct of the dog in question is directed at a person:

(1) who, at the time, was committing a willful trespass or any other tort upon the property of the owner of the dog;

(2) who, at the time, was tormenting, abusing or assaulting the dog;

(3) who has, in the past, been observed or reported to have tormented abused or assaulted the dog; or

(4) who, at the time, was committing or attempting to commit a crime against the person, against public peace or relating to property.

The following breeds shall be considered dangerous dogs in addition to those defined above: Staffordshire bull terriers, American pit bull terriers, American Staffordshire terriers Rottweilers and any mixed breed dogs predominately of these breeds.

#### h) Keep or Harbor

Keep or harbor shall mean to have charge, custody or control of an animal or fowl, or permitting the same to habitually remain or be lodged or fed within the house, store, yard, enclosure or place of the owner or occupant of the premises.

#### i) Own

Own shall mean to own, keep, harbor, or have charge, custody or control of an animal or fowl.

#### j) Owner

Owner shall mean any person, firm, organization, association or corporation owning, possessing, keeping, harboring, or having charge, custody or control of any animal or fowl.

k) Potentially Dangerous Dog

Potentially dangerous dog shall mean:

(a) Any dog that when unprovoked

(1) inflicts a wound on a human or injures a domestic animal either on public or private property, or

(2) chases or approaches a person upon streets, sidewalks or any public grounds in an outward appearance of aggressive or dangerous behavior, or

(b) Any 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.

l) Run at Large

Run at large shall include any animal that is not under the actual control of its owner. An animal shall not be considered under the actual control of its owner unless on a leash, cord or chain which is securely fastened or picketed in a manner sufficient to keep the animal on the premises where picketed, or on a leash, cord or chain of six feet or less in length physically held by the owner or confined within a receptacle, enclosed vehicle, fenced enclosure or shelter or within the real property limits of the owner and in the owner's presence and under direct and effective voice control.

m) Authorized Distributor

An authorized distributor of dog licenses shall be any licensed veterinarian authorized to issue licenses by the City Council. This authority shall be conferred by a simple majority vote of the Council.

SECTION 2-302: LICENSING OF DOGS

Any person who shall own, keep or harbor a dog over the age of six months within the zoning jurisdiction of the City shall, within 30 days after acquisition of the said dog, acquire a license for each such dog annually by or before May 1 of each year. The said tax shall be delinquent from and after June 1; provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to May 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 ten days thereafter. The City Council may, as they deem necessary, provide public notice to the residents of the City about the licensing requirements of this provision. Licenses shall be issued by the Authorized Distributor upon this provision. Licenses shall be issued by the Authorized Distributor upon the payment of a license fee of \$3.00 for each neutered male dog and spayed female dog and \$5.00 for each un-neutered male dog and un-spayed female dog. When issued, such 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/her name and address and the name, breed, color and sex of each dog owned and kept by him/her. Evidence of vaccination for rabies shall be presented with the application for a license and shall be certified by a Central City veterinarian. No license shall be issued until such rabies vaccination certificate has been presented to the Authorized Distributor.

Upon presentation of the rabies vaccination certificate, and payment of the license fee, the Authorized Distributor shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tag shall be properly attached to the collar or harness of any dog so licensed and shall entitle the owner to keep or harbor the said dog until April 30 following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag issued in accordance with the provisions herein, the Authorized Distributor shall issue a duplicate or new tag for the balance of the year and may charge and collect a fee of \$0.50 for each such duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Authorized Distributor to issue tags of a suitable design that are different in appearance each year.

#### SECTION 2-303: 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 city identification than that issued by the Authorized Distributor for dogs, nor shall the owner, keeper or harbinger wrongfully and knowingly license an un-spayed female dog with a license prescribed for a male or spayed female dog.

#### SECTION 2-304: 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.

#### SECTION 2-305: UNLICENSED DOGS

All dogs found running at large upon the streets and public grounds within the zoning jurisdiction of the City without a license tag affixed as required in this article are hereby declared a public nuisance.

#### SECTION 2-306: BARKING AND OFFENSIVE DOGS PROHIBITED

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 or bicycles while they are on any public sidewalks, streets or alleys within the zoning jurisdiction of the City; provided, the provisions of this section shall not be constructed to apply to any city dog shelter.



## SECTION 2-307: DOGS RUNNING AT LARGE

It shall be unlawful for any person to suffer or permit any dog to run at large within the zoning jurisdiction of the City, and every dog found running at large in violation hereof is declared to be a public nuisance and may be picked up and impounded by the animal control officer.

#### SECTION 2-308: DANGEROUS DOGS ON OWNER'S PROPERTY; CONFINED

While unattended on the owner's property, a dangerous dog shall be securely confined in a humane manner, indoors or in an anti-escape locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping.

#### SECTION 2-309: DANGEROUS DOGS OFF OWNER'S PROPERTY; RESTRAINED

No owner of a potentially dangerous dog or a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash.

#### SECTION 2-310: DANGEROUS DOGS; FAILURE TO COMPLY

Any potentially dangerous dog or dangerous dog may be immediately confiscated by any 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 potentially dangerous dog or a dangerous dog confiscated by an animal control officer for the destruction of any dangerous dog if the owner violated this article.

#### SECTION 2-311: DANGEROUS DOGS; IMPOUNDMENT, DESTRUCTION

In addition to any other penalty, the Animal Control Authority shall order the city animal shelter to dispose of a dangerous dog in a humane manner. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the Central City Veterinary Clinic, Lone Tree Veterinary Services, or other authorized impound facility, as public notification of such impoundment. The Animal Control Authority shall schedule the matter to be heard at a special or regular meeting of the Animal Control Authority, within seven days of impoundment, at which time the owner must present clear and convincing evidence that the dog will not present a present nor future threat to the safety of the public or to public property. The Animal Control Authority shall not be bound by the Nebraska Rules of Evidence. Upon such proof to the satisfaction of the Animal Control Authority, the dog may be returned to the owner after the owner pays all costs of confinement, board, medical treatment, food and care for the dog. If the foregoing costs are not paid within 7 days of the hearing, the dog shall be destroyed.

#### SECTION 2-312: RABIES VACCINATION; PROOF

Every dog or cat three months of age and older shall be vaccinated against rabies pursuant to Nebraska law. Puppies and kittens shall be vaccinated within 30 days after having reached three months of age. Unvaccinated dogs and cats acquired or moved into the zoning jurisdiction of the City 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 or cats owned by a person temporarily residing

within this city for less than 30 days, any dog or cat brought into this city for show purposes, or any dog brought into this city for hunting purposes for a period of less than 30 days; such dogs and cats shall be kept under the strict supervision of the owner.

The owner or person in possession of any dog or cat or any other member of the feline or canine families shall, when requested to do so by an animal control officer of the City, furnish proof that the animal has received anti-rabies vaccine which is currently effective. The proof to be furnished shall be a certificate from a licensed veterinarian identifying the animal and stating the date on which it was vaccinated, the kind of vaccine used, and the period of its effectiveness.

#### SECTION 2-313: 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 any law enforcement officer of this city and shall be impounded under the supervision of a licensed veterinarian 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 said owner paying the costs of said impoundment, or, in the case of an unlicensed dog, shall be disposed of in whatever manner deemed best by the animal control officer. If the owner of said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the dog shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog may be released from confinement.

#### SECTION 2-314: 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 2-315: RABID DOGS; PROCLAMATION

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

#### SECTION 2-316: 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 2-317: KILLING AND POISONING

It shall be unlawful to kill, administer or cause to be administered poison of any sort to a dog, or in any manner to injure, maim, 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.

#### 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 animal shelter, any ambulance wagon or other vehicle used for the collecting or conveying of dogs to the shelter.

#### SECTION 2-319: RIGHT OF ENTRY

For the purpose of discharging the duties of this chapter and to enforce the provisions of this chapter, any animal control officer is empowered to enter upon any premise upon which an animal is kept or harbored and demand exhibition of such animal by the owner or the licensee for any dog. It is further provided that any city police officer may enter the premise where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and take possession of such animal if, in his/her opinion, it is required.

#### SECTION 2-320: DOGS; PERSONAL PROPERTY; OWNER LIABILITY FOR DAMAGES

Dogs are hereby declared to be personal property for all intents and purposes, and the owner or owners of any dog or dogs shall be liable for any and all damages that may accrue (1) to any person, other than a trespasser, by reason of having been bitten by any such dog or dogs and (2) to any person, firm, or corporation by reason of such dog or dogs killing, wounding, injuring, worrying or chasing any person or persons or any sheep or other domestic animals belonging to such person, firm, or corporation. Such damage may be recovered in any court having jurisdiction of the amount claimed.

#### SECTION 2-321: KENNEL: PERMIT REQUIRED

It shall be unlawful for any person to have or maintain a kennel within the zoning jurisdiction of the City of Central City without first having obtained such a permit.

Any person wanting to operate a kennel shall make application to the Animal Control Authority for a Kennel Permit. The following shall be submitted with the application:

(a) Proof of current licenses and rabies vaccination for each dog to be kept or harbored on the premises.

(b) A drawing or plan showing the location and dimensions of the premises, dog runs or pens and distances to neighboring properties.

(c) The permit fee for a Residential kennel shall be \$50.00 in addition to required licensing fees for each dog as required in Section 2-302.

(d) The permit fee for a Commercial Kennel shall be \$200.00 in addition to required licensing fees for each dog as required in Section 2-302.

#### SECTION 2-322: KENNEL: TERMS AND REQUIREMENTS

(a) Permit is not transferable to another person or premise.

(b) The permits shall expire December 31<sup>st</sup> of each calendar year for which issued. All permits shall be renewed by January 1<sup>st</sup> of the following year.

(c) A permit holder shall notify the Animal Control Authority of any changes in ownership or death of dogs, property or any other changes which may affect the status of said permit and shall keep the Animal Control Authority apprised of any change in name or location of the permit holder's kennel.

(d) The kennel permit holders shall limit dog reproduction to no more than one litter of offspring per license year per adult female dog.

(e) All dogs shall be kept confined on the permit holder's premises.

(f) The minimum lot size shall be one acre for any premises in which a commercial kennel is to be located.

(g) It shall be unlawful to have indoor or outdoor housing facilities, pens, enclosures or shelter closer than twenty-five feet to a neighboring residence and no closer than ten feet to a neighboring property line. The City may require additional setbacks, fencing, screening or soundproofing requirements as deemed necessary to ensure the compatibility of the kennel with the surrounding neighborhood. Factors to be considered in determining such capability are as follows:

(1) Statements regarding approval/disapproval of surrounding neighbors relative to maintenance of a kennel at the address applied for;

(2) Past history of animal control complaints relating to the dogs of the applicant at the address for which the kennel is applied for;

(3) Facility specifications/dimensions in which the dogs are to be maintained;

(4) Animal size, type and characteristics of breed.

(h) Noise or barking from the dogs shall not interfere with an adjoining property owner's use and peaceful enjoyment of his/her property.

(i) Any odor or unsanitary conditions caused by the dogs shall no interfere with an adjoining property owner's use and peaceful enjoyment of his/her property.

(j) It shall be unlawful to operate a residential or commercial kennel in an area within the zoning jurisdiction of the City of Central City not properly zoned for that use.

(k) It shall be unlawful to keep or harbor more than 10 dogs over six months of age within the zoning jurisdiction of the city.

(l) Failure to maintain the premises in compliance with the law, or failure to make payment of the permit fee, or failure to maintain proof showing that each dog has been properly licensed or vaccinated against rabies shall result in the immediate termination of the kennel permit.

(m) Any permit holder shall allow an Animal Control Officer to inspect or investigate the premises. Failure to permit an Animal Control Officer to investigate or inspect may result in the termination of the kennel permit.

#### SECTION 2-323: UNLICENSED KENNELS; NUISANCE

It is hereby declared that it is and shall be a nuisance for any person, corporation, partnership or other entity to maintain, keep, conduct or operate any kennel within the zoning jurisdiction of the City without first obtaining a permit therefore.

#### SECTION 2-324: SHELTER

Every owner shall provide adequate shelter for animals kept within the city.

#### SECTION 2-325: IMPOUNDMENT OF DOGS

Except for dangerous dogs, dogs impounded by the animal control officer shall be released to the owner upon proof of current rabies vaccination and license and payment of impoundment fees.

Any dog not so released to its owner after seven days shall be deemed abandoned and a public nuisance and may be destroyed.

#### SECTION 2-326: ANIMAL WASTES

No owner of an animal shall permit the deposit of animal excrement on public property or the property of others, nor to allow excrement to accumulate on his own or rented property. The public streets, alleys, parks, ball fields and any other public property are within the scope of this subsection and any deposit of excrement by animals, even if accidental, shall be the responsibility of the owner or caretaker of the animal to immediately remove and deposit in an appropriate manner. The public storm sewer system being specifically mentioned as a prohibited depository of such excrement.

#### SECTION 2-327: PENALTY

Penalty for violation of Section 2-307, and any fees pursuant to Section 2-325 shall be \$30.00 for the first offense, \$50.00 for the second offense, and \$100.00 for each subsequent offense.

## **ARTICLE IV - ANIMALS AND FOWL**

### **SECTION 2-401: PROHIBITED ANIMALS**

It shall be unlawful for any person to keep, maintain or confine any domestic farm animals, split-hoofed or exotic animals or snakes within the corporate limits of the City, except as allowed for as nonconforming uses within the City Zoning Regulations.

The following definitions shall apply:

- a. "Domestic farm animal" is defined as any equine family (horse, etc) or offspring thereof.
- b. "Split-hoofed animal" is defined as any member of the bovine family (cow, etc), swine family, sheep, goats or offspring thereof.
- c. "Exotic animal" is defined as any llama, ostrich, emu or animals other than a domestic farm, split hoofed animal or offspring thereof.
- d. "Snake" is defined as any poisonous snake or constrictor type.

### **SECTION 2-402: CRUELTY TO ANIMALS**

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

### **SECTION 2-403: ENCLOSURES**

All pens, cages, sheds, yards or any other area or enclosure for the confinement of animals not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the said enclosure is located.

### **SECTION 2-404: FOWLS; RUNNING AT LARGE, PROHIBITION**

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.

In the event of a Public Health Emergency, as determined by the Mayor, a prohibition against keeping, housing, selling, or auctioning of wild or domestic chickens, ducks, geese, or any other fowl within the primary policing jurisdiction of Central City may be enacted. The prohibition shall be made in writing by the Mayor and posted at City Hall. The prohibition shall stay in effect until such time that the Mayor, in writing, lifts the prohibition.



#### SECTION 2-405: DAMAGE BY DOMESTIC ANIMALS; LIABILITY OF OWNER

It shall be unlawful for any person to allow a domestic animal 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.

#### SECTION 2-406: IMPOUNDING

It shall be the duty of the city police to capture, secure and remove in a humane manner to the designated city animal shelter any domestic animal violating any of the provisions of this article. The domestic animals so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the designated city animal shelter within 48 hours after impoundment as public notification of such impoundment. Each impounded domestic animal shall be kept and maintained at the pound for a period of not less than seven days after public notice has been given, unless reclaimed earlier by the owner. Any domestic animal may be reclaimed by its owner during the period of impoundment by reimbursing the City for the cost paid to the designated city animal shelter for impoundment. Additionally, there shall be a general impoundment fee of \$5.00 for the first time in a calendar year that a domestic animal owner has a domestic animal impounded. There shall be a general impoundment fee of \$25.00 for each subsequent time an owner has a domestic animal impounded within a calendar year. The general impoundment fees shall be remitted to the City. The owner shall then be required to comply with the licensing and rabies vaccination requirements prior to release. If the domestic animal is not claimed at the end of the required waiting period, the designated city animal shelter may dispose of the animal; provided, if the city police can find a suitable home for the impounded domestic animal he/she may turn the domestic animal over to any person willing to provide the animal with a home. In this event the new owner shall be required to pay all fees and meet all licensing and vaccinating requirements provided in this article. The City shall acquire legal title to any domestic animal impounded in the animal shelter after the required waiting period after giving notice. All unclaimed domestic animals not placed for adoption shall be destroyed and buried in a humane manner. If necessary to destroy such a domestic animal, the owner shall be required to reimburse the City for the cost to the designated city animal shelter for such destruction. No domestic animal owner shall be relieved of the responsibility of the general impoundment fee because the domestic animal is destroyed pursuant to this article.

#### SECTION 2-407: ANIMAL SHELTER

The designated city animal shelter shall be safe, suitable and conveniently located for the impounding, keeping and destruction of domestic animals. The said shelter shall be sanitary, ventilated and lighted.

## ARTICLE V - NUISANCES

### SECTION 2-501: OFFENSES: 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.)

### SECTION 2-502: OFFENSES: 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.  
(Ref. 18-1720, 28-1321 RS Neb.)

### SECTION 2-503: OFFENSES: MAINTAINING A NUISANCE

It shall be unlawful for any person to erect, keep up or continue and maintain any nuisance within the zoning jurisdiction of the City.

### SECTION 2-504: OFFENSES: WEEDS, LITTER

It shall be unlawful for the owner or any occupant of any lot or piece of ground within the zoning jurisdiction of the City to allow the growth of twelve inches (12") or more in height of weeds, grasses or worthless vegetation, or to allow the throwing, depositing or accumulation of litter except in proper receptacles.  
(Ref. 17-563)

### SECTION 2-505: WEEDS AND GRASS: NOTICE

When the code enforcement officer declares or finds that any premises within the City zoning jurisdiction may be maintained contrary to one or more of the provisions of sections 2-504, he shall cause a notice to the owner, occupant, lessee, and/or mortgages of the premises. The notice shall state the conditions which constitute the public nuisance and shall order the abatement of the nuisance, within five (5) days after the date of notice and shall be substantially in the following form:

#### NOTICE OF NUISANCE

TO: (OWNER, OCCUPANT, LESSEE, MORTGAGEE)  
(ADDRESSES)

Pursuant to Section 2-604 of the Municipal Code of the City of Central City, Nebraska, the property located at \_\_\_\_\_

\_\_\_\_\_ (address)

is being maintained as a public nuisance due to un-mowed weeds and grass.

You shall have five (5) days from the date of this notice to abate said above described Nuisance or the City may correct said condition and assess the cost to you.

Dated: \_\_\_\_\_, 20\_\_.

CITY OF CENTRAL CITY,

NEBRASKA

By: \_\_\_\_\_

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Nuisance was served by personal delivery or by certified U. S. Mail, postage prepaid, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, to the individuals at their respective addresses, as noted above.

CITY OF CENTRAL CITY,

NEBRASKA

By: \_\_\_\_\_

cc: City Council  
(Ref. 17-123, 17-123.01, 18-1720 RS Neb.)

SECTION 2-506: WEEDS, GRASS AND LITTER: FORM OF PROPER SERVICE OF NOTICE.

Service of said notice shall be by personal service from a police officer or by depositing a copy of said notice in the United States Postal Service enclosed in a sealed envelope and with postage thereon fully prepaid. Said mail shall be certified and addressed to said owner, occupant, lessee, and or/mortgagee at the last known address of said parties as disclosed by the current tax rolls, and if there is no known address, then in care of the property address. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. Owner as used herein shall mean any person in possession and also any person having or claiming to have any legal or equitable interest in said premises. The failure of any person to receive such notice shall not affect the validity of the proceedings hereunder.

(Ref. 17-123, 17-563, 18-1720 RS Neb.)

SECTION 2-507: WEEDS AND GRASS: ABATEMENT BY CITY

If the person fails to mow or remove the offending weeds and grass within the time set forth, the City may proceed to mow the property and assess the cost to the owner.  
(Ref. 17-123, 17-123.01, 18-1740 RS Neb.)

#### SECTION 2-508: NUISANCES: GENERALLY DEFINED

A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

1. Injures or endangers the comfort, repose, health, or safety of others.
  2. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream.
  3. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
- (Ref. 18-1720 RS Neb.)

#### SECTION 2-509: NUISANCES: SPECIFICALLY DEFINED

The maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances.

1. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins feathers, vegetable matter, or the whole or any part of any dead animal, fish or fowl.
2. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.
3. Filthy, littered or trash-covered cellars, house yards, barnyards, stable yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.
4. Animal manure in any quantity which is not securely protected from flies and the elements or which is kept or handled in violation of any ordinance of the Municipality.
5. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the compliance officer of the City, nor the dumping of non-putrifying waste in a place and manner approved by the compliance officer.
6. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire, metal articles, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.
7. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates,

mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

8. Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.
9. All places used or maintained as junk yards, or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.
10. Stagnant water permitted or maintained on any lot or piece of ground.
11. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the City, or are maintained and kept in such a manner as to be injurious to the public health.

(a) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the zoning jurisdiction of the City, except in proper receptacles, is prohibited and shall constitute a nuisance; provided, that grass, leaves and worthless vegetation may be used as a ground mulch or in a compost pile.

(b) Litter shall include, but not be limited to: (i) Trash, rubbish, refuse, garbage, paper, rags and ashes; (ii) Wood, plaster, cement, brick, or stone building rubble; (iii) Grass, leaves and worthless vegetation; (iv) Offal and dead animals; and (v) 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

12. All other things specifically designated as nuisances elsewhere in this Code.  
(Ref. 18-1720 RS Neb.)

SECTION 2-510: NUISANCES: DUTY

It shall be the duty of every owner, occupant, lessee or mortgagee of real estate in the City, to keep such real estate free of public nuisances. All or any part of said premises found, as provided herein, to constitute a public nuisance shall be abated by rehabilitation, demolition or repair pursuant to procedures set forth herein. (Ref. 17-123, 17-123.01, RS Neb.)

SECTION 2-511: NUISANCES: NON-EXCLUSIVE PROCEDURE

The procedures set forth in this Article for abatement of nuisance is non-exclusive and is in addition to any other procedure for abatement which is set forth in the municipal code or state statutes. (Ref . 17-123, 17-123.01, 18-1720 RS Neb.)

SECTION 2-512: NUISANCES: DECLARATION

When the code enforcement officer or Chief of Police declares or finds that any premises within the City zoning jurisdiction may be maintained contrary to one or more of the provisions of sections 2-501 to 2-511 he shall cause a notice to the owner, occupant, lessee, and/or mortgagee of the premises. The notice shall state the conditions which constitute the public nuisance and shall order the abatement of the nuisance within five (5) days after the date of notice, and shall be substantially in the following form:

NOTICE OF NUISANCE

TO: (OWNER, OCCUPANT, LESSEE, MORTGAGEE)  
(ADDRESSES)

Pursuant to Section 2-610 of the Municipal Code of the City of Central City, Nebraska, I, the Mayor of the City of Central City, Nebraska, declare that the following premise in the City of Central City, Nebraska, known as \_\_\_\_\_ and more particularly described as follows:

(Legal description)

is being maintained as a public nuisance contrary to Sections 2-501 to 2-511 of the Municipal Code of the City of Central City, Nebraska. The conditions which constitute the public nuisance upon the above-described real estate are as follows:

You shall have ten (10) days from the date of the notice to abate said above described Nuisance.

Dated: \_\_\_\_\_, 20\_\_.

NEBRASKA

CITY OF CENTRAL CITY,

By:

\_\_\_\_\_

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Nuisance was served by personal delivery or by certified U. S. Mail, postage prepaid, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, to the individuals at their respective addresses, as noted above.

CITY OF CENTRAL CITY,

NEBRASKA

By: \_\_\_\_\_

cc: City Council  
(Ref. 17-123, 17-123.01, 18-1720 RS Neb.)

SECTION 2-513: NUISANCES: FORM OF PROPER SERVICE OF NOTICE

Service of said notice shall be by personal service from a police officer or by depositing a copy of said notice in the United States Postal Service enclosed in a sealed envelope and with postage thereon fully prepaid. Said mail shall be certified and addressed to said owner, occupant, lessee, and/or mortgagee at the last known address of said parties as disclosed by the current tax rolls, and if there is no known address, then in care of the property address. Service is complete at the time of such deposit. Owner as used herein shall mean any person in possession and also any person having or claiming to have any legal or equitable interest in said premises. The failure of any person to receive such notice shall no affect the validity of the proceedings hereunder.

(Ref. 17-123, 17-123.01, 18-1720 RS Neb.)

SECTION 2-514: NUISANCES: AFFECT OF FAILURE TO ABATE

If the nuisance is not abated within the period given in the notice, the City Council may determine to proceed. When, upon motion, it determines to proceed, the City Council shall give a second (2<sup>nd</sup>) notice in the same manner set forth in Section 2-513. The second (2<sup>nd</sup>) notice shall establish a date, time and place at which all interested parties may appear before the City Council or such other person as the City Council specifies in the notice and present evidence to determine whether the premises constitute a public nuisance, and if determined to constitute a public nuisance, to be abated. Any interested party may appeal such decision of the City Council to the appropriate court for adjudication, during which proceedings, the decision of the City Council shall be stayed. The notice shall be substantially in the following form:

NOTICE OF HEARING TO BE DETERMINED EXISTENCE OF  
PUBLIC NUISANCE AND TO ABATE IN WHOLE OR IN PART

TO:

Notice is hereby given that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the City Council of the City of Central City passed a motion declaring its intent to ascertain whether certain premises situated in the City of Central City, State of Nebraska, known and designated as \_\_\_\_\_ (Street address) \_\_\_\_\_, in said City and more particularly described as follows:

(Legal description)

constitute a public nuisance subject to abatement. Hearing upon said Motion to determine whether the above noted premises constitute a public nuisance shall be on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., before the City Council in the Council Chamber, City Hall, Central City, Nebraska, at which time the City Council shall hear all evidence from any interested party to pertaining to the above noted issue. If said premises in whole or part, are found to constitute a public nuisance, as defined by Section 2-501 to 2-507 of the Central City Municipal Code and if the same are not promptly abated, the Municipal Authorities shall abate the same and the cost of abatement shall be assessed upon such premises and such costs shall constitute a lien upon such land until paid.

Said alleged violations consist of the following:

Dated: \_\_\_\_\_, 20\_\_.

NEBRASKA

CITY OF CENTRAL CITY,

By:

\_\_\_\_\_

City Clerk

CERTIFICATION OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice was mailed by registered or certified U. S. Mail, postage prepaid, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, to the following: \_\_\_\_\_

NEBRASKA

CITY OF CENTRAL CITY,

By:

\_\_\_\_\_

City Clerk



SECTION 2-515: NUISANCES: HEARING

At the time fixed in the Notice, the City Council or other persons specified to hear the matter shall hear the testimony of all competent persons desiring to testify respecting the condition constituting the nuisance, including the estimated cost of abatement and other matters which may be pertinent. At the conclusion of the hearing, the City Council shall, by resolution, declare its findings. If the City Council so concludes, it may declare the condition existing to be a nuisance and direct the person owning the property upon which the nuisance exists to abate it within a reasonable time after the date of posting on the premises a notice of the adoption of the resolution and sending notice as set forth herein. Said notice shall be substantially in the following form:

NOTICE OF ADOPTION OF RESOLUTION NO. \_\_\_\_\_

TO:

YOU ARE HEREBY NOTIFIED THAT ON \_\_\_\_\_, 20\_\_, the City Council of the City of Central City, Nebraska, by Resolution No. \_\_\_\_\_, after notice and hearing as specified in said Resolution, did determine that the following constitute a public nuisance, to-wit:

Upon the following described real estate, to-wit:

You are granted \_\_\_\_ days from the date of this notice to abate said nuisance. Failure to abate said nuisance shall result in said nuisance being abated by the City of Central City and the cost of abatement shall be assessed upon said premises and constitute a lien upon said premises until paid.

Dated: \_\_\_\_\_, 20\_\_.

NEBRASKA

CITY OF CENTRAL CITY,

By:

\_\_\_\_\_  
City Clerk

(Ref. 17-123, 17-123.01, 18-1720 RS Neb.)

SECTION 2-516: NUISANCES: EXTENSION OF TIME

The City Council may grant an extension of time to abate the nuisance if, in its opinion, good cause for an extension exists. (Ref. 17-123, 17-123.01, 18-1720 RS Neb.)

SECTION 2-517: NUISANCES: ABATEMENT BY CITY

If the person fails to abate the nuisance within the time set forth, the City may proceed to abate the nuisance. (Ref. 17-123, 17-123.01, 18-1740 RS Neb.)

SECTION 2-518: NUISANCES: RECORD OF EXPENSES

The City shall keep an itemized account of the expenses involved in abating the nuisance. The City shall post conspicuously on the property and it shall also mail to the owner of the property a statement showing the expense of the abatement, together with a notice of the time and place when the statement will be submitted to the City Council for approval and confirmation and at which time the City Council may consider the objections and protests to the cost of the work. Said notice shall be substantially in the following form:

NOTICE OF HEARING ON EXPENSE  
OF ABATEMENT OF NUISANCE

TO:

Pursuant to Section 2-515 of the Municipal Code of the City of Central City, Nebraska, you are hereby notified that the following is a statement showing the expense incurred by the City of Central City in abating a nuisance upon the following-described real-estate, to-wit:

(Legal Description)

Said expenses are as follows:

You are further notified that said Statement of Expenses shall be submitted to the City Council for consideration on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., Central City, Nebraska, at which time you may appear to object or protest the expense incurred in the abatement of said nuisance.

NEBRASKA

CITY OF CENTRAL CITY,

By:

\_\_\_\_\_

City Clerk

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice was posted on the premises afore-described and mailed by Certified U. S. Mail, postage prepaid, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, to the following:

NEBRASKA

CITY OF CENTRAL CITY,

By:

\_\_\_\_\_

City Clerk

(Ref. 17-123, 17-123.01, 18-1720 RS Neb.)

SECTION 2-519: NUISANCES: HEARING ON STATEMENT OF EXPENSES

At the time fixed for hearing on the statement of expenses, the City Council shall consider the statement and any protest or objections raised by the persons liable to be assessed for the costs of the abatement. The City Council may revise, correct or modify the statement as it considers just and thereafter shall confirm the statement as it considers just and thereafter shall confirm the statement by motion or resolution. The decision of the City Council on all protests and objections which may be made shall be final and conclusive. The procedure governing the hearing shall be as provided by Section 2-512 (Ref. 17-123, 17-123.01, 18-1720 RS Neb.)

SECTION 2-520: NUISANCES: EXPENSES AND SPECIAL ASSESSMENT AGAINST THE PROPERTY

If the property owner does not pay the expense of abating the nuisance within five (5) days after the City Council confirms the cost of abatement, the costs shall become a special assessment against the real estate upon which the nuisance was abated. The assessment shall continue until it is paid, together with interest as set by the applicable statutes of the State of Nebraska.  
(Ref. 17-123.01 RS Neb.)

SECTION 2-521: NUISANCES: NOTICE OF SPECIAL ASSESSMENT

The City shall file in the offices of the County Register of Deeds and County Treasurer a certificate substantially in the following form:

NOTICE OF SPECIAL ASSESSMENT

Under the authority of the Central City Municipal Code, the City did on \_\_\_\_\_, 20\_\_, abate a nuisance upon the real estate hereinafter described and then on \_\_\_\_\_, 20\_\_, did assess the cost of the abatement upon the real estate. The City of Central City claims a special assessment on the real estate for the expense of doing the work in the amount of \$\_\_\_\_\_. This amount is a special assessment against the real estate until it is paid, with interest as set by the applicable statutes of the State of Nebraska, until discharged of record. The real estate referred to above and upon which the special assessment is claimed is that certain parcel of land situated within the City of Central City, County of Merrick, State of Nebraska and more particularly described as follows:

Dated: \_\_\_\_\_, 20\_\_.

NEBRASKA

CITY OF CENTRAL CITY,

By:

City Clerk

\_\_\_\_\_  
(Ref. 17-123, 17-123.01, 18-1720 RS Neb.)

#### SECTION 2-522: NUISANCES: ALTERNATIVES

Nothing in the foregoing sections shall be deemed to prevent the City Council from ordering the City Attorney to commence a civil and/or criminal proceeding to abate a public nuisance under applicable civil or penal code provisions as an alternative to the proceedings set forth herein.

(Ref. 17-123, 17-123.01, 18-1720 RS Neb.)

#### SECTION 2-523: NUISANCES: PROCEDURE IN CASE OF EMERGENCY

When the conditions which constitute the nuisance pose an immediate threat to the public peace, health or safety, the City Council may order the nuisance abated immediately or take steps itself to abate the nuisance after adoption of a resolution declaring the facts which constitute the emergency. The resolution to be effective shall be adopted by three-fourths (3/4) vote of the City Council.

(Ref. 17-121, 17-123, 17-123.01, 18-1720 RS Neb.)

#### SECTION 2-524: NUISANCES: SEVERABILITY

The City Council of the City of Central City hereby declares that should any section, paragraph, sentence or word of this Article hereby adopted be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this Article independent of the elimination herefrom of any such portion as may be declared invalid.

SECTION 2-525: NUISANCES: ADJOINING LAND OWNERS; INTERVENTION  
BEFORE  
TRIAL

In cases of appeal from an action of the Governing Body condemning real property as a nuisance or as dangerous under the police powers of the Municipality, the owners of the adjoining property may intervene in the action at any time before trial. (Ref. 19-710 RS Neb.)

SECTION 2-526: VIOLATION: PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined no more than five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

SECTION 2-527: ABATEMENT OF NUISANCE

(1) Whenever a nuisance exists as defined in this Chapter, the City may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. (2) Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Ref. 18-1720, 18-1722 RS Neb.)

## ARTICLE VI - PENAL PROVISION

### SECTION 2-601: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed that permitted by Nebraska law for violation of a municipal ordinance. Each day's maintenance of the same shall constitute a separate offense.