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CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: DISTURBING THE PEACE

It shall be unlawful for any person or persons to assemble or gather within the Village with the intent to do an unlawful or disorderly act or acts, by force or violence against the Village or residents therein, or who shall disturb the public peace, quiet, security, repose, or sense of morality. Any person or persons so assembled or gathered shall be deemed to be guilty of an offense. (Neb. Rev. Stat. §28-818)

SECTION 3-102: DISORDERLY CONDUCT

Any persons who shall knowingly start a fight, commit assault or battery, fight, make unnecessary noise, or otherwise conduct themselves in such a way as to breach the peace shall be deemed to be guilty of an offense. (Neb. Rev. Stat. §17-129, 17-556)

SECTION 3-103: MAINTAINING A NUISANCE

It shall be unlawful for any person to erect, keep up or continue and maintain any nuisance to the injury of any part of the citizens of the Village. (Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 3-104: DISCHARGE OF FIREARMS

It shall be unlawful for any person, except an officer of the law in the discharge of his/her official duty, to fire or discharge any gun, pistol, or other fowling piece within the Village; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Village Board. (Neb. Rev. Stat. §17-556)

SECTION 3-105: 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. (Neb. Rev. Stat. §17-207)

SECTION 3-106: LITTERING

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

1. Any glass bottle, glass, nails, tacks, wire, cans or other substances like-

ly to injure any person or animal or damage any vehicle upon any street, public way or other property;

2. Materials that may make the streets, public ways or property unsightly, such as rubbish, sewage, garbage, paper or any other material of such nature.

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

C. 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.

D. If the owner fails to remove such litter after five days' notice by publication and by certified mail, the Street Commissioner or Village Police shall remove or cause the litter to be removed and shall assess the cost thereof against the property so benefited.

(Neb. Rev. Stat. §28-523)

SECTION 3-107: 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 3-108: OBSTRUCTION OF PUBLIC WAYS

It shall be unlawful for any person to erect, maintain, or suffer to remain on any street or public sidewalk a stand, wagon, display, or other obstruction inconvenient to or inconsistent with the public use of the same.

SECTION 3-109: CURFEW; PENALTY

A. It shall be unlawful for any minor age 18 years or younger to loiter, idle, wander, stroll, or play in or upon the public streets, avenues, highways, roads, alleys, parks, playgrounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places, or to ride in or operate any vehicle in or upon any street, alley, or other public place, between the hours of 10:00 P.M. and 6:00 A.M., unless accompanied by a parent, guardian or other adult person having the care, custody or control of said minor, or unless the minor is engaged in lawful employment or is on an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care, custody or control of said minor.

B. It shall be unlawful for the parent, guardian, or other adult person having the legal care and custody of a minor age 18 years or younger to knowingly permit or allow such minor to loiter, idle, wander, stroll, or play in or upon the public streets, avenues, highways, roads, alleys, parks, playgrounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places; or to ride in or operate any vehicle in or upon any street, alley, or other public place between the hours of 10:00 P.M. and 6:00 A.M. unless accompanied by his/her parent, guardian or other adult person having the care, custody or control of said minor.

C. Any minor under the age of 18 years who shall violate or refuse to comply with the enforcement of any of the provisions of this ordinance shall be dealt with in accordance with juvenile court law and procedure. Any other person who shall violate or refuse to comply with the enforcement of any of the provisions of this ordinance shall be deemed guilty of a misdemeanor.

(Neb. Rev. Stat. §43-2101) (Ord. No. 647, 8/19/03)

SECTION 3-110: 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 the following definitions shall apply:

"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 him/her.

"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.

SECTION 3-111: TRESPASSING, LOITERING; DAMAGE TO PLANTS

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 to enter upon an improved lot or grounds occupied for residence purposes and to loiter about the same without the consent of the owner or occupant.

SECTION 3-112: WINDOW PEEPING

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

Article 2 - Dogs and Cats

SECTION 3-201: OWNER DEFINED

Any person owning, keeping, possessing, harboring or knowingly permitting an animal to remain on or about any premises occupied by that person In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of these ordinances are complied with.

SECTION 3-202: RABIES VACCINATION

- A. Every dog or cat three months of age and older shall be vaccinated against rabies pursuant to state law. Puppies and kittens shall be vaccinated (1) within 30 days after having reached three months of age. (2) one year after initial vaccination; and (3) thereafter triennially, according to vaccine manufacturer's guidelines. Unvaccinated dogs or cats acquired or moved into the Village must be vaccinated within 30 days after purchase or arrival unless under three months of age as specified above.
- B. An animal is currently vaccinated if the initial rabies vaccine was administered at least 28 days previously or booster vaccinations have been administered in accordance with the manufacturer's guidelines. Regardless of the age of the animal at initial vaccination, a booster vaccination shall be administered one year later. If a previously vaccinated animal is overdue for a booster, it shall be revaccinated.
- C. An owner or keeper of any animal required to be licensed by this chapter and to be vaccinated by a licensed veterinarian is exempt from the requirements of this section if a medical reason exists that precludes the vaccination of the animal. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the animal and the medical reason that precludes the vaccination.
- D. Every dog or cat shall be revaccinated following a period of not more than 36 months since its last vaccination with chick embryo, LEP (low egg passage), curry vaccine or with killed or inactivated vaccine. The intervals of any other anti-rabies vaccine shall be set by the state veterinarian, and he/she shall follow the latest recommendations of the U.S. Public Health Service.
- E. The provisions of this ordinance with respect to vaccination shall not apply to any dog or cat owned by a person temporarily residing within the Village for less than 30 days, any dog or cat brought into the Village for show purposes or any dog brought into the Village for hunting purposes for a period of less than 30 days; all such dogs and cats shall be kept under the strict supervision of the owner.
- F. It shall be unlawful for the owner of any dog or cat in the Village to fail to provide to an animal control officer or any other authority proof of current vaccination against rabies.

SECTION 3-203: LICENSES

- A. Any person who shall own, keep or harbor a dog and/or cat over the age of four months within the village limits shall, within 10 days after the acquisition of said dog and/or cat or, in the case of a new resident, within 30 days after becoming a res-ident, acquire a license from the Authority for each such dog and/or cat.
- B. Licenses shall be renewed each year by January 1. The said tax shall be delinquent from and after March 15; provided, the possessor of any dog or cat brought into or harbored within the corporate limits subsequent to January 1 of any year shall be liable for the payment of the tax levied herein and such tax shall be delinquent if not paid within ten days thereafter. Fees for late licensing shall be doubled. However, the Village Clerk /and or the animal control authority will have discretion to waive the double charge upon the showing of good cause. No refund of any license tax will be made and licenses shall not be transferable.
- C. The person applying for the license shall include in the application his or her name and address and the name, breed, color, and sex of the animal. A certificate that the dog or cat has had a rabies shot, effective for the term of the license, shall be presented with the application for the license and no license shall be issued without such certificate.
- D. The license tax for dogs and cats shall be set by the Village Board In addition, the animal control authority may charge a handling/license issuance fee for each license. All fees shall be filed in the village office for public inspection during office hours.
- E. It shall be unlawful for any person to own, keep or harbor any dog or cat within the Village unless such dog or cat has been licensed by the authority as required by the provisions of this article; provided, however, that this section shall not apply to any dog or cat which has not reached the age of 16 weeks.

SECTION 3-204: LICENSE TAGS; REPLACEMENT FEE

Upon payment of the required license fee, the animal control authority shall issue a numbered receipt and tag as necessary to the owner for the dog or cat licensed. Tags shall be issued annually or at another interval determined by the authority. The authority may recognize a microchip identification number as the license number and the microchip shall substitute for the physical tag. The fee for any replacement tag shall be set by resolution of the Village Board.

SECTION 3-205: SERVICE DOGS; EXEMPT FROM LICENSE TAX

Every dog guide for a blind or visually impaired person, hearing aid dog for a deaf or hearing-impaired person, and a service dog for a physically limited person shall be licensed as required by the municipal code, but no license fee shall be charged upon a showing by the owner that the dog is graduate of a recognized training school for

dog guides, hearing aid dogs, or service dogs. Upon the retirement or discontinuance of the dog as a dog guide, hearing aid dog, or service dog, the owner of the dog shall be liable for the payment of the required license tax. (Ord. No. 702, 6/23/09)

SECTION 3-206: 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 or cat without the consent of the owner, keeper, or possessor thereof.

SECTION 3-207: KILLING AND POISONING

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

SECTION 3-208: DOGS; LIABILITY OF OWNER

It shall be unlawful for any person to allow a dog 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, or to inflict bodily injury to any person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage sustained. (**Neb. Rev. Stat. §54-601, 54-602**)

SECTION 3-209: DOGS; RUNNING AT LARGE

It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the Village. It shall be the duty of the Police Chief and or the animal control authority to cause any dog found to be running at large within the Village to be taken up and impounded. Any dog found "running at large" shall mean it was found off the premises of the owner and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint.

SECTION 3-210: DOGS; BARKING AND OFFENSIVE

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 at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the Village.

SECTION 3-211: RESTRAINT—DOG

It shall be unlawful for the owner of any dog within the Village to fail to keep his dog securely restrained or otherwise confined in or upon his premises in an enclosure sufficient to contain the dog.

Each animal shall be separately tethered. That no animal shall be tethered outdoors in excess of 15 minutes at any one time unless an owner, custodian or person responsible for the animal, 19 years of age or older, is present in the same yard in which the animal is tethered. The tether shall be at least five times the length of the animal's body as measured from the tip of the nose to the base of the tail, terminates at each end with a swivel, weighs no more than one-eighth of the animal's weight, is free of tangles, prevents strangulation or injury and prevents the animal from being within 15 feet from the edge of any public street or sidewalk. Provided, that if the tethering method is a trolley system, at least 15 feet in length and less than seven feet above ground, and meets the foregoing tether requirements, the animal may be tethered outdoors for up to one hour with an owner, custodian or person responsible for the animal, 19 years of age or older, is in the same yard in which the animal is tethered.

SECTION 3-212: NUMBER RESTRICTED

- A. It shall be unlawful to own, keep or harbor at any time more than three dogs and/or five cats over the age of four months per residential or dwelling unit in the Village; provided, however, this section shall not apply to kennels and catteries, or holders of pet animal avocation permit. – Citizen's that have four (4) licensed dogs at the time of the enactment of this article will be allowed to apply for a pet avocation permit to maintain their current 4 dogs-if the avocation permit is applied for within six(6) months of the enactment of this article the fee shall be waived.
- B. The number of animals authorized in Section 3-214 shall not be in addition to the total number of animals specified under this section.

SECTION 3-213: BREEDERS PERMIT

- A. A Breeders Permit shall be obtained by:
 - 1. Any person who intentionally or accidentally causes or allows the breeding of a cat or dog and;
 - 2. Any person who offers for sale, sells, trades, receives other compensation or gives away one or more dogs or cats from a litter of dogs or cats, produced by a female owned by him or her, except a litter of dogs or cats taken to the authority;
- B. Such person shall:
 - 1. Furnish the authority with information on the birth of each litter of dogs or

- cats as may be required by the authority, to register that litter of dogs or cats with the authority, and to be assigned a litter number for each litter;
2. Register with the authority the name, address, and telephone number of each buyer or new owner of any dog or cat sold or transferred within five days after the date of such sale or transfer;
 3. Transmit to the new owner or buyer the litter number of the animal acquired, and the breeder's permit number in order that the new owner has assurance and proof that the animal was legally bred;
 4. Immunize all cats and dogs offered for sale, trade or other compensation or for free giveaway (except an animal taken to the authority) against common disease; in the case of dogs, against distemper and parvo, and in the case of cats, against distemper and panleukopenia;
 5. Not offer a dog or cat under the age of eight weeks for sale, trade, and other compensation or for free giveaway (except a dog or cat or litters of them taken to the authority); and
 6. In all advertisements for a litter of dogs or cats, provide the litter number assigned by the authority in the text of such advertisement.
- C. Any such person is required to obtain an annual breeders permit from the authority and pay a permit fee of \$100.00. Such permit must be obtained prior to the disposition of any dogs or cats. A late fee of \$25.00 shall be charged if obtained after disposition. No permit required should the female and dogs or cats be taken to the authority.
- D. Should the breeder chose to have the female animal spayed within three months of the birth of the litter and supply proof to the authority, the \$100.00 permit fee shall be reimbursed.
- E. Such Breeders Permit is in addition to any other permits required by this chapter.

SECTION 3-214: PET ANIMAL AVOCATION PERMIT

- A. *Permit required.* A permit is required for any person who shall own, keep, harbor or maintain four or more dogs but no more than five dogs total and/or six or more cats but no more than eight total dogs and cats four months of age or older on the lot on which he or she resides or on a contiguous lot, which lot or lots are not zoned for business.
- B. *Application for permit; issuance; fee:* Any person desiring a pet animal avocation permit shall file an application with the authority for issuance of the permit. The authority shall inspect for and consider the applicant's compliance with this chapter in determining whether to issue the permit. An initial inspection fee of \$100.00 shall be paid at the time of application. In addition, a permit fee of \$50.00 shall be paid by the applicant annually on the anniversary of

the issuance date of the permit. The initial inspection fee required under this subparagraph B is waived for animal rescues, provided such are otherwise in compliance with this chapter.

- C. *License required.* All animals owned, kept, possessed or harbored under a pet animal avocation permit must be licensed as required by Section 3-203, except as provided in Section 3-205. Proof of individual license on each pet animal must be provided at the time of inspection.
- D. *Vaccination required.* All animals owned, kept, possessed or harbored under a pet animal avocation permit must be vaccinated against rabies as required by Section 3-202. Proof of individual rabies vaccination on each pet animal must be provided at the time of inspection.
- E. *Duration; renewal of permit; revocation.* Such permit shall allow the applicant to pursue the avocation for a period of one year unless said permit is revoked. Being found guilty, in a court of law, of any violation of this chapter, may constitute sufficient cause for revocation of such permit. Failure to permit inspection pursuant to subsection F of this section shall be grounds for immediate revocation of this permit. Such permit shall be renewed annually.
- F. *Maintenance and inspection of premises and animals.* A vocational premises shall be maintained in a clean and safe condition at all times. Sanitary methods shall be used to prevent or abate any offensive odors. The authority shall have the right to inspect such premises and the animals therein at reasonable hours to ascertain that the premises are kept in the aforementioned conditions and meet the following operational standards and such other standards as promulgated by the authority.
 - 1. Each animal shall at suitable intervals and at least once every 24 hours, receive a quantity of wholesome foodstuff suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition for the animal;
 - 2. Each animal shall have available at all times an adequate supply of clean, fresh, potable water. If water pans or dishes are used, such pans or dishes shall have weighted bottoms or be mounted or secured in a manner that prevents tipping;
 - 3. Indoor housing shall provide for adequate ventilation, lighting, temperature control, and construction so as to provide for the safety and comfort of the animals;
 - 4. Each animal shall receive care and medical treatment for debilitating injuries, parasites, and disease, sufficient to maintain the animal in good health and to minimize suffering;
 - 5. Animals maintained pursuant to a vocational permit shall be predominantly maintained indoors. Premises where a vocational permit includes dogs shall provide a fenced enclosure sufficient to contain any dogs while out-

side.

6. All areas of the premises inspected for a vocational permit shall be made open and available for inspection by the authority.

SECTION 3-215: RABIES CONTROL; PERSON BITTEN BY ANIMAL; PROCEDURE

- A. Any dog or cat or any other animal suspected of being afflicted with rabies or any dog or cat not vaccinated in accordance with the regulations herein, which has bitten any person and caused an abrasion of the skin of such person, shall be seized by the animal control authority and impounded under the supervision of a licensed veterinarian or public health authority for a period of not less than ten days. If upon examination by a veterinarian the dog, cat or other animal has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of a stray, it shall be disposed of in accordance with applicable law. It shall be unlawful for the owner of such animal to fail to submit said animal within 24 hours following the bite or notification of said bite. It shall be unlawful for the owner to fail to locate and to report the whereabouts of said animal within 24 hours after notice of said bite or attack to the authority or verify to the authority that said animal is under observation of a veterinarian. Failure to locate and report to the authority constitutes a violation of this chapter, and the court shall order said animal impounded. Nothing shall prevent immediate surrender of an animal to the authority or a veterinarian when said animal is known to have attacked or bitten a person.

B. Any dog or cat vaccinated in accordance with the provisions herein or any other animal which has bitten any person (s) shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least ten days, at which time the dog, cat or other animal shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the dog, cat or other animal may be released from confinement **(Am. by Ord 745 11/11/14)**

SECTION 3-216: RABIES; 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. Every such dog 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. **(Neb. Rev. Stat. §17-526)**

SECTION 3-217: CAPTURE IMPOSSIBLE

The Village Police shall have the authority to kill any animals showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved.

SECTION 3-218 WRONGFUL LICENSING

It shall be unlawful for the owner, keeper, or harbinger of any dog or cat to permit or allow such dog or cat to wear any license, metallic tag or other village identification than that issued by the village clerk or its licensing authority for dogs and cats.

Article 3 – Animals Generally

SECTION 3-301: BANNED FROM VILLAGE

A. It shall be unlawful for any person to keep or maintain within the corporate limits of the Village any horse, mule, sheep, cow, goat, swine or other livestock. This section shall not pertain to mini-pigs.

B. This section shall not apply to those animals kept or maintained within the corporate limits on the effective date of this section; provided, no additional animals may be brought in, kept, or maintained within the corporate limits after the effective date of this section.

SECTION 3-302: NONDOMESTIC ANIMALS PROHIBITED

It shall be unlawful for any person to own or have under his care, custody or control any nondomestic animal.

Nondomestic animal: Any animal other than a pet animal, agricultural animal; any animal, which has reverted to a wild state, a wolf hybrid animal, or any other hybrid animal.

Pet animal: Any domestic dogs, domestic cats, mini-pigs, domestic rabbits, domestic ferrets, domestic rodents, sugar gliders, hedge hogs, birds except those defined as agricultural animals and specifically including any birds possessed under a license issued by the State of Nebraska and/or the United States Fish and Wildlife Service, non-lethal aquarium fish, non-lethal invertebrates, amphibians, turtles, non-venomous lizards that will not grow to more than five feet in length at maturity, non-venomous snakes that will not grow to more than eight feet in length at maturity, or such other animals as may be specified and for which a permit shall be issued by the animal control authority after inspection and approval; provided, however, that any animal forbidden to be sold, owned, or possessed by federal or state law is not a pet animal. **(Neb. Rev. Stat. §17-207)**

SECTION 3-303: ENCLOSURES

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

SECTION 3-304: REMOVAL OF DOG, CAT AND OTHER ANIMAL FECES

An owner or person having custody of any dog or cat or any other animal shall not permit said dog or cat or other animal to defecate on any school ground, public street, alley, sidewalk, tree bank, park or other public grounds or any private property within the Village, other than the premises of the owner or person having custody of said dog or cat or other animal, unless said feces are removed immediately.

SECTION 3-305: CRUELTY TO ANIMALS

- A. *Physical abuse.* It shall be unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club, or other object; mutilate, burn, or scald with any substance, or otherwise cruelly set upon any animal, except that reasonable force may be employed to drive off vicious or trespassing animals.
- B. *Physical mistreatment.* It shall be unlawful for any person to knowingly, intentionally, or negligently cause or allow any animal to endure unreasonable or unjustifiable pain, suffering, or injury. Physical mistreatment shall include the intentional tripping or causing to fall by its legs, or lassoing or roping the legs of, any equine by any means for the purpose of entertainment, sport, practice, or contest and the intentional tripping of any bovine by its tail, causing any bovine to fall by its tail, or dragging any bovine by its tail for the purpose of entertainment, sport, practice, or contest.
- C. *Care and maintenance.* It shall be unlawful for any person keeping or harboring any animal to fail, refuse, or neglect to provide such animal with proper food, drink, shade, shelter, physical maintenance and veterinary care. Proper food, drink, shade, shelter, physical maintenance and veterinary care shall require:
 - 1. That each animal shall at suitable intervals and at least once every 24 hours, receive a quantity of wholesome foodstuff suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition for the animal;
 - 2. That each animal shall have available at all times an adequate supply of clean, fresh, potable water. If water pans or dishes are used, such pans or dishes shall have weighted bottoms or be mounted or secured in a manner that prevents tipping;
 - 3. That each animal shall have convenient access to shelter throughout the year. Any shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and shall be of sufficient size to permit the animal to enter, stand, turn around, and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, excessive ammonia levels, or which does not provide adequate ventilation or drainage, shall not comply with this section. The shelter and any space accessible to the animal and all bedding for the animal shall be maintained in a manner which keeps the animal reasonably clean, dry, comfortable, and at an appropriate temperature and minimizes the risk of the animal contracting disease, being injured or becoming infested with parasites;

4. That each animal shall receive care and medical treatment for debilitating injuries, parasites, and disease, sufficient to maintain the animal in good health and to minimize suffering;
5. That no animals shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness, not of the choker type, provided that the proper use of choker collars in the training of animals shall not be prohibited.
6. That any enclosure in which an animal is kept shall be constructed of material, and in a manner, to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition. When a dog is confined outside a residence, the following minimum space requirements shall be used:

Size of Dog	Pen Size (Square Feet)
Extra Large (over 26 inches at withers or over 75 lbs.)	48
Large (over 20 inches and up to 26 inches at withers or not over 75 lbs.)	40
Medium (over 12 inches and up to 20 inches at withers or not over 50 lbs.)	32
Small (12 inches or less at withers or not over 20 lbs.)	24
An additional 16 square feet shall be required for each dog sharing the pen with another. The minimum pen size includes a shelter.	

- D. *Leaving animals in unattended vehicle.* It shall be unlawful for any person to place or confine or allow such animal to be confined in such a manner that it must remain in a motor vehicle or trailer under such conditions or for such periods of time as may endanger the health or well-being of the animal due to heat, lack of food or water, or any circumstances which may cause suffering, disability, or death.
- E. *Abandonment of animals.* It shall be unlawful for any person to abandon any animal within the Village. Abandonment shall mean leaving an animal for a period in excess of 24 hours without appropriate provisions having been made for the feeding, watering, and care of such animal. If an animal is restrained or confined out of doors without food, water, or proper care, the animal control authority may enter upon any such property where the animal is restrained or confined and supply it with the necessary food, water and care so long as it remains there.
- F. *Owner's cost.* Any person or persons violating this section shall bear full cost and expenses incurred by the animal control authority in the care, medical treatment, impoundment cost, and disposal of said animals.
In addition to the sanctions which may be imposed by law, any person who is

found in violation of this section shall pay a penalty in the sum of \$200.00 which shall be paid to the animal control authority and shall be used solely for enforcement activities.

SECTION 3-306: CRUELTY TO ANIMALS; RIGHT TO ENTRY OF VILLAGE OFFICIALS; COSTS; DISPOSITIONS OF ANIMAL

Any duly authorized public health official, law enforcement official, or animal control officer may seek a warrant from the appropriate court to enable him or her to enter private property in order to inspect, care for or impound animals which show signs of animal neglect or animal abuse. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of this act has occurred. Each affidavit shall be accompanied by a sworn statement from any person filing a complaint of improper care with the appropriate agency. All animals impounded pursuant to such warrant or any other order of the court shall be:

- A. Placed in the care or custody of a veterinarian, or the authority ; or
- B. If it is determined by a veterinarian acting for the authority that such animal is diseased or disabled beyond any useful purpose, the animal shall immediately become the property of the authority to be humanely disposed of as the authority deems appropriate.

The owner or custodian of an animal impounded pursuant to this section shall be liable for the reasonable cost of the care and maintenance of the animal as set by the board pursuant to the master fee schedule, during the period of impoundment. Such costs shall be a lien upon the animal; and the authority may refuse to release such animal at the end of the legal proceedings until such costs have been paid.

If a person is adjudicated guilty of the crime of animal neglect, animal abuse or animal fighting and the court having jurisdiction is satisfied that an animal owned or controlled by such person would in the future be subject to such neglect or abuse, its disposition shall be determined by the court.

SECTION 3-307: IMPOUNDMENT AND DISPOSITION OF ABANDONED, NEGLECTED, CRUELTY TREATED ANIMALS

Any animal found abandoned, neglected, cruelly treated or in such a condition as to constitute a direct and immediate threat to its life, safety or health may be impounded immediately by the authority for a period of 72 hours. If it is determined by a veterinarian acting for the authority that such animal is diseased or disabled beyond any useful purpose, the animal shall immediately become the property of the authority to be humanely disposed of as the authority deems appropriate. The court may order the impoundment of such animal beyond such 72-hour period if the animal is in such a condition as to constitute a direct and immediate threat to its life, safety or health or as the court otherwise deems appropriate for the health and safety of the public. Any person who owns, keeps, harbors, maintains, or controls any animal involved in such impoundment shall pay all expenses, including shelter, food, veterinary expenses, boarding, or other expenses, necessitated by the impoundment of the animal for the

protection of the public and other expenses as may be required. The authority may require such person to pay, prior to the expiration of ten days after the date of impoundment, an amount sufficient to pay all reasonable expenses incurred in caring and providing for the animal, including estimated medical care, for 30 days, inclusive of the date on which the animal was impounded. If such payment is not made prior to expiration of this ten-day period, the animal shall become the property of the authority to be disposed of as the authority deems appropriate. Such payment will be required for each succeeding 30-day period. If any such payment is not made prior to the end of each succeeding 30-day period, the animal shall become the property of the authority to be disposed of as the authority deems appropriate. The amount of the payment shall be determined by the authority based on the current rate for board at the animal shelter and the condition of the animal after examination of the animal by a veterinarian acting for the authority. Any such payment received by the authority in excess of the amount determined by the authority to be due for the board and care of the animal shall be refunded by the authority upon expiration of the order of impoundment. Notwithstanding the foregoing, if the owner or custodian is found not guilty of animal neglect or cruelty, the owner or custodian shall only be required to pay the veterinary expenses and one-half of the board and care fees determined by the authority to be due.

Notwithstanding the foregoing, if it is determined by a veterinarian acting for the authority that such animal is diseased or disabled beyond any useful purpose, the animal shall immediately become the property of the authority to be humanely disposed of as the authority deems appropriate.

SECTION 3-308: DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS GENERALLY

- A. No person shall own, keep or harbor, or allow to be in or upon any premises occupied by him, or under his charge or control, any dangerous animal or potentially dangerous animal without complying with the requirements of this chapter regarding dangerous or potentially dangerous animals.
- B. A dangerous animal is defined as one who meets one or more of the following conditions:
 - 1. Any animal which attacks, snaps at, bites, or has a history of attacking a human being or other domestic animal one or more times, without provocation.
 - 2. Any animal engaging in or found to have been trained to engage in exhibitions of fighting.
 - 3. Any animal previously declared a potentially dangerous animal that bites a human being without provocation.
- C. A potentially dangerous animal is defined as one who meets one or more of the following conditions:
 - 1. Any animal that when unprovoked: (i) inflicts an injury on a human being that does not require medical treatment, (ii) injures a domestic animal, or (iii) chases or approaches a person upon streets, sidewalks, or any public

- grounds in a menacing fashion or apparent attitude of attack; or
2. Any specific animal with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.
- D. No animal may be declared dangerous or potentially dangerous that inflicts injury or damage on a person committing a willful trespass or other tort upon premises occupied by the owner or lessee of the animal, or committing or attempting to commit a crime. No animal may be declared dangerous or potentially dangerous for taking any action to defend or protect a human being within the immediate vicinity of the animal from an unjustified attack or assault. No animal used in connection with lawful activities of law enforcement officials shall be declared a dangerous or potentially dangerous animal.

The court may, in addition to any other fine or judgment, order the animal control authority to forthwith put the animal to death by removing the same to the animal shelter for such purpose. Any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the animal, boarding and veterinary expenses necessitated by the seizure of any animal for the protection of the public and such other expenses as may be required for the destruction of any such animal.

SECTION 3-309: JUDICALLY EXCLUDED ANIMALS

It shall be unlawful for any person to bring any animal into the Village, which has, in another jurisdiction been judicially determined to be a dangerous, potentially dangerous, vicious, a nuisance, or a threat to the health or safety of human beings.

SECTION 3-310: IMPOUNDMENT OF CERTAIN ANIMALS DURING ENFORCEMENT PROCEEDINGS

If there is reasonable cause shown that the offending animal under **Section 3-308** may constitute a hazard to the safety of the public at large during the pendency of any action commenced thereunder, the court may order such animal or animals impounded pending the outcome of such proceedings. Any person who owns, keeps, harbors, maintains, or controls any animal involved in such impoundment shall pay all expenses, including shelter, food, veterinary expenses, boarding, or other expenses, necessitated by the impoundment of the animal for the protection of the public and other expenses as may be required. The authority may require such person to pay, prior to expiration of ten days after the date of impoundment, an amount sufficient to pay all reasonable expenses incurred in caring and providing for the animal, including estimated medical care, for 30 days, inclusive of the date on which the animal was impounded. If such payment is not made prior to expiration of this ten-day period, the animal shall become the property of the authority to be disposed of as the authority deems appropriate. Such payment shall be required for each succeeding 30-day period. If any such payment is not made prior to the end of each succeeding 30-day period, the animal shall become the property of the authority to be disposed of as the

authority deems appropriate. The amount of the payment shall be determined by the authority based on the current rate for board at the animal shelter and the condition of the animal after examination of the animal by a veterinarian acting for the authority. Any such payment received by the authority in excess of the amount determined by the authority to be due for the board and care of the animal shall be refunded by the authority upon expiration of the order of impoundment. Notwithstanding the foregoing, if the owner or custodian is found not guilty of animal neglect or cruelty, the owner or custodian shall only be required to pay the veterinary expenses and one-half of the board and care fees determined by the authority to be due.

Notwithstanding the foregoing, if it is determined by a veterinarian acting for the authority that such animal is diseased or disabled beyond any useful purpose, the animal shall immediately become the property of the authority to be humanely disposed of as the authority deems appropriate.

SECTION 3-311: DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS— SPAYING OR NEUTERING: MICROCHIP IDENTIFICATION AND LICENSE REQUIRED

Any animal judicially determined to be dangerous or administratively determined to be potentially dangerous shall be spayed or neutered and implanted with microchip identification by a licensed veterinarian at the owner's expense no less than 30 days after such determination is entered with written proof of spaying or neutering and the microchip identification number being provided to the animal control authority within 72 hours of the procedure being completed. In addition such dangerous or potentially dangerous animal shall be required to be licensed as a dangerous or potentially dangerous dog within 30 days of the determination.

SECTION 3-312: DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS — CLASSES REQUIRED

The owner of any animal judicially determined to be dangerous or administratively determined to be potentially dangerous shall be required to attend, at the owner's expense, within 90 days after such determination is entered, a responsible pet ownership class approved by the animal control authority and, at the discretion and direction of the animal control authority, a dog behavior class provided or approved by the animal control authority.

SECTION 3-313: DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS — WARNING SIGNS REQUIRED

Any property wherein a dangerous animal is kept, harbored or confined shall be posted with warning signs visible from all areas of public access.

The warning signs must:

- (1) Be no less than ten inches by 12 inches in size,
- (2) Contain the words "Warning; Dangerous Animal" in high contrast lettering

- on a black background in English, and
- (3) Lettering must be no less than three inches high.

SECTION 3-314: CONFINEMENT OF DANGEROUS ANIMALS

No person owning, harboring or having the care of a dangerous animal shall permit such animal to go unconfined on the premises of such person. A dangerous animal is unconfined as the term is used in this section if such animal is not:

- (a) Confined indoors; or
- (b) Confined outdoors in an enclosed and locked pen or structure upon the premises of the person described above; provided the existence of such a pen or structure is permitted by zoning regulations. Maintenance of a dangerous animal is not permitted in areas where such structures or pens are not authorized by zoning regulations. If permitted, such pen or structure shall be:

Size of Animal	Square ft. of pen
Extra large (over 26 inches at withers or over 75 lbs.)	48
Large (over 20 inches and up to 26 inches at withers or not over 75 lbs.)	40
Medium (over 12 inches and up to 20 inches at withers or not over 50 lbs.)	32
Small (12 inches or less at withers or not over 20 lbs.)	24

The pen must be constructed with chain link fencing for all four sides and the top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than one foot, or have a concrete pad for the bottom. The pen or structure shall be set back at least ten feet from the nearest property line.

SECTION 3-315: DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS — LEASH AND HARNESS REQUIRED

It shall be unlawful for any person owning, harboring or having the care of a dangerous or potentially dangerous animal to permit such animal to go beyond the property of such person unless the animal is under the control of a person 19 years of age or older and restrained securely by a harness and leash no longer than six feet and properly muzzled to reasonably prevent the animal from biting.

SECTION 3-316: PROOF OF INSURANCE FOR DANGEROUS ANIMALS AND POTENTIALLY DANGEROUS ANIMALS

It shall be unlawful for any person to own, possess, or license any animal designated as a dangerous animal by a court, designated as a potentially dangerous animal by any animal control authority, without having evidence of a current and effective mini-

mum \$100,000.00 public liability insurance policy to be maintained for the period of such designation. (Am by Ord 748 11/25/14)

SECTION 3-317: DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS—IMPOUNDMENT

Any animal that has been determined to be a dangerous animal or a potentially dangerous animal that, without provocation, bites a human being, may be immediately impounded by an animal control officer, if in violation of this chapter. The owner shall be responsible for the reasonable costs incurred for the care of such impounded dangerous animal.

SECTION 3-318: DETERMINATION OF POTENTIALLY DANGEROUS ANIMAL

The animal control authority shall initiate administrative proceedings to determine an animal to be a potentially dangerous animal if it meets the definition of potentially dangerous animal under **Section 3-308**, by service of a notice, in writing, upon such animal's owner either by certified and regular mail to the owner's last-known address or personally. The notice shall contain:

- A. The name and address of the owner whose animal is subject to such determination;
- B. The name, description and license number of the animal who is subject to such determination;
- C. A description of the facts which form the basis of such determination;
- D. A summary of the effects of such determination, including the requirements for Sections 3-311, 3-312, 3-315 and 3-316 and state that non-compliance will result in an owner being declared a reckless owner by the animal control authority;
- E. The date of proposed entry of the determination which shall be not less than ten days after the date of mailing or personal service of the notice; and
- F. Notification of the availability of an appeal if the owner objects to such determination, within ten days of the date of mailing or personal service of the notice.

An owner whose animal is determined to be a potentially dangerous animal shall be required to comply with **Section 3-315** immediately, **Sections 3-311 and 3-312** within 30 days of the date of entry of the determination order, and shall be required to comply with **Section 3-312** within 90 days of the date of entry of the determination order, unless a notice of appeal of the order is filed with the animal control authority, provided, noncompliance with any of the sections set forth above in this paragraph shall result in the owner being declared a reckless owner by the animal control authority under **Section 3-319**.

An appeal of such determination order shall be heard by a hearing officer designated by the animal control authority within ten days of the date of the filing of the notice of appeal, and shall provide an opportunity for the owner to appear and offer evidence

to dispute the determination order. The filing fee for each notice of appeal shall be \$100.00. A decision to affirm or reverse such order shall be entered by the hearing officer within ten days of the date of the hearing.

The animal control authority will notify the owner of any potentially dangerous animal that has been involved in no incidents of the type specified in section 3-308 (C) during the two years following the date of the determination order, that their dog is no longer declared a potentially dangerous animal.

SECTION 319: RECKLESS OWNER

Upon any owner or co-owner from the same household having been convicted of one or more violations of this chapter on three separate occasions within a 24-month period, or whose animal has been determined to be dangerous or potentially dangerous and who has not complied with the subsequent requirements of this chapter, the animal control authority shall initiate administrative proceedings to declare the owner a reckless owner upon which all pet licenses in the household shall be revoked. Such proceedings shall be instituted by the mailing or personal service of a written notice, to the owner's last known address. The notice shall contain:

- A. The name and address of the owner who is subject to such declaration and revocation;
- B. The names, descriptions and license numbers of any pet animals licensed to the owner;
- C. A description of the violations or requirements which form the basis of such declaration and revocation, including the case numbers, if any;
- D. A summary of the effects of such declaration, including revocation of all pet licenses and surrender of all pet animals;
- E. The date of proposed entry of the declaration and revocation order which shall be not less than ten days after the date of mailing or personal service of the notice; and
- F. Notification of the availability of an appeal, if the owner objects to such declaration and revocation, within ten days of the date of mailing or personal service of the notice.

Upon entry of such declaration and revocation order, unless an appeal of such order is filed with the animal control authority in accordance with this section, such reckless owner shall be required to surrender all pet animals to the animal control authority within 24 hours. Failure to surrender such pet animals is a criminal violation of this act that shall result in prosecution as well as immediate impoundment by the animal control authority in accordance with **Section 3-320**. Such surrendered or impounded pet animals shall immediately become the property of the animal control authority and be disposed of as deemed appropriate.

An appeal of such declaration and revocation order shall be heard by a hearing officer designated by the animal control authority and shall provide an opportunity for the owner to appear and offer evidence to dispute the declaration and revocation order within ten business days. The filing fee for each appeal shall be \$100.00. A de-

termination to affirm or reverse such order shall be entered by the hearing officer within ten days of the date of the hearing.

It shall be unlawful for a reckless owner to fail to surrender all pet animals within 24 hours or to subsequently own, possess, or have control over any animal for a period of 48 months from the date of entry of the declaration and revocation order.

SECTION 3-320: ENFORCEMENT

A Appointment.

The Village may contract with an entity for enforcement of Article 2 and Article 3 of this Chapter 3. The entity will be known as the animal control authority. The director of the authority is hereby authorized to appoint and designate certain of the properly trained employees of the authority as animal control officers.

B Identification.

Those persons appointed as animal control officers shall be furnished with appropriate identification which shall be carried by them on their person during the performance of their duties.

C Duties.

Each animal control officer is hereby authorized and it shall be his duty to issue written notices, impound animals, investigate violations, issue citations, to obtain search warrants and orders of impoundment and seize and control evidence as provided in this chapter whenever any person is found in violation of any of the provisions therein enumerated.

D Authority restricted.

The provisions of this article shall not be construed as granting or establishing in animal control officers the powers or authority of a peace officer, and such animal control officers shall be strictly limited to the authority provided for in this chapter when acting in the capacity of animal control officers.

E Obstructing enforcement.

No person shall hinder, delay, interfere with or obstruct the authority or any of its assistants while engaged in capturing, securing or taking to the shelter any animal to be impounded, or shall break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any shelter ambulance, wagon, or other vehicle used for the collecting or conveying of animals to the shelter, or shall remove or cause to be removed any animal from the shelter, ambulance or any vehicle used for collecting or conveying animals to the shelter without permission of the authority, or shall in any way interfere with, hinder or obstruct the authority or any of its assistants in the performance of their duties as required by law.

F Nondomestic animal removal; fee.

Any landowner may request the authority to remove a nondomestic animal from his or her private property. There shall be no fee for the first three such removal requests in any one calendar year. The fee for any subsequent removal requests within the same calendar year shall be \$ 25.00 per request.

G Notice of impoundment.

The authority, within 24 hours of taking custody of an animal under this chapter, shall take reasonable steps to provide written notice of the impoundment to the owner of the animal by either posting a notice of the impoundment at the location where the animal was seized or by delivering a copy of such notice to a person of suitable age on the owner's property. If the owner's identity is not known, then the authority is not required to take any other steps except post notice in the location of the impoundment.

H Impoundment and disposal of abandoned, neglected, cruelly treated animals.

Any animal found abandoned, neglected, cruelly treated or in such a condition as to constitute a direct and immediate threat to its life, safety or health may be impounded immediately by the authority for a period of 72 hours. If it is determined by a veterinarian acting for the authority that such animal is diseased or disabled beyond any useful purpose, the animal shall immediately become the property of the authority to be humanely disposed of as the authority deems appropriate. The court may order the impoundment of such animal beyond such 72-hour period if the animal is in such a condition as to constitute a direct and immediate threat to its life, safety or health or as the court otherwise deems appropriate for the health and safety of the public. Any person who owns, keeps, harbors, maintains, or controls any animal involved in such impoundment shall pay all expenses, including shelter, food, veterinary expenses, boarding, or other expenses, necessitated by the impoundment of the animal for the protection of the public and other expenses as may be required. The authority may require such person to pay, prior to the expiration of ten days after the date of impoundment, an amount sufficient to pay all reasonable expenses incurred in caring and providing for the animal, including estimated medical care, for 30 days, inclusive of the date on which the animal was impounded. If such payment is not made prior to expiration of this ten-day period, the animal shall become the property of the authority to be disposed of as the authority deems appropriate. Such payment will be required for each succeeding 30-day period. If any such payment is not made prior to the end of each succeeding 30-day period, the animal shall become the property of the authority to be disposed of as the authority deems appropriate. The amount of the payment shall be determined by the authority based on the current rate for board at the animal shelter and the condition of the animal after examination of the animal by a veterinarian acting for the authority. Any such payment received by the authority in excess of the amount determined by the authority to

be due for the board and care of the animal shall be refunded by the authority upon expiration of the order of impoundment. Notwithstanding the foregoing, if the owner or custodian is found not guilty of animal neglect or cruelty, the owner or custodian shall only be required to pay the veterinary expenses and one-half of the board and care fees determined by the authority to be due.

Notwithstanding the foregoing, if it is determined by a veterinarian acting for the authority that such animal is diseased or disabled beyond any useful purpose, the animal shall immediately become the property of the authority to be humanely disposed of as the authority deems appropriate. **(Am. by Ord 741 9/23/14)**

Article 4 – Nuisances

SECTION 3-401: DEFINITIONS

Nuisances are hereby defined as follows:

A. "Litter" includes, but is not limited to (1) trash, rubbish, refuse, garbage, paper, rags, and ashes; (2) wood, plaster, cement, brick, or stone building rubble; (3) grass, leaves, and worthless vegetation; (4) offal and dead animals; and (5) 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; (6) any firewood not cut in lengths of less than 18 inches and not stacked in an orderly manner on an area of less than 6 feet by 10 feet.

B. "Weeds, grasses or worthless vegetation" includes, but is not limited to, lawn grasses, 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.), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

C. A "dangerous building" is hereby defined as one unsuitable for human habitation, or has one or more of the following conditions: (1) Broken windows or other openings permitting animals, birds, bats or flying insects to enter the premises; (2) cracked or broken foundations which permit animals, snakes, or rodents to enter the premises; (3) damaged siding or roofing material permitting rain and snow to enter the premises; (4) litter, refuse, or garbage within the premises, resulting in a disagreeable odor emitting from the building; (5) flaking paint or lack of paint on the building; (6) porches or other building attachments leaning or falling down due to deteriorating foundations or rotting lumber; (7) any building determined to be a fire hazard by the chief of the local Fire Department; or (8) any building, due to its condition, being so unsightly as to depreciate the value of property in the vicinity thereof. Also see Chapter 9, Article 3, Unsafe Buildings.
(Neb. Rev. Stat. §17-563)

D. Odors determined to be offensive to the senses by examining the character, frequency, duration, time, and locality of the odor.

E. Sounds as described in Chapter 10, Article 2.

F. Unlicensed Vehicle; provided this section shall not apply to a vehicle in an enclosed building; to a vehicle on the premises for a building enterprise,

operated in a lawful place and manner, when such vehicle is necessary to the lawful operation of the business; or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner. **(Am. by Ord. No. 754, 8/11/15)**

SECTION 3-402: NUISANCE DECLARED

It is hereby declared to be a public nuisance to permit or maintain any of the following on any property within the corporate limits of the Village:

- A. The growth of (1) grasses in excess of 8 inches; (2) weeds or worthless vegetation of any height; or (3) weeds, grasses or worthless vegetation in excess of 8 inches if the Village was required to remove such weeds, grasses or worthless vegetation from any property within the corporate limits of the Village within the same calendar year and had to seek recovery of the costs and expenses of such work from the owner **(Neb. Rev. Stat. §17-563) (Am. By Ord. No. 753, 6/9/15)**
- B. The accumulation of litter;
- C. A dangerous building;
- D. Odor;
- E. Sound determined to be offensive as provided in Chapter 10, Article 2; or
- F. Unlicensed vehicle; or
- G. All other things specifically designated as nuisances elsewhere in this code. **(Am. by Ord. No. 754, 8/11/15)**

SECTION 3-403: ABATEMENT PROCEDURE

- A. Whenever the Village Board or its designated code enforcement officer determines that any grass in excess of 8 inches, weeds of any height, or weeds, grasses or worthless vegetation in excess of 8 inches as provided in Section 3-402(A) are growing on property within the Village, or litter or stagnant water is found on any property, or that any building or structure in the Village is a dangerous building, the City Clerk or Code Enforcement Officer shall cause written notice to be served upon the owner of the property on which any of the above-described nuisances are located and further, upon the occupant thereof, by registered mail or by personal service. Such notice shall state that the premises have thereon grass in excess of 12 inches; weeds of any height; weeds, grasses or worthless vegetation in excess of 8 inches as provided in Section 3-402(A); litter or stagnant water; or that the building situated thereon has been declared to be in a dangerous condition and that the nuisance must be removed or remedied within ten days of receipt of notice. **(Am. By Ord. No. 753, 6/9/15)**
- B. In the event that the Village intends to cause the grass or weeds to be mowed, or the building to be repaired or demolished by the Village, at the owner's expense, the notice to abate shall provide that the owner or occupant of such proper-

ty shall have the right to a hearing before the Village Board prior to such abatement action.

SECTION 3-404: FAILURE TO CORRECT

In the event that the owner or occupant of said premises fails to correct and eliminate said nuisance pursuant to the notice to correct which was published, posted or delivered by the Village, the Village may institute an action in the County Court for violation of this ordinance or may bring a mandatory injunction action in District Court to abate such nuisance.

SECTION 3-405: COST OF REMOVAL

A. If the owner or occupant of the lot or piece of ground fails to comply with the order to abate and remove the nuisance or fails to request a hearing before the Village Board within five days from receipt of the notice to abate, the Village may have such work done and the costs and expenses of such work shall be paid by the owner of the property.

B. The costs to be charged the owner and/or occupant by the Village shall be calculated at an hourly rate for the time spent by village personnel, plus any out-of-pocket expenses incurred by the Village in connection with the abatement and removal of the nuisance. Such hourly rate shall be set from time to time by the Village Board and filed in the office of the Village Clerk for public inspection during office hours. (Ord. No. 661, 7/13/04)

C. 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.

Article 5 – Sexual Predators Residency Restrictions

SECTION 3-501: DEFINITIONS

For purposes of the Sexual Predator Residency Restriction Act:

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

B. “Political subdivision” means a village, a city, a county, a school district, a public power district, or any other unit of local government;

C. “School” means a public, private, denominational, or parochial school which meets the requirements for accreditation or approval prescribed in Neb. Rev. Stat. Chapter 79;

D. “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 Sex Offender Registration Act; and

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

(Neb. Rev. Stat. §29-4016)

SECTION 3-502: RESIDENCY RESTRICTIONS

It is hereby determined unlawful for any sexual predator to reside within 500 feet of a school or child care facility. For the purpose of determining the minimum distance separation, the distance shall be measured at a straight line from the closest point of the property line of the sexual predator's place of residence to the property line of the school or child care facility. **(Neb. Rev. Stat. §29-4017)**

SECTION 3-503: EXCEPTIONS

These restrictions shall not apply to any sexual predator who (A) resides in a prison or correctional or treatment facility operated by the state or a political subdivision; (B) established a residence within such minimum distance before July 1, 2006, and has not moved from that residence; or (C) established a residence after July 1, 2006, but a school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at that location. **(Neb. Rev. Stat. §29-4017)**

Article 6 – Penal Provisions

SECTION 3-601: 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 an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

SECTION 3-602: ABATEMENT OF NUISANCE

A. 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.

B. 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.

(Neb. Rev. Stat. §18-1720, 18-1722)