

CITY OF IMPERIAL MUNICIPAL CODE

INDEX

A

ABANDONED VEHICLES

Abandonment of vehicle prohibited	4-602
Costs of removal and storage	4-609
Custody; who entitled	4-605
Definitions	4-601
Destroy, deface or remove parts; unlawful; exception; violation; penalty	4-608
Liability for removal	4-607
Powers and duties, city	4-604
Proceeds of sale; disposition	4-606
Title; vest in city; when	4-603

ADMINISTRATION, CITY

Bonds; blanket bond	1-104
Compensation	1-105
Conflict of interest	1-106
Corporate existence	1-101
Oath of office; city officials	1-103
Records; confidential	1-107
Records; public; examination and duplication	1-107
Seal, corporate	1-102

AIRPORT AUTHORITY BOARD

Authority; duties	2-701
Board members	2-702
Removal of members	2-704
Vacancies	2-703

ALCOHOLIC BEVERAGES

Acquisition and possession	5-102
Catering licenses	5-115
City powers and duties	5-105
Complaint initiated by City Council	5-127
Complaint, citizens'	5-126
Conduct prohibited	5-120
Credit sales	5-118
Definitions	5-101
Delivery after closing prohibited	5-124
Dwellings, access to	5-108
Gambling	5-121
Hours of sale	5-112
Inspections	5-113
Keg sales	5-114
License, delivery of, prerequisites	5-110
License displayed	5-111
License renewal, automatic; protests	5-125
License required	5-104
License revocation	5-128
Licensee requirements	5-106
Location	5-107

Minors and incompetents	5-117
Minors, hiring	5-116
Original package	5-119
Public property, drinking on; open container	5-103
Removal of Intoxicated persons from public or quasi-public property	5-129
Sale for resale	5-122
Sanitary conditions	5-109
Transportation of	5-123
ALL-TERRAIN VEHICLES	
Definitions	4-506
Prohibited	4-507
AMUSEMENTS	
Public dance; defined	5-601
Public dance; exits	5-604
Public dance; inspection	5-602
Public dance; responsibility of sponsor	5-603
ANIMALS GENERALLY	
Livestock and fowls prohibited	3-401
Animals, care of	3-403
Impoundment	3-406
Capture; humane methods	3-407
Residential area; certain animals prohibited	3-402
Waste, animal	3-404
Waste, animal, violations; penalty	3-405
Wild animals	
APPOINTED OFFICIALS	
Administrator	1-504
Administrator-clerk-treasurer position	1-503
Attorney	1-507
Authority, general	1-501
Building inspector/zoning administrator	9-101
Clerk	
k	1-505
Code enforcement officer	1-512
Engineer	1-510
Fire chief	8-204
Merger of offices	1-502
Police chief and officers	1-508
Public works director	1-511
Student representative, City Council	1-514
Treasurer	1-506
Zoning administrator	9-101

B

BICYCLES AND MINIBIKES	
Bicycles; equipment	4-301
Minibikes; emergencies and parades	4-303
Minibikes; public lands	4-304
Minibikes; traffic laws inapplicable	4-305
Minibikes; unlawful operation	4-302
BOARD OF ADJUSTMENT	
Appointment	2-1101
Appeal; procedure	2-1105
Terms; vacancies	2-1102
Officers; meetings	2-1103

Powers and duties	2-1104
BOARD OF HEALTH	
County Health Board	2-206
Duties	2-203
Enforcement official	2-204
Meetings; officers	2-202
Members; terms	2-201
State rules	2-205
BUILDING INSPECTOR/ZONING ADMINISTRATOR	
Barricades and lights	9-104
Entry, right of	9-102
Inspection, time of	9-103
Powers and authority	9-101
BUILDING MOVING	
Application	9-503
Completion of move	9-507
Definitions	9-501
Duties of permittee	9-505
General license not allowed	9-506
Permit required	9-502
Utilities	9-504
BUILDING PERMITS	
Bond requirement	9-207
Building without permit; nuisance	9-208
Duplicate to county assessor	9-202
Fees, inspection; collection; schedule	9-203
Inspection, time of	9-205
Limitation	9-206
Permit required; application	9-201
Variance not permitted	9-204
BUILDINGS, DANGEROUS	
See DANGEROUS BUILDINGS	

C

CEMETERY BOARD	
Burial, unlawful	2-811
Cemetery; destruction of property	2-809
Cemetery; lot prices	2-806
Cemetery; lot transfers	2-808
Cemetery; lots, conveyance of	2-805
Cemetery; lots, forfeiture of	2-807
Cemetery; operation and funding	2-801
Cemetery; perpetual care	2-810
Duties	2-804
Members	2-802
Officers; meetings	2-803
CITY COUNCIL	
See ELECTED OFFICIALS	
CODES, CONSTRUCTION AND MAINTENANCE	
Uniform Codes	9-301
Electrical Code (5)	
International Building Code (1)	
International Plumbing Code (4)	
International Property Maintenance Code (3)	

International Residential Code (2)

Uniform Code for Building Conservation (6)

Housing Code

Application	9-401
Definitions	9-402
Duties of occupant	9-403
Dwelling regulations	9-404
Emergency	9-408
Enforcement; appeals	9-412
Inspections	9-409
Maintenance	9-405
Notice	9-410
Nuisance	9-406
Rules, regulations	9-411
Violation	9-407

COMMUNITY REDEVELOPMENT AUTHORITY

Operation	2-902
-----------	-------

D

DANCES, PUBLIC

See AMUSEMENTS

DANGEROUS BUILDINGS

Appeal	3-608
Building inspector	3-602
Determination; definitions	3-601
Disputes	3-607
Failure to comply	3-606
Hazard, immediate	3-609
Nuisance; procedure	3-605
Standards	3-603
Unlawful maintenance	3-604

DOGS AND CATS

Animal control, interference with	3-225
Cats; running at large; penalty	3-209
Conditions required	3-202
Dogs; damage; liability of owner	3-210
Definitions	3-201
Dogs; collar or harness; owner's ID; license tag	3-206
Dogs, Dangerous and Potentially Dangerous	
Dangerous; prohibited; exceptions	3-222
Definitions	3-217
Potentially Dangerous	
Confinement; registration	3-219
Determination	3-218
Impoundment	3-221
Restraint	3-220
Violation; penalty; destruction	3-223
Dogs; excessive noise	3-211
Dogs; fighting prohibited	3-215
Dogs; licensing, wrongful	3-207
Dogs; licensing; rabies certificate; fees	3-205
Dogs; rabies suspected; impoundment	3-216
Dogs; running at large; penalties	3-208
Females in heat	3-212
Impoundment	3-224
Killing	3-213
Number allowed	3-203
Poisoning	3-213

Rabies vaccination	3-204
Service dog; violence on; interference with	3-214
Violation; penalty	3-226

E

ELECTED OFFICIALS

City Council; powers and duties	1-204
City Council; president	1-205
City Council; procedure to fill vacancy	1-207
City Council; vacancy	1-206
Election; mayor and council	1-201
Mayor; powers and duties	1-202
Mayor; vacancy	1-203
Restrictions on other employment or elective office	1-208

ELECTIONS

Ballots	1-710
Certificate of nomination or election	1-709
Certifications required	1-702
City Council	1-703
Exit polls	1-714
Filing fee	1-708
Filing forms	1-707
General election; preparation of ballot	1-713
Generally	1-701
Petition candidates	1-705
Primary election; number of candidates filing	1-712
Primary or general election; notice	1-711
Recall	1-717
Recount, automatic	1-715
Recount; losing candidate	1-716
Special city election	1-704
Write-in candidates	1-706

ELECTRIC SYSTEM

Billing and collections; delinquency	7-106
Electricians; state license; liability	7-402
Installation expense	7-403
Meters	7-404
No guarantee of service	7-405
Ownership	7-401
Rates	7-406
Signs, ads, etc.	7-408
Trees, trimming	7-409

EXPLOSIVES

Blasting permits	8-503
Bullets	8-502
Storage; registration	8-501

F

FAIR HOUSING REGULATIONS

Definitions	5-702
Handicapped persons	5-704
Information	5-708
Multiple listing service; other service	5-706
Purpose	5-701
Religious organization, private home, private club, or housing for older persons	5-707

Residential real estate, transaction related to	5-705
Unlawful acts	5-703
FIRE DEPARTMENT	
Burning of property, lawful	8-207
Chief, assistant chief, captains	8-203
Chief; powers and duties	8-204
Communications equipment	8-206
Equipment	8-205
Fireman, impersonating	8-208
Membership	8-202
Operation and funding	8-201
FIRE PREVENTION	
Burning; appliances; violation	8-405
Code enforcement	8-403
Fire Code	8-401
Fire limits; building permit	8-408
Fire limits; defined; building materials	8-407
Fire limits; permitted repairs	8-409
Fire limits; removal or repair	8-411
Fire limits; removal required	8-410
Inspections; fire hazard	8-412
Life Safety Code	8-402
Open burning ban; waiver; permit	8-404
Stoves, furnaces, chimneys	8-406
FIRES	
Assistance	8-305
Duty of Fire Department	8-301
False alarm	8-309
Fires, distant	8-310
Hose, driving over	8-306
Interference	8-302
Investigation	8-311
Obstruction	8-304
Pedestrians	8-308
Property, preservation of	8-303
Traffic	8-307
FIREWORKS	
Definitions	8-602
Regulation of use, sale, possession	8-601
Sales, retail; discharge; public exhibitions	8-604
Throwing; unlawful	8-605
Unlawful acts; exceptions	8-603
FISCAL MANAGEMENT	
Audit, annual	1-616
Bond issues	1-610
Budget hearing	1-620
Budget procedure; form and manual incorporated	1-619
Budget statement; appropriations	1-618
Claims	1-607
Contracts and purchases; bidding and other requirements	1-615
Contracts; appropriation	1-614
Credit cards; authority to accept	1-605
Debt collection; collection agency	1-606
Emergency; transfer of funds	1-622
Expenditures	1-609
Expenditures prior to adoption of budget	1-621

Fiscal year	1-601
Fund, general	1-617
Fund, special assessment	1-613
Funds, deposit of	1-603
Funds, investment of	1-604
Funds, public, defined	1-602
Funds, sinking; gifts of money or property	1-611
General fund	1-617
Levy, all-purpose; allocation; abandonment; extraordinary levies	1-625
Levy for other taxes and special assessments	1-627
Levy, property tax; authority to set	1-626
Levy, property tax, for general revenue purposes	1-627
Levy, property tax; maximum; authority to exceed	1-628
Property tax; certification of amount	1-624
Proprietary functions; fiscal year; budget state- ments; filing; hearing; adoption; reconciliation	1-623
Special assessment fund	1-613
Special assessments, collection; procedure	1-612
Warrants	1-608

G

GARBAGE

See SOLID WASTE

GASES, POISONOUS OR FLAMMABLE

8-504

GOLF CARS AND UTILITY-TYPE VEHICLES

Decal or flag; issuance; fee	4-511
Definitions	4-506
Inspection, city; requirements	4-510
Insurance; proof of insurance	4-513
Operation; restrictions	4-515
Operators	4-514
Passengers; restraints	4-518
Permit and inspection	4-509
Permit, annual; expiration	4-512
Permitted	4-508
Speed, maximum	4-516
Trailers prohibited	4-517
Violation; penalties	4-519

H

HOUSING AGENCY

Conflict of interest	2-606
Continued existence as housing agency	2-601
Definitions	2-603
Joint housing agency	2-610
Meetings; officers; duties	2-605
Members; terms; compensation	2-604
Ownership	2-602
Removal of commissioner	2-607
Report to council	2-608
Rules and regulations	2-609

K

KENNELS

Application; license	3-303
----------------------	-------

Defined	3-301
Regulations	3-304
Unlicensed; prohibited; nuisance	3-302

L

LIBRARY BOARD

Grounds and building	2-107
Library; book removal	2-112
Library; cost of use; violation of rules	2-110
Library; discrimination prohibited	2-111
Library; donations	2-109
Library; lost and damaged materials	2-113
Library; operation and funding	2-101
Library; penalties; recovery; disposition	2-115
Library; sale, exchange or disposal of books	2-114
Members; terms	2-102
Mortgages; release or renewal	2-108
Officers; meetings	2-103
Powers and duties	2-104
Real estate; sale and conveyance	2-106
Report to City Council, annual	2-105

LIQUOR REGULATIONS

See ALCOHOLIC BEVERAGES

M

MEETINGS

Closed sessions	1-311
Defined	1-301
Emergency	1-313
Minutes	1-310
News media, notice to	1-305
Notice; agenda	1-304
Order of business	1-308
Parliamentary procedure	1-309
Place, day, time; quorum	1-306
Public body defined	1-302
Reorganizational; standing committees	1-307
Rights of public	1-303
Special	1-312
Virtual conferencing	1-314

MINIBIKES

See BICYCLES AND MINIBIKES

MISDEMEANORS, GENERAL

Appliance outdoors	3-121
Assault	3-113
Destruction of property, malicious	3-118
Disorderly conduct	3-114
Disturbing an assembly	3-115
Disturbing the peace; excessive noise	3-116
False reporting	3-108
Hedges or vegetation obstructing view	3-127
Indecency, public	3-111
Insects; extermination	3-126
Littering	3-119
Loud music, recordings, radios, etc.; exceptions	3-117
Mischief, criminal	3-106

Officer, impersonating	3-103
Officer, obstructing	3-101
Officer, resisting or failing to assist	3-102
Parks; injury to property; littering	3-124
Parks; overnight camping prohibited	3-124
Plants and trees, injury to	3-123
Posting; unlawful destruction	3-120
Resisting arrest without deadly or dangerous weapon	3-104
Rodents and insects; extermination	3-126
Sex offenders and predators	3-112
Stalking	3-109
Telecommunications, theft of	3-125
Threats; assault in the third degree	3-113
Trees, injury to	3-123
Trespass, criminal	3-107
View, obstruction by hedges, vegetation	3-127
Water flow, obstructing	3-122
Weapons; carry, possession in city buildings; concealed weapons; discharge	3-105
Window peeping	3-110

MOPEDS AND MOTORCYCLES

Mopeds; defined	4-401
Mopeds; operation; equipment	4-404
Mopeds; helmet required	4-406
Mopeds; operator's license	4-402
Mopeds; traffic lanes	4-405
Mopeds; traffic regulations applicable	4-403
Motorcycles; helmet required	4-409
Motorcycles; lights	4-408
Motorcycles; operation	4-407

MOTIONS

See ORDINANCES, RESOLUTIONS AND MOTIONS

MOTORCYCLES

See MOPEDS AND MOTORCYCLES

N

NUISANCES

Abatement services; notice procedure	3-504
Defined, generally	3-502
Defined, specifically	3-503
Enforcement procedures	3-505
Expenses	3-506
Fines, specific	3-507
Prohibited	3-501

O

OCCUPATION TAXES

Certificates	5-314
Collection date	5-312
Failure to pay	5-315
Interstate or government business	5-311
Levy authorized	5-302
Liquor regulations	5-303
Natural gas pipeline Adjustments	5-307

Basis; amount; governmental bodies exempt	5-304
City's right to sue upon payment default	5-310
Interest and penalty	5-308
Payment period; due date	5-305
Quarterly report; right to inspect records	5-306
Tax; report not filed or inspection refused	5-309
Paid to treasurer; not assignable	5-313
Purpose	5-301
Refund prohibited	5-316

OFFICIALS, APPOINTED

See APPOINTED OFFICIALS

OFFICIALS, ELECTED

See ELECTED OFFICIALS

ORDINANCES, RESOLUTIONS AND MOTIONS

Grant of power	1-401
Ordinances; effective date	1-407
Ordinances; emergency	1-408
Ordinances; introduction	1-404
Ordinances; publication; effective date	1-406
Ordinances; reading and passage; mayor's veto	1-405
Ordinances; style	1-402
Ordinances; title; amendments and revisions	1-403
Resolutions and motions	1-409

P

PARK AND TREE BOARD

Duties and responsibilities	2-302
Interference with board	2-315
Operation	2-301
Trees; consent of property owner	2-308
Trees; definitions	2-303
Trees; distance from corners and hydrants	2-305
Trees; injury or damage	2-311
Trees; maintenance, removal; adjacent owners	2-307
Trees; pruning; clearance	2-310
Trees; public service companies	2-313
Trees; removal on private property	2-312
Trees; species to be planted; spacing	2-304
Trees; stumps	2-314
Trees; topping	2-309
Trees; utilities	2-306

PARKING

Alleys; obstruction; loading and unloading	4-206
Congested area unloading	4-205
Curbs painted	4-203
Display or repair of vehicle	4-216
Driveway, obstructing	4-208
Emergency vehicles; exception	4-213
Fire station and hydrants	4-214
Generally	4-201
Handicap parking areas	4-211
Illegally parked vehicles; removal	4-217
Left side at curb; exception	4-209
License, current; maximum time	4-204
No parking areas	4-210
Obstructing private driveway	4-209

Obstructing traffic	4-207
Regulation by City Council	4-202
Sidewalk space	4-208
Snow removal; street maintenance or cleaning	4-215
Time limit, maximum	4-204
Trucks; parking generally; residential areas	4-212

PLANNING COMMISSION

Alternate member	2-1002
Funding	2-1005
Members	2-1001
Officers; meetings	2-1004
Powers and duties; appeal	2-1006
Terms; vacancies	2-1003

POLICE DEPARTMENT

Arrest jurisdiction	8-102
Discharge or removal; notice and hearing; determination	8-103
Powers, duties, responsibilities	8-101

PROPERTY, MUNICIPAL

Authority, general	6-102
Barricades and lights	6-107
Branches and shrubs, duty to remove; penalty	6-106
Branches, overhanging	6-105
Curb, cutting; driveway; permit; deposit	6-110
Damage	6-109
Definitions	6-101
Eave and gutter spouts	6-108
Eminent domain	6-117
Heavy equipment	6-111
Obstructions	6-103
Obstructions; street space; permit	6-104
Personal property; sale and conveyance	6-116
Public works involving architecture or engineering	6-118
Real property; acquisition, appraisal	6-113
Real property; acquisition, authorization	6-112
Real property; acquisition; construction, elections	6-114
Real property; sale and conveyance	6-115

R

RAILROADS

Crossing, safe	5-501
Speed	5-502
Obstructing traffic; storage and parking of cars	5-503

RESOLUTIONS

See ORDINANCES, RESOLUTIONS AND MOTIONS

S

SENIOR SERVICES, BOARD OF

Authority	2-506
Duties	2-507
Intent and purpose	2-501
Meetings	2-505
Members; appointments	2-502
Officers; duties	2-504
Qualifications; terms; vacancies	2-503

SEWER DEPARTMENT

Air conditioning/cooling; discharge to storm sewers	7-311
Billing and collections	7-106
Connection to sewer system	7-303
Definitions	7-302
Drainage, polluted/unpolluted; hazardous discharges	7-305
Installation expense; tap fee	7-306
Installation or repair; procedure, materials	7-307
Manholes	7-312
Operation and funding	7-301
Rates	7-308
Repairs and maintenance	7-310
Unlawful deposits and discharges; prohibited facilities; septic tanks	7-304

SIDEWALKS

Construction by petition; improvement district; special assessments; abutting owner	6-304
Construction or repair by owner; application; permit	6-302
Construction or repair ordered by city	6-303
Duty to keep clean	6-301
Improvements; assessment and collection	6-305

SNOWMOBILES

Accident; requirements	4-504
Enforcement	4-505
Equipment	4-501
Unlawful acts	4-503
Unlawful operation	4-502

SOLICITORS

Appeal	5-208
Applicant, investigation of	5-205
Application; information required	5-204
Definitions	5-201
License fees	5-203
License issuance	5-206
License required	5-202
Penalties	5-209
Restrictions	5-207

SOLID WASTE

Accumulation prohibited; receptacles; fee	7-502
Additional regulations	7-509
Collection and disposal	7-503
Collection service; liability for payment	7-504
Containers	7-505
Containers, additional	7-506
Definitions	7-501
Waste disposal sites	7-508
Waste, hazardous or requiring special handling	7-507

STREETS

Concrete, mixing	6-207
Crossings	6-203
Dedication to public use	6-201
Excavation	6-204
Improvement district; land adjacent	6-217
Improvement district; objections	6-213
Improvement of main thoroughfares	6-215

Improvement of streets on corporate limits	6-214
Improvement; protests or petitions	6-116
Improvements without petition or district	6-219
Improvements, petition for	6-212
Improvements; assessment and collection	6-218
Liquids, harmful	6-208
Names and numbers	6-202
Power to improve; improvement districts; special assessments	6-210
Snow, debris, etc.	6-205
Special assessments; deferral from	6-220
Special assessments; notice	6-211
Stakes, driving	6-206
Utility poles, wires, mains	6-209
Vacating public ways	6-221

T

THEATRE BOARD

Operation	2-401
-----------	-------

TOBACCO AND RELATED PRODUCTS

License; application; fee	5-401
License; revocation; reissuance	5-405
License; transfer	5-404
Licensee; rights	5-402
Minors; vendors	5-403

TRAFFIC REGULATIONS

Abreast, driving	4-123
Backing	4-122
Careless driving	4-133
Conveyances; clinging to motor vehicles	4-139
Debris, removal of	4-128
Definitions	4-101
Emergency regulations	4-103
Engine brakes	4-137
Exhibition driving	4-131
Following; distance	4-125
Following; fire apparatus	4-124
Funeral processions	4-121
License plates; readable	4-112
Loads; contents; requirements	4-141
Loads; projecting	4-140
Muffler	4-126
Negligent driving	4-132
Noise, unnecessary	4-129
Overloading; interfering with driver's view or control	4-138
Parades and motorcades; regulations; procedures	4-142
Police; enforcement	4-104
Police; refusal to obey	4-105
Police; traffic officers	4-106
Racing	4-130
Reckless driving	4-134
Regulation by City Council	4-107
Riding outside vehicle	4-127
Right of way; emergency vehicles	4-118
Right of way; generally	4-117
Rules of the Road; incorporated by reference	4-102
Sidewalk space	4-111
Signs, traffic devices; defacing or interfering with	4-108

Signs; unauthorized display	4-109
Speed; electronic detector	4-116
Speed limits	4-114
Speed zones	4-115
Stop signs; yield signs	4-110
Stopping, unnecessary	4-113
Traffic control and surveillance devices; defacing or interfering with	4-108
Truck routes	4-136
Turning; "U" turns	4-120
Turning; generally; signal	4-119
Willful reckless driving	4-135
Yield signs	4-110

TRASH

See SOLID WASTE

TREE BOARD

See PARK AND TREE BOARD

U

UNSAFE BUILDINGS

See DANGEROUS BUILDINGS

UTILITIES GENERALLY

Application for service; deposit	7-103
Billing and collections; delinquency	7-106
City powers; rate setting	7-101
Contract, service; not transferable	7-104
Destruction of property	7-111
Discontinuance of service; notice; procedure	7-107
Diversion of services; meter tampering, unauthorized reconnection; evidence	7-112
Diversion of services; penalty	7-113
Inspections, right of entry for	7-110
Lien	7-108
Mandatory use of city services	7-102
Nonresidents, service to	7-105
Plumbers; state license; liability	7-109

UTILITY-TYPE VEHICLES

See GOLF CARS AND UTILITY-TYPE VEHICLES

W

WATER DEPARTMENT

Backflow Regulations	
Approval standards	7-222
Booster pumps	7-224
Definitions	7-216
Devices, existing	7-223
Fire suppression systems	7-226
Nuisance, abatement of	7-228
Prohibited acts	7-218
Protection, type required	7-221
Protection, where required	7-220
Responsibility	7-217
Surveys and investigations; hearing	7-219
Violations	7-227
Yard hydrants	7-225

Billing and collections	7-106
Connection to water system	7-203
Definitions	7-202
Destruction of property	7-212
Fire hydrants	7-211
Fire mains; businesses	7-212
Inspection, right of entry for	7-211
Installation procedure	7-206
Installation expense	7-207
Lead pipes, solder and flux	7-204
Meters required	7-205
Operation and funding	7-201
Plumbers; state license; liability	7-209
Pollution	7-213
Rates	7-209
Repairs and maintenance	7-208
Restricted use	7-215
Single premises	7-214
Wellhead Protection	
Area; definition; designation	7-229
Authority	7-232
Definition	7-230
Distance of facilities from city water sources	7-231
Penalties; abatement	7-234
Wells, existing	7-233

Z

ZONING ADMINISTRATOR
See BUILDING INSPECTOR

CHAPTER 1 – CIVIL ADMINISTRATION

Article 1 – City Administration

SECTION 1-101: CORPORATE EXISTENCE

The City of Imperial, Nebraska, having a population of more than 800 inhabitants but fewer than 5,000, is hereby declared to be a city of the second class and shall be governed in all respects by the laws regulating cities of the second class. (Neb. Rev. Stat. §17-101)

SECTION 1-102: OFFICIAL CORPORATE SEAL

The official corporate seal of the City shall be kept in the office of the city clerk, who shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances, and all other official papers issued by order of the City Council and countersigned by the city clerk. (Neb. Rev. Stat. §17-502)

SECTION 1-103: OATH OF OFFICE; CITY OFFICIALS

A. All elected or appointed officials of the City shall, before entering upon their respective duties, take and subscribe the following oath, except when a different oath is specifically provided herein:

"I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I will bear true faith and allegiance

to the same; that I take this obligation freely and without mental reservation or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____ according to law and to the best of my ability. And I do further swear that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God."

B. If any such officer is not required to give bond, the oath shall be filed in the office of the secretary of state or with the city clerk.
(Neb. Rev. Stat. §11-101)

SECTION 1-104: BONDS; BLANKET BOND

A. The City may enact ordinances or bylaws to require from all officers, elected or appointed, bonds and security or evidence of equivalent insurance for the faithful performance of their duties. All official bonds of city officers must be in form, joint and several, and made payable to the City in such penalty as the City Council may fix. All official bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal and shall inure to the benefit of any persons injured by a breach of the conditions of such bonds. The approval of each official bond shall be endorsed upon such bond by the officer approving the same and no bond shall be filed and recorded until so approved. No bond shall be deemed to be given or complete until the approval of the City Council and all sureties are endorsed in writing on the instrument by the mayor and city clerk pursuant to the approval of the council. In place of the individual bonds required to be furnished by municipal officers, a blanket bond or undertaking or evidence of equivalent insurance may be given by the officers. The City may pay the premium for the bond or insurance coverage, which shall be, at a minimum, an aggregate of the amounts fixed by law or by the City Council and with such terms and conditions as may be required.

B. All official bonds of local officers shall be executed by the principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the county in which such bonds are given; or any official bond of a local officer may be executed by the officer as principal and by a guaranty, surety, fidelity or bonding company as surety or by two or more of such companies. Only such companies as are legally authorized to transact business in this state shall be eligible to suretyship on the bond of a local officer. No official bond shall be rendered void by reason of any informality or irregularity in its execution or approval.

C. Official bonds, with the oath endorsed thereon, shall be filed in the proper office within the following time: (1) of all officers elected at any general election, following receipt of their election certificate and not later than ten days before the first Thursday after the first Tuesday in January next succeeding the election; (2) of all appointed officers, within 30 days after their appointment; and (3) of officers elected at any special election and city officers, within 30 days after the canvass of the votes of the election at which they were chosen. The filing of the bond with the oath endorsed thereon does not authorize a person to take any official action prior to the beginning of his or her term of office pursuant to Article XVII, Section 5 of the Constitution of Nebraska.

D. The officers with whom any official bonds are required by law to be filed shall carefully record and preserve the same in their respective offices and shall give certified copies thereof, when required, under the seal of their office and shall be entitled to receive for the same the usual fee allowed by law for certified copies of records in other cases.

E. If any person elected or appointed to any office neglects to have his or her official bond executed and approved as provided by law and filed for record within the time limited by Neb. Rev. Stat. §§11-101 to 11-122, the provisions of Neb. Rev. Stat. §11-115 shall apply.

F. Any person appointed to fill a vacancy, before entering upon the duties of the office, must give a bond corresponding in substance and form with the bond required of the officer originally elected or appointed, as herein provided. When the incumbent of an office is re-elected or re-appointed, he or she shall qualify by taking the oath and giving the bond as above directed; but when such officer has had public funds or property in his or her control, his or her bond shall not be approved until he or she has produced and fully accounted for such funds and property. When it is ascertained that the incumbent of an office holds over by reason of the nonelection or nonappointment of a successor or of the neglect or refusal of the successor to qualify, he or she shall qualify anew within ten days from the time at which his or her successor, if elected, should have qualified.

(Neb. Rev. Stat. §§11-103 to 11-105, 11-109 to 11-113, 11-115 to 11-117, 17-604)

SECTION 1-105: COMPENSATION

A. The officers and employees of the City shall receive such compensation as the mayor and City Council shall fix by ordinance. Such compensation amounts shall be kept on file in the office of the city clerk for public inspection. The City may enact ordinances or bylaws to regulate and prescribe the compensation of officers not provided for in state law. No officer shall receive any pay or perquisites from the City other than his or her salary. The council shall not pay or appropriate any money or other valuable thing to any person not an officer for the performance of any act, service or duty, the doing or performance of which shall come within the proper scope of the duties of any officer of the City.

B. The compensation of any elective official of the City shall not be increased or diminished during the term for which he or she shall have been elected except when there has been a merger of offices; provided, the compensation of the members of the City Council, a board or commission may be increased or diminished at the beginning of the full term of any member whether or not the terms of one or more members commence and end at different times. No elected official may be rehired at a greater salary if he or she resigns and desires to be rehired during the unexpired term of office. The official may be rehired after the term of office during which he or she resigned at a greater salary.

C. All salaries of the elective officers of the City shall be set by ordinance by the City Council and kept on file at the office of the city clerk for public inspection.

(Neb. Rev. Stat. §§17-108, 17-108.02, 17-604, 17-611, 17-612)

SECTION 1-106: CONFLICT OF INTEREST

A. For purposes of this section, "officer" shall mean: (1) any member of any council or commission of the City; (2) any appointed official if such city official serves on a council or commission which spends and administers its own funds and is dealing with a contract made by such council or commission; or (3) any elected city official. "Immediate family" shall mean a child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes.

B. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section with respect to their duties as firefighters and ambulance drivers.

C. No officer of the City shall be permitted to benefit from any contract to which the City is a party. The existence of such an interest in any contract renders the contract

voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the City or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the City has benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child:

1. Has a business with which the individual is associated or a business association which shall mean a business (a) in which the individual is a partner, director or officer or (b) in which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth \$1,000.00 or more at fair market value or which represents more than 5% equity interest, or is a stockholder of publicly traded stock worth \$10,000.00 or more at fair market value or which represents more than 10% equity interest; an individual who occupies a confidential professional relationship protected by law shall be exempt from the definition herein and this definition shall not apply to publicly traded stock under a trading account if the filer reports the name and address of the stockbroker; or
2. Will receive a direct pecuniary fee or commission as a result of the contract; provided, however, if such officer is an employee of the business involved in the contract and has no ownership interest or will not receive a pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.

D. The provisions of this section shall not apply if the interested officer:

1. Makes a declaration on the record to the governmental body responsible for approving the contract regarding the nature and extent of his or her interest, prior to official consideration of the contract;
2. Does not vote on the matter of granting the contract, except that if the number of members of the body declaring an interest in the contract would prevent the body, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and
3. Does not act for the governing body as to inspection or performance under the contract in which he or she has an interest.

E. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any city by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of subsections (D)(1) through (3) above, if an officer's parent, spouse or child is an employee of the City, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his or her parent, spouse, or child for special action. If an officer has the power to employ personnel and he or she hires his or her parent, spouse, or child, such officer shall disclose the hiring pursuant to subsections (F)(1) through (5) below, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the City.

F. The city clerk shall maintain, separately from other records, a ledger containing the information listed in this subsection about every contract entered into by the City in which an officer has an interest as specified above for which disclosure is made as provided in subsections (D)(1) through (3) above. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include the (1) names of the contracting parties; (2) nature of the interest of the officer in question; (3) date that the contract was approved by the City; (4) amount of the contract; and (5) basic terms of the contract.

G. The information supplied relative to the contract shall be provided to the clerk not later than ten days after the contract has been signed by both parties. The ledger kept by the clerk shall be available for public inspection during normal working hours.

H. An open account established for the benefit of the City or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to this section shall be filed within ten days after such account is opened. Thereafter, the clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section.

I. Any officer who knowingly violates the provisions of Neb. Rev. Stat. §§49-14,103.01 through 49-14,103.03 shall be guilty of a Class III misdemeanor. Any officer who negligently violates Neb. Rev. Stat. §§49-14,103.01 through 49-14,103.03 shall be guilty of a Class V misdemeanor.

J. The City may enact ordinances exempting from the provisions of this section contracts involving \$100.00 or less in which an officer of such city may have an interest.

K. No officer shall receive any pay or perquisites from the City other than his or her salary. The City Council shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service, or duty which shall come within the proper scope of the duties of any officer of the City.

(Neb. Rev. Stat. §§17-611, 18-305 through 18-312, 49-1408, 49-1425, 49-14,103.01 through 49-14,103.03, 49-14,103.06)

SECTION 1-107: EXAMINATION AND DUPLICATION OF PUBLIC RECORDS; FEES; CONFIDENTIAL RECORDS

All citizens of the City and all other persons interested in the examination of the public records of the City are fully empowered and authorized to examine such records and make memoranda copies thereof as provided in Neb. Rev. Stat. §84-712. Payment of fees may be required. Records which may be withheld from the public shall be as stated in Neb. Rev. Stat. §84-712.05. (Neb. Rev. Stat. §§84-712, 84-712.03 through 84-712.06)

Article 2 – Elected Officials

SECTION 1-201: ELECTION; MAYOR AND COUNCIL

The mayor and council members shall serve terms of four years. Two council members' terms shall expire every two years. The election of council members shall be held on the date of the statewide general election.

SECTION 1-202: MAYOR; POWERS AND DUTIES

A. The mayor shall have the general and immediate control over all property and officials, whether elected or appointed, of the City.

B. The mayor shall preside at all meetings of the City Council and he or she shall be deemed a member of the council for purposes of establishing a quorum when the mayor's presence is necessary to establish the quorum.

C. The mayor may vote when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the City Council (quorum) on any pending matter, legislation, or transaction, and the mayor shall, for the purpose of such vote, be deemed to be a member of the council.

D. The mayor shall sign the city clerk's minutes of all meetings, all resolutions which have been passed and warrants for the payment of money when ordered by the City Council. The mayor's veto powers shall be as provided in Section 1-405(C) (Ordinances).

E. The mayor, with the consent of the council, may appoint such officers as shall be required by ordinance or otherwise required by law. Their terms of office shall be as provided in Section 1-501 (General Authority). Such officers may be removed from office by the mayor. He or she shall, by and with the consent of the council, appoint such a number of regular police officers as may be necessary and may remove the same.

F. The mayor shall, from time to time, communicate to the City Council such information and recommend such measures as, in his or her opinion, may improve the finances, the police, health, security, ornament, comfort, and general prosperity of the City.

G. The mayor shall have the power, when he or she deems it necessary, to require any officer of the City to exhibit his or her accounts or other papers and to make reports to the council, in writing, touching any subject or matter pertaining to his or her office.

H. The mayor shall have such jurisdiction as may be vested in him or her by ordinance over all places within five miles of the corporate limits of the City for the enforcement of any health or quarantine ordinance and regulation thereof. He or she shall have jurisdiction in all matters vested in him or her by ordinance, excepting taxation, within the extraterritorial zoning jurisdiction of the City.

I. The mayor shall have power to remit fines and forfeitures and to grant reprieves and pardons for all offenses arising under the ordinances of the City.

J. The mayor shall have such other duties as the City Council may by resolution confer upon him or her or in any other matters which the laws of the State of Nebraska repose in him or her.

(Neb. Rev. Stat. §§17-105, 17-107, 17-110 through 17-114, 17-117)

SECTION 1-203: MAYOR; VACANCY

Whenever a vacancy occurs in the office of mayor or in case of his or her disability or absence, the president of the council shall exercise the office of mayor until such vacancy is filled or such disability is removed or, in case of temporary absence, until the mayor returns. When the successful candidate for mayor shall be prevented from assuming office, the incumbent mayor shall not be entitled to hold over the term but such office shall automatically become vacant and the president of the council shall exercise the office of mayor until such vacancy is filled. If the president of the council shall for any cause assume the office of mayor for the remainder of the unexpired term, there shall be a vacancy on the council which shall be filled as provided in Neb. Rev. Stat. §32-568. (Neb. Rev. Stat. §17-107)

SECTION 1-204: CITY COUNCIL; POWERS AND DUTIES

The City Council shall have all powers granted under the laws of the State of Nebraska, including but not limited to the following powers: to pass ordinances to prevent and remove nuisances; to prevent, restrain and suppress gambling and disorderly houses; to license and regulate amusements; to establish and provide for police protection; to prevent the spread of contagious diseases; to regulate business; to erect, repair, construct and regulate public ways and property; to maintain good government, public welfare and domestic tranquility; and to enforce all ordinances by imposing penalties upon inhabitants or other persons for violation thereof not exceeding the amount permitted by Nebraska law for each offense, recoverable with costs, together with enforcement by injunction where necessary.

SECTION 1-205: CITY COUNCIL; PRESIDENT

The City Council shall elect one of its own body each year who shall be styled the president of the council and who shall preside at all meetings of the council in the absence of the mayor. In the absence of the mayor and the president, the council shall elect a member to occupy his or her place temporarily, who shall be styled acting president of the council. Both the president of the council and the acting president, when occupying the position of mayor, shall have the same privileges as the other members of the City Council and all acts of the president or acting president of the council, while so acting, shall be as binding upon the council and upon the City as if done by the elected mayor. (Neb. Rev. Stat. §§17-148, 19-617)

SECTION 1-206: CITY COUNCIL; VACANCY

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

B. The City Council shall take a vote on whether to excuse a member's absence from a meeting upon either (1) a written request from the member submitted to the city clerk or (2) a motion of any other council member.

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

D. At the hearing, the council member shall have the right to present information on the reasons why one or more of the absences should be excused. If the council does not excuse one or more of the member's absences by a majority vote at the conclusion of the hearing, there shall be a vacancy on the council.
(Neb. Rev. Stat. §19-3101)

SECTION 1-207: CITY COUNCIL; PROCEDURE TO FILL VACANCY

A. Any vacancy on the City Council shall be filled as provided below. In the case of any vacancy in the office of mayor or in case of his or her disability or absence, the president of the council shall exercise the office of mayor for the unexpired term, until such disability is removed or, in case of temporary absence, until the mayor returns. If the president of the council assumes the office of mayor for the unexpired term, there shall be a vacancy on the council.

B. Except as otherwise provided in subsection (D) or (E) of this section or subsection (A) above, a vacancy in a city elected office shall be filled by the mayor and council for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the council at a regular or special meeting and shall appear as a part of the minutes of such meeting. The council shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the City or by posting in three public places in the City, the office vacated, and the length of the unexpired term.

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

D. The mayor and council may, in lieu of filling a vacancy in a city elected office as provided in subsections (B) and (C) of this section, call a special city election to fill such vacancy.

E. If vacancies exist in the offices of one-half or more of the members of the City Council, the secretary of state shall conduct a special city election to fill such vacancies.

F. No official who is removed at a recall election or resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the same City Council during the remainder of his or her term of office.

G. Every elective office shall be vacant upon the happening of any of the events specified in Neb. Rev. Stat. §32-560.
(Neb. Rev. Stat. §§32-568, 32-569, 32-1308)

SECTION 1-208: RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE

A. The mayor and members of the council shall hold no other elective or appointive office or employment with the City.

B. For purposes of this section:

1. "Elective office" means any office which has candidates nominated or elected at the time of a statewide primary election; any office which has candidates nominated at the time of a statewide primary election and elected at the time of a statewide general election; any office which has candidates elected at the time of a statewide general election; any office which has candidates nominated or elected at a city election; and any office created by an act of

the Legislature which has candidates elected at an election and includes an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature; and

2. "High elective office" means a member of the Legislature; an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska; or a county, city or school district elective office.

C. No candidate for member of the Legislature or an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept nomination by a political party or by party convention, caucus or committee to fill a vacancy or to be declared a write-in candidate for more than one elective office to be filled at the same election, except for the position of delegate to a county, state or national party convention. No candidate for any other high elective office shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept a nomination by a political party or by party convention, caucus or committee to fill a vacancy or to be declared write-in candidate for more than one elective office to be filled at the same election.

D. Except as provided in subsection (E) or (G) of this section, no person shall be precluded from being elected or appointed to or holding an elected office for the reason that he or she has been elected or appointed to or holds another elected office.

E. No person serving as a member of the Legislature or in an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska shall simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body.

F. Whenever an incumbent serving as a member of the Legislature or in an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska assumes another elective office, except an elective office filled at an election held in conjunction with the annual meeting of a public body, the office first held by the incumbent shall be deemed vacant.

G. No person serving in a high elective office shall simultaneously serve in any other high elective office.

H. Notwithstanding subsections (E) through (G) of this section, any person holding more than one high elective office on September 13, 1997, shall be entitled to continue to serve the remainder of all terms for which he or she was elected or appointed. (Neb. Rev. Stat. §§17-108.02, 32-109, 32-603, 32-604)

Article 3 – Meetings

SECTION 1-301: DEFINED

"Meetings" as used in this article shall mean all regular, special, or called meetings of a public body for purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any formal action. (Neb. Rev. Stat. §84-1409[2])

SECTION 1-302: PUBLIC BODY DEFINED

"Public body" as used in this article shall mean: (A) the City Council, (B) all independent boards, commissions, bureaus, committees, councils, sub-units, or any other bodies now or hereafter created by Constitution, statute, ordinance, or otherwise pursuant to law; and (C) advisory committees of the bodies listed above. This article shall not apply to

subcommittees of such bodies unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent bodies. (Neb. Rev. Stat. §84-1409[1])

SECTION 1-303: RIGHTS OF THE PUBLIC

A. The formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act. At least one current copy of the Open Meetings Act shall be posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information.

B. Subject to the Open Meetings Act, the public shall have the right to attend and the right to speak at meetings of public bodies. All or any part of a meeting of the City Council except for closed meetings called pursuant to Section 1-311 may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

C. It shall not be a violation of this section for the City Council to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. The council may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

D. The council shall not require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The council may require any member of the public desiring to address the body to identify himself or herself. The board may allow a member of the public or any other witness other than a board member to appear before the board by means of video or telecommunications equipment.

E. The council shall not, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. The council shall not be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

F. The council shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting and shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. (Neb. Rev. Stat. §§84-1408, 84-1411, 84-1412, 84-1414)

SECTION 1-304: NOTICE; AGENDA

A. The City Council shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by the council and recorded in its minutes. Such notice shall be transmitted to all council members and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the city office during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting.

B. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a City Council meeting scheduled outside the corporate limits. The council shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.
(Neb. Rev. Stat. §§84-1411[1])

SECTION 1-305: NOTICE TO NEWS MEDIA

The city clerk shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed. (Neb. Rev. Stat. §84-1411[4])

SECTION 1-306: PLACE, DAY, TIME; QUORUM

A. The meetings of the City Council shall be held at the regular meeting place. Regular meetings shall be held on the first and third Mondays of each month at the hour of 6:00 p.m.

B. A majority of the council shall constitute a quorum for the transaction of any business but a fewer number may adjourn from time to time and compel the attendance of absent members. Unless a greater vote is required by law, an affirmative vote of at least one-half of the elected members shall be required for the transaction of any business.

C. At the hour appointed for the meeting, the city clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the council shall be called to order by the mayor, if present, or if absent, by the president of the council. In the absence of both the mayor and the president of the council, the meetings shall be called to order by the president pro tempore.
(Neb. Rev. Stat. §17-105)

SECTION 1-307: REORGANIZATIONAL MEETING; STANDING COMMITTEES

A. Council members elected to office shall convene at the regular place of meeting on the first regular meeting in December each year in which a city election is held immediately after the prior council adjourns and proceed to organize themselves for the ensuing year. The mayor shall call the meeting to order. The council shall then proceed to examine the credentials of its members and other elective officers to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required.

B. At the organizational meeting of the City Council, the mayor shall appoint members to such standing committees as the council may by ordinance or resolution create. The membership of such standing committees may be changed at any time by the mayor, who shall be a member ex officio of each standing committee. The members of the standing committees shall serve terms of office of one year, unless reappointed.
(Neb. Rev. Stat. §17-104)

SECTION 1-308: ORDER OF BUSINESS

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

SECTION 1-309: PARLIAMENTARY PROCEDURE

Questions of procedure and conduct at City Council meetings shall be decided by the mayor in accordance with *Robert's Rules of Order*.

SECTION 1-310: MINUTES

A. The City Council shall cause minutes to be kept of all meetings, showing the time, place, members present and absent, and the substance of all matters discussed.

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

C. The vote to elect leadership within the council may be taken by secret ballot but the total number of votes for each candidate shall be recorded in the minutes.

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

E. The minutes of any meeting of the City Council shall be written and available for public inspection within ten working days of the meeting or prior to the next convened meeting, whichever occurs earlier, except that the city clerk may have an additional ten working days if absent due to a serious illness or emergency.

(Neb. Rev. Stat. §§17-616, 84-1413)

SECTION 1-311: CLOSED SESSIONS

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

1. Strategy sessions with respect to collective bargaining, real estate purchases, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the council;
2. Discussion regarding deployment of security personnel or devices;
3. Investigative proceedings regarding allegations of criminal misconduct; or
4. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

B. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to the council.

C. The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded

in the minutes. The City Council shall restrict its consideration to matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, "formal action" shall include a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by council members to legal counsel or other negotiators in closed sessions authorized under subsection (A) of this section.

D. Any council member shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (1) the protection of the public interest or (2) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the council members. Such challenge and its disposition shall be recorded in the minutes.

E. Nothing in this section shall be construed to require that any meeting be closed to the public. The City Council shall not fail to invite a portion of its members to a meeting and the council shall not designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this article. No closed session, informal meeting, chance meeting, social gathering, or electronic communication shall be used for the purpose of circumventing the provisions of this article.

F. The provisions of this article shall not apply to chance meetings or to attendance at or travel to conventions or workshops of the council members at which there is no meeting of the council then intentionally convened, if there is no vote or other action taken regarding any matter over which the council has supervision, control, jurisdiction, or advisory power.

(Neb. Rev. Stat. §84-1410)

SECTION 1-312: SPECIAL MEETINGS

Special meetings may be called by the mayor or by a majority of the City Council, the subject of which shall be submitted to the council in writing. The call and subject as well as the disposition thereof shall be entered upon the proceedings by the city clerk. (Neb. Rev. Stat. §17-106)

SECTION 1-313: EMERGENCY MEETINGS

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of Section 1-305 (Notice to News Media) shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. (Neb. Rev. Stat. §84-1411)

SECTION 1-314: MEETINGS; VIRTUAL CONFERENCING

A. A meeting of the City Council may be held by virtual conferencing when an emergency is declared by the governor pursuant to the Emergency Management Act if the following conditions are met:

1. The council's territorial jurisdiction is included in the emergency declaration, in whole or in part.

2. Reasonable advance publicized notice is given as to the time and place of the meeting and such notice is transmitted to the mayor, all council members and the public. The notice shall include information regarding access for the public and news media. Section 1-305 (Notice to News Media) shall be complied with.
3. The council provides access by providing a dial-in number or a link to the virtual conference.
4. The council also provides links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act.
5. Reasonable arrangements are made to accommodate the public's right to hear and speak at the meeting and record the meeting.

B. In addition to any formal action taken pertaining to the emergency, the council may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the body.

C. The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in Section 1-310(E).
(Neb. Rev. Stat. §84-1409, 84-1411)

Article 4 – Ordinances, Resolutions, and Motions

SECTION 1-401: GRANT OF POWER

The City Council shall have the responsibility of making all ordinances, bylaws, rules, regulations, and resolutions not inconsistent with the laws of the State of Nebraska as may be necessary and proper for maintaining the peace, good government, and welfare of the City and its trade, commerce, and manufacturing establishments and to enforce all ordinances by inflicting fines or penalties for the breach thereof. (Neb. Rev. Stat. §17-505)

SECTION 1-402: ORDINANCES; STYLE

The style of all ordinances shall be: "Be it ordained by the Mayor and City Council of the City of Imperial, Nebraska..." (Neb. Rev. Stat. §17-613)

SECTION 1-403: ORDINANCES; TITLE; AMENDMENTS AND REVISIONS

A. No ordinance shall contain a subject not clearly expressed in its title.

B. No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended and the ordinance or section so amended shall be repealed, except that an ordinance revising all the ordinances of the City and modifications to zoning building districts may be adopted as otherwise provided by law.
(Neb. Rev. Stat. §17-614)

SECTION 1-404: ORDINANCES; INTRODUCTION

Ordinances shall be introduced in either of the following ways:

A. With the recognition of the mayor, a council member may, in the presence and

hearing of a majority of the City Council, read aloud the substance of his or her proposed ordinance and file a copy of the same with the city clerk for future consideration; or

B. With the recognition of the mayor, a council member may present his or her proposed ordinance to the clerk who, in the presence and hearing of a majority of the council, shall read aloud the substance of the same and shall file the same for future consideration.

(Neb. Rev. Stat. §§17-614, 17-616)

SECTION 1-405: ORDINANCES; READING AND PASSAGE; MAYOR'S VETO

A. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of the City Council. The mayor may vote when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the council (quorum), and the mayor shall, for the purpose of such vote, be deemed to be a member of the council.

B. Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the council votes to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement is suspended, the ordinances shall be read by title and then moved for final passage. Three-fourths of the council may require a reading of any such ordinance in full before enactment under either procedure set out in this section.

C. The mayor shall have power to veto or sign any ordinance passed by the City Council and to approve or veto any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim. If the mayor approves the ordinance, order, bylaw, resolution, contract, or claim, he or she shall sign it and it shall become effective. If the mayor vetoes the ordinance, order, bylaw, resolution, contract, or any item or items of appropriations or claims, he or she shall return it to the City Council, stating that the measure is vetoed. The mayor may issue the veto at the meeting at which the measure passed or within seven calendar days after the meeting. If the mayor issues the veto after the meeting, he or she shall notify the city clerk of the veto in writing. The clerk shall notify the City Council in writing of the mayor's veto. Any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim vetoed by the mayor may be passed over his or her veto by a vote of two-thirds of the members of the council. If the mayor neglects or refuses to sign any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim but fails to veto the measure within the time required by this section, the measure shall become effective without his or her signature. The mayor may veto any item or items of any appropriation bill or any claims bill and approve the remainder thereof, and the item or items vetoed may be passed by the council over the veto as in other cases.

(Neb. Rev. Stat. §§17-111, 17-614)

SECTION 1-406: ORDINANCES; PUBLICATION; EFFECTIVE DATE

A. All ordinances of a general nature shall take effect after publication, within 15 days after they are passed, (1) in a legal newspaper in or of general circulation in the City or (2) in book, pamphlet, or electronic form.

B. The passage, approval, and publication of any ordinance in a newspaper shall be sufficiently proved by a certificate under seal of the City from the city clerk, showing that such ordinance was passed and approved and when and in what legal newspaper the ordinance was published.

C. When an ordinance is printed in book, pamphlet, or electronic form, purporting

to be published by authority of the City Council, the ordinance need not be otherwise published and such book, pamphlet, or electronic form shall be received as evidence of the passage and legal publication of such ordinance as of the date mentioned in such book, pamphlet, or electronic form in all courts without further proof.
(Neb. Rev. Stat. §17-613)

SECTION 1-407: ORDINANCES; EFFECTIVE DATE

All ordinances for the government of the City, adopted by the voters after submission to them by either initiative or referendum petition, shall become immediately effective thereafter; but no ordinance for the government of the City which has been adopted without submission to the voters shall go into effect until 15 days after the passage of such ordinance except as provided in Neb. Rev. Stat. §17-613. (Neb. Rev. Stat. §19-3701)

SECTION 1-408: EMERGENCY ORDINANCES

An ordinance passed in the case of riot, infectious or contagious diseases or other impending danger, failure of a public utility, or other emergency requiring its immediate operation shall take effect upon the proclamation of the mayor and the posting thereof in at least three of the most public places in the City. Such emergency notice shall recite the emergency, shall be passed by a three-fourths vote of the City Council, and shall be entered of record upon the city clerk's minutes. (Neb. Rev. Stat. §§17-613, 19-3701)

SECTION 1-409: RESOLUTIONS AND MOTIONS

Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one time in the presence and hearing of a majority of the City Council. The issue raised by any such resolution or motion shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the council. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote. (Neb. Rev. Stat. §17-616)

Article 5 – Appointed Officials

SECTION 1-501: GENERAL AUTHORITY

A. The mayor, with the consent of the City Council, may appoint such officials as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the mayor. All officers appointed by the mayor and confirmed by the council, except regular police officers, shall hold office until the end of the mayor's term of office and until their successors are appointed and qualified, unless sooner removed.

B. The mayor, by and with the consent of the City Council, shall appoint such a number of regular police officers as may be necessary. All police officers appointed by the mayor and council may be removed, demoted, or suspended at any time by the mayor as provided in Neb. Rev. Stat. §17-107. A police officer, including the chief of police, may appeal to the council such removal, demotion, or suspension with or without pay. After a hearing, the council may uphold, reverse, or modify the action.

C. The City may enact ordinances or bylaws to regulate and prescribe the powers, duties, and compensation of officers not provided for in state law. If the mayor and City Council appoint any of the officials specified within this article or any other officials, they shall have the powers and duties, if any, provided in this article or otherwise provided by city ordinances and state law.
(Neb. Rev. Stat. §§17-107, 17-604)

SECTION 1-502: MERGER OF OFFICES

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

B. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged or combined offices or employments, or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers.

(Neb. Rev. Stat. §17-108.02)

SECTION 1-503: CITY ADMINISTRATOR/CLERK/TREASURER POSITION

The office and employment of the city administrator as described and defined in Section 1-504, the office and employment of the city clerk as described and defined in Section 1-505, and the office and employment of the city treasurer as described and defined in Section 1-506 may be combined and merged into an office titled "city administrator/clerk/treasurer." This combination shall occur automatically in the event the mayor appoints and the City Council confirms the same individual to all three positions. In the event three different individuals are appointed in the separate capacities, they shall serve individually and perform their separate duties as specified by this Municipal Code. The duties, responsibilities, and privileges of any combined office of the city administrator/clerk/treasurer shall be the sum total of the duties and privileges described and defined for those positions in this code.

SECTION 1-504: CITY ADMINISTRATOR

A. The mayor may appoint an individual by and with the consent of a majority of the City Council to serve as a full-time city administrator. In the event that a full-time administrator is appointed, he or she shall be the administrative head of the city government under the direction and control of the mayor and council and shall be responsible to them for the efficient conduct of his or her office. The office of city administrator shall not be held by the mayor.

B. The duties of the city administrator shall be all those duties assigned by this code, together with the following duties:

1. Make and keep up to date an inventory of all property, real and personal, owned by the City.
2. Act as purchasing agent for the purchase of all supplies, goods, wares and merchandise, equipment, and material which may be required for the various departments, divisions, or services of the City.
3. Keep the mayor and council fully advised as to the financial condition and needs of the City and be responsible for the preparation of the annual estimate of expenditures for presentation to the mayor and council prior to the passage of the annual appropriation ordinance.

4. Serve as a public relations officer of city government, and in such capacity to endeavor to investigate and adjust all complaints filed against any employee, department, division, or service thereof and cooperate with all community organizations whose aim and purpose is to advance the best interests of the City and its people and to attend meetings of such organizations if in the judgment of the administrator such attendance is necessary and desirable.
5. Attend all meetings of the council with the duty of reporting any matter concerning city affairs under his or her supervision or direction and to attend such other meetings of the city departments and officials as duties may require.
6. Analyze the functions, duties, and activities of the various departments, divisions, and services of the city government and of all employees thereof and to make recommendations regarding the same to the mayor and council.
7. Carry out the mayor's and/or council's recommendations and operations of the various departments.
8. Procure facts and submit long range improvements to the mayor and council.
9. Recommend to the mayor and council the appointment and dismissal of all department heads and employees over which he or she exercises jurisdiction. Appointment or dismissal of department heads and employees will be made upon the recommendation of the mayor and confirmation by the council.
10. Have the duty and the right to investigate and make recommendations to the mayor and council regarding duties and activities of any employee of the City covered under the Civil Service Act of the state and recommend to the mayor and council the promotion, demotion, suspension, transfer, or discharge of such employees.
11. Administer and be responsible for all departments and divisions of the city government which are under the mayor's and council's direction, including the Board of Public Works and any public utilities hereafter acquired by the City and including Fire and Police Departments, except insofar as such jurisdiction and administration conflicts with the civil service law pertaining to such Fire and Police Departments. The office of the city physician shall not come under the administration and responsibility of the city administrator; however, he or she shall be available to assist these offices in any administrative matter that may arise and those officers in turn shall be available to assist the city administrator in the discharge of his or her duties.
12. Recommend to the mayor and council for adoption such measures and ordinances as are deemed necessary or expedient.
13. Prepare and recommend to the mayor and council a classification and compensation plan.
14. Make investigations into the affairs of the City and any department or division thereof, any contract entered into, or the proper performance of any obligations pertaining to the City.
15. Exercise general supervision over all public buildings, streets, and other public property which are under the control and jurisdiction of the mayor and council.

16. Prepare and submit to the mayor and council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
17. Keep the insurable property of the City appropriately insured.
18. Serve in any appointed office or head of department within the city government if the need arises and when appointed thereto by the mayor and council; hold and perform the duties thereof at the pleasure of the mayor.
19. Work a minimum of forty hours per week.
20. Perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinances or resolutions of the council; and where action of the council is not required, such duties and powers as may be prescribed by the mayor.

C. In the discharge of his or her duties, the city administrator shall have the right to expend an amount not to exceed the limits set forth in the applicable state law pertaining to cities of the second class when entering into contracts for City work and improvements or purchase of equipment, or any lesser amounts set by the City Council, without advertising for bids and within any dollar limitation as set by the council to make any contract on behalf of the City for general purchases, maintenance, and improvements, the expenditure limitation herein to apply to all departments of the City.

D. If the administrator is unable to perform his or her work by reason of illness or incapacity, the compensation otherwise payable during the continued period of such illness shall be based upon the policy adopted by the City then in effect with reference to city employees. Notwithstanding anything herein to the contrary, the City may terminate such employment at any time after the administrator shall have been absent from his or her employment for whatever cause for a continuous period of more than three months. The city administrator may be removed by the mayor and council.

SECTION 1-505: CITY CLERK

A. The city clerk shall attend the meetings of the City Council and keep a correct journal of the proceedings of that body. Within 30 days after any council meeting, the clerk shall prepare and publish the official proceedings in a legal newspaper of general circulation in the City and which was duly designated as such by the council. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item.

B. After the period of time specified by the state records administrator pursuant to Neb. Rev. Stat. §§84-1201 to 84-1220, the clerk may transfer the journal of the council proceedings to the state archives of the Nebraska State Historical Society for permanent preservation.

C. The clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the city ordinances, collect all occupation taxes and license money except where some other city officer is specifically charged with that duty, and keep a register of all licenses granted in the City and the purpose for which they were issued.

D. The clerk shall keep an accurate and complete account of the appropriation of funds and draw, sign, and attest all warrants ordered for the payment of money on the particular funds from which the same are payable. At the end of each month the clerk

shall make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon.

E. The clerk shall deliver all warrants, ordinances and resolutions under his or her charge to the mayor for his or her signature. The clerk shall also deliver to officers, employees, and committees all resolutions and communications which are directed to them. With the seal of the City, the clerk shall duly attest the mayor's signature on all ordinances, deeds and papers required to be attested to.

F. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. The charge for such publication shall not exceed the rates provided by state statutes. Said publication shall be charged against the general fund. The clerk shall then keep in a book with a proper index copies of all notices required to be published or posted by order of the City Council or under the ordinances of the City. The printer's affidavit of publication shall be attached to each of the file copies of said notices if the said notices are required to be published or the city clerk's certificate under seal where the same are required to be posted only.

G. The clerk shall receive all objections to creation of paving districts and other street improvements. The clerk shall receive the claims of any person against the City. In the event that any of said claims is disallowed in part or in whole, the clerk shall notify such claimant, his or her agent, or attorney by letter within five days after such disallowance and shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

H. The clerk shall keep all city records, including a record of all licenses issued in a book with a proper index. The clerk shall include as part of the records all petitions under which the City Council shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. The clerk shall endorse the date and hour of filing upon every paper or document so filed in the city office. All such filings shall be properly docketed. Included in the records shall be all standard codes, amendments thereto, and other documents incorporated by reference and arranged in a manner convenient for reference.

I. The clerk shall permit no records, public papers, or other documents of the City kept and preserved in the office to be taken therefrom except by such officers of the City as may be entitled to the use of the same but only upon their leaving a receipt therefor. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records during office hours. The city clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution by the City Council and kept on file in the city office for public inspection.

(Neb. Rev. Stat. §§17-605, 19-1102, 84-1201 through 84-1220, 84-712)

SECTION 1-506: CITY TREASURER

A. The treasurer of the City shall be the custodian of all money belonging to the municipality, keeping a separate account of each fund or appropriation and the debts and credits belonging thereto. The treasurer shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. The treasurer shall also file copies of such receipts with his or her monthly reports and shall, at the end of every month and as often as may be required, render an account to the City Council, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. The treasurer shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid, which warrants, with any and all vouchers held, shall be filed with his or her account in the clerk's office. If the treasurer fails to render an account within 20 days after

the end of the month or by a later date established by the City Council, the mayor, with the advice and consent of the council members, may use this failure as cause to remove the treasurer from office.

B. The treasurer shall keep a record of all outstanding bonds against the City, showing the number and amount of each bond, for and to whom the bonds were issued, and the date upon which any bond is purchased, paid, or canceled. The annual statement submitted pursuant to Neb. Rev. Stat. §19-1101 shall be accompanied with a description of the bonds issued and sold in that year and the terms of sale, with every item of expense thereof.

C. The treasurer shall deposit and at all times keep on deposit for safekeeping in banks, capital stock financial institutions, or qualifying mutual financial institutions of approved and responsible standing all money collected, received, or held as city treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the City Council for the receiving and holding thereof. The fact that a stockholder, director, or other officer of such bank, capital stock financial institution, or qualifying mutual financial institution is also serving as a member of the City Council or as any other officer of the City shall not disqualify such bank, capital stock financial institution, or qualifying mutual financial institution from acting as a depository for such municipal funds. Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions. Neb. Rev. Stat. §77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

D. The City Council shall require from all banks, capital stock financial institutions, or qualifying mutual financial institutions (1) a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured or guaranteed by the Federal Deposit Insurance Corporation or, in lieu thereof, (2) security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions. The council shall approve such bond or giving of security. The city treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved.

E. When the treasurer holds funds of the City in excess of the amount required for maintenance or set aside for betterments and improvements, the mayor and City Council may, by resolution, direct and authorize said treasurer to invest said surplus funds in interest-bearing accounts as provided in state statutes.

F. The mayor and City Council may by resolution direct and authorize the treasurer to dispose of the surplus electric light, water, or gas funds or the funds arising from the sale of electric light, water, or natural gas distribution properties by the payment of outstanding electric light, water, or gas distribution bonds or water warrants then due. The excess, if any, after such payments, may be transferred to the general fund of the City. (Neb. Rev. Stat. §§17-606 through 17-609, 19-1101)

SECTION 1-507: CITY ATTORNEY

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

SECTION 1-508: POLICE CHIEF AND OFFICERS

A. The Police Department shall consist of the chief of police and such further number of regular police officers as may be appointed. The police chief shall be appointed by the mayor with the consent and approval of the City Council. He or she shall, subject to the direction of the mayor, (1) have control and management of all matters relating to the Police Department and its officers and members; (2) have the custody and control of all property and books belonging to the department; (3) direct the police work of the City and be responsible for the maintenance of law and order; (4) act as health inspector, except in the event the City appoints another person; (5) file the reports with the city attorney in cases arising out of violations of city ordinances and shall assist in the prosecution of all complaints filed for ordinance violations by the city attorney.

B. All police officers employed by the City shall have successfully completed an entry-level law enforcement certification program at an approved training academy.

C. Suitable uniforms and badges shall be furnished to the city police by the City. Any member who shall lose or destroy the same shall be required to pay the replacement costs and in the event that any member shall leave the force, he or she shall immediately deliver his or her badge to the city police chief. The City Council may from time to time provide the city police with such uniforms, equipment, and transportation as may be essential in the performance of their official duties.

(Neb. Rev. Stat. §§17-107, 17-118, 17-124, 17-213)

SECTION 1-509: FIRE CHIEF

The duties of the fire chief shall be as provided in Section 8-204.

SECTION 1-510: CITY ENGINEER

The City Council may employ a special engineer to make any particular estimate, survey, or other work. He shall make a record of the minutes of his surveys and all other work done for the City. When directed by the council, he shall accurately make all plats, sections, profiles, and maps as may be necessary in the judgment of the council. He shall, upon request, make estimates of the costs of labor and material which may be done or furnished by contract with the City and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, or culverts and for the building, constructing, or repairing of any public improvement of the City. All records of the special engineer shall be public records which shall belong to the City and shall be turned over to his successor. He shall, when directed by the City Council, inspect all works of public improvement and if found to be properly done, shall accept the same and report his acceptance to the council. He shall estimate the cost of all proposed city utilities and public improvements, together with any extensions thereof which the council may propose to construct or improve. (Neb. Rev. Stat. §§18-3301, 17-568, 17-568.01, 17-919)

SECTION 1-511: PUBLIC WORKS DIRECTOR

The public works director shall assume the duties of the merged offices of electric commissioner, water commissioner, sewer commissioner, electrical inspector, plumbing inspector, utilities superintendent and street commissioner. The public works director shall be directly responsible to the city administrator. The duties of the public works director will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.

The public works director shall (A) have the general management and control of the waterworks of the City, except for billing for water consumption and collection of money therefor, subject to the general control and direction of the City Council; (B) make detailed reports to the council, when requested, concerning the condition of the water system; (C) purchase any material or supplies for the use of the department or employ any help in the department only upon the authority of the council, unless it be for repairs in cases of emergency; and (D) have such other duties as the council may designate.

Sewer

The public works director shall (A) maintain immediate control and supervision over all employees and property that make up the city sewer system, except for billing for water consumption and collection of money therefor, subject to the general control and direction of the City Council; (B) when requested, make a detailed report to the council on the condition of the sewer system and direct its attention to such improvements, repairs, extensions, additions and additional employees as he or she may believe are needed, along with estimates of the costs thereof; (C) issue permits for all connections to the city sewer system and inspect and supervise all repairs made to said system; and (D) have such other duties as the City Council may designate.

Streets

The public works director shall (A) have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the City; (B) see that gutters and drains therein function properly and that the same are kept in good repair; (C) at the request of the council, make detailed reports on the condition of the streets, sidewalks, culverts, alleys and bridges of the City and direct its attention to such improvements, repairs, extensions, additions and additional employees as he or she may believe or need to maintain a satisfactory street system in the City, along with an estimate of the cost thereof; (D) supervise and direct the snow and tree removal work in the City; and (E) have such other duties as the City Council may designate.

(Neb. Rev. Stat. §§17-107, 17-119, 17-214, 17-541, 17-543, 18-501)

SECTION 1-512: CODE ENFORCEMENT OFFICER

When necessary, the City Council shall appoint a code enforcement officer, who shall be charged with investigating Municipal Code violations and assisting the city attorney in the prosecution of such violations. He or she shall verify and document such violations and issue code violation notices to offenders. The code enforcement officer shall not have authority to issue citations for such code violations but shall only provide such information to the city attorney, who shall use such information in prosecution of the offenses. (Neb. Rev. Stat. §17-208)

SECTION 1-513: BUILDING INSPECTOR/ZONING ADMINISTRATOR

The duties of the building inspector/zoning administrator shall be as provided in Section 9-101.

SECTION 1-514: STUDENT REPRESENTATIVE TO CITY COUNCIL

The purpose of a student representative is to give the mayor and City Council input and to implement and improve communication with city government from a group of citizens unable to vote because of age. The student representative to the council shall be appointed for a one-year term by the mayor with approval of the council members. This student representative shall be a student at Chase County Schools or in a home school and a resident of the City. Said representative shall sit on the council during its meetings but shall have no voting rights on any matters coming before the body. Said student shall

be allowed to attend closed sessions of the City Council only upon approval of the mayor and council members. Said student shall take the oath of office and is expected to be familiar with the government and proceedings of the council, especially Chapter 1, Article 3 of this code (Meetings).

Article 6 – Fiscal Management

SECTION 1-601: FISCAL YEAR

The fiscal year of the City and any public utility of the City commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act. (Neb. Rev. Stat. §17-701)

SECTION 1-602: PUBLIC FUNDS DEFINED

“Public funds” shall mean all money, including non-tax money, used in the operation and functions of governing bodies. For purposes of a city which has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the City from a licensed lottery operator shall be considered public funds, and “public funds” shall not include amounts awarded as prizes. (Neb. Rev. Stat. §13-503)

SECTION 1-603: DEPOSIT OF FUNDS

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

B. The city treasurer shall require from all banks, capital stock financial institutions, or qualifying mutual financial institutions (1) a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or, in lieu thereof, (2) security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions. The council shall approve such bond or giving of security. The city treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved.

C. The insurance afforded to depositors in banks, capital stock financial institutions, or qualifying mutual financial institutions through the Federal Deposit Insurance Corporation shall be deemed and construed to be a surety bond to the extent that the deposits are insured by such corporation and for deposits so insured, no other surety bond or other security shall be required.

D. Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions. Neb. Rev. Stat. §77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

(Neb. Rev. Stat. §§17-607, 77-2362 through 77-2364)

SECTION 1-604: INVESTMENT OF FUNDS

A. *Investment of Surplus; Securities Authorized.* Whenever the City has

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

B. Interest-Bearing Deposits; Conditions. Notwithstanding any other provision of law, to the extent that the funds of the City may be invested or deposited by the city treasurer in certificates of deposit or time interest-bearing deposits with banks, capital stock financial institutions, or qualifying mutual financial institutions, such authorization may include the investment or deposit of funds in certificates of deposit and time interest-bearing deposits in accordance with the following conditions as an alternative to the furnishing of securities or the providing of a deposit guaranty bond pursuant to the Public Funds Deposit Security Act:

1. The bank, capital stock financial institution, or qualifying mutual financial institution in this state through which the investment or deposit of funds is initially made arranges for the deposit of a portion or all of such funds in one or more certificates of deposit or time interest-bearing deposits with other banks, capital stock financial institutions, or qualifying mutual financial institutions located in the United States;
2. Each such certificate of deposit or time interest-bearing deposit is fully insured or guaranteed by the Federal Deposit Insurance Corporation;
3. The bank, capital stock financial institution, or qualifying mutual financial institution through which the investment or deposit of funds was initially made acts as a custodian for the City with respect to any such certificate of deposit or time interest-bearing deposit issued for the account of the City.

C. State Investment Officer. The state investment officer may provide assistance and furnish advice regarding the investment of money to the City whenever such advice is requested. In connection with the rendering of such service, the state investment officer may charge and collect any fee he determines to be reasonable.
(Neb. Rev. Stat. §§17-608, 17-609, 72-1259, 77-2341, 77-2365.02)

SECTION 1-605: CREDIT CARDS; AUTHORITY TO ACCEPT

A. The City Council may authorize city officials to accept credit cards, charge cards, or debit cards as a method of cash payment of any tax, levy, excise, duty, custom, toll, interest, penalty, fine, license, fee, or assessment of whatever kind or nature, whether general or special, as provided by Neb. Rev. Stat. §77-1702.

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

C. The City Council may choose to accept credit cards, charge cards, or debit cards as a means of cash payment to any facility it operates in a proprietary capacity and may adjust the price for services to reflect the handling and payment costs.

D. The city official shall, for each transaction, obtain authorization for use of any credit card, charge card, or debit card used pursuant to this section from the financial

institution, vending service company, credit card or charge card company, or third-party merchant bank providing such service.

E. The City Council may choose to accept the types of credit cards, charge cards, or debit cards accepted by and the services provided to the state pursuant to the contract entered into by the state with one or more credit card, charge card, or debit card companies or third-party merchant banks for services on behalf of the state and those political subdivisions that choose to participate in the state contract. The council may choose not to participate in the state contract and may choose types of credit cards, charge cards, and debit cards and may negotiate and contract independently or collectively as a governmental entity with one or more financial institutions, vending service companies, credit card, charge card, or debit card companies or third-party merchant banks for the provision of such services.

F. When authorizing acceptance of credit card or charge card payments, the City Council shall be authorized but not required to impose a surcharge or convenience fee, as set by resolution by the council and kept on file in the city office, upon the person making a payment by credit card or charge card so as to wholly or partially offset the amount of any discount or administrative fees charged to the City. The surcharge or convenience fee shall be applied only when allowed by the operating rules and regulations of the credit card or charge card involved or when authorized in writing by the credit card or charge card company involved. When a person elects to make a payment to the City by credit card or charge card and such a surcharge or convenience fee is imposed, the payment of such surcharge or convenience fee shall be deemed voluntary by such person and shall be in no case refundable.

G. If payment is made electronically by credit card, charge card, debit card, or electronic funds transfer as part of a system for providing or retrieving information electronically, the City shall be authorized but not required to impose an additional surcharge or convenience fee upon the person making a payment. "Electronic funds transfer" shall mean the movement of funds by non-paper means, usually through a payment system, including, but not limited to, an automated clearinghouse or the Federal Reserve's Fedwire system.

(Neb. Rev. Stat. §13-609)

SECTION 1-606: DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY

A. The City may contract to retain a collection agency licensed pursuant to Neb. Rev. Stat. §§45-601 to 45-622, within or without this state, for the purpose of collecting public debts owed by any person to the City. No debt owed pursuant to this subsection (A) may be assigned to a collection agency unless (1) there has been an attempt to advise the debtor by first-class mail, postage prepaid, at the last known address of the debtor, of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid; and (2) at least 30 days have elapsed from the time the notice was sent. A collection agency which is assigned a debt under this section shall have only those remedies and powers which would be available to it as an assignee of a private creditor.

B. For purposes of this section, "debt" shall include all delinquent fees or payments except delinquent property taxes or real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be \$25.00 or 4½% of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service.

(Neb. Rev. Stat. §45-623)

SECTION 1-607: CLAIMS

A. All liquidated and unliquidated claims and accounts payable against the City shall be presented in writing; state the name and address of the claimant and the amount of the claim; and fully and accurately identify the items or services for which payment is claimed or the time, place, nature and circumstances giving rise to the claim. As a condition precedent to maintaining an action for a claim, other than a tort claim as defined in Neb. Rev. Stat. §13-903, the claimant shall file such claim within 90 days of the accrual of the claim in the office of the city clerk. The clerk shall notify the claimant or his or her agent or attorney by letter mailed to the claimant's address within five days if the claim is disallowed by the City Council.

B. No costs shall be recovered against the City in any action brought against it for an unliquidated claim which has not been presented to the City Council to be audited nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the city treasury for the appropriate fund against which it is to be drawn; provided, in the event there exist obligated funds from the federal and/or state government for the general purpose of such warrant, then such warrant may be drawn in excess of 85% but not more than 100% of the current levy for the purpose for which said warrant is drawn.

(Neb. Rev. Stat. §§17-714, 17-715)

SECTION 1-608: WARRANTS

All warrants drawn upon the city treasury must be signed by the mayor and countersigned by the city clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included in the adopted budget statement for the fund upon which it is drawn and the amount already expended of such fund. (Neb. Rev. Stat. §17-711)

SECTION 1-609: EXPENDITURES

No city official shall have the power to appropriate, issue or draw any order or warrant on the city treasury for money unless the same has been appropriated or ordered by ordinance, or the claim for the payment of such order or warrant has been allowed according to the provisions of Neb. Rev. Stat. §§17-714 and 17-715, and funds for the class or object out of which such claim is payable have been included in the adopted budget statement or transferred according to law. (Neb. Rev. Stat. §17-708)

SECTION 1-610: BOND ISSUES

The City Council may, after meeting all the requirements of state law, issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by state law. The council shall have the authority to levy special assessments for the payment of interest and principal on such bonds and may spread the payments up to the maximum number of years permitted by state law. (Neb. Rev. Stat. §§10-209 through 10-411, 10-606 through 10-612, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 through 18-1805, 23-3513, 39-836)

SECTION 1-611: SINKING FUNDS; GIFTS OF MONEY OR PROPERTY

A. The City is hereby empowered to receive money or property by donation, bequest, gift, devise, or otherwise for the benefit of any one or more of the public purposes for which sinking funds are established by the provisions of this section, as stipulated by

the donor. The title to the money or property so donated shall vest in the City Council or in its successors in office, who shall become the owners thereof in trust to the uses of the sinking fund or funds; provided, if the donation is real estate, the council may manage the same as in the case of real estate donated to the City for city library purposes under the provisions of Neb. Rev. Stat. §§51-215 and 51-216.

B. The City Council, subject to all the limitations set forth in this section, shall have the power to levy a tax not to exceed that prescribed by state law upon the taxable value of all the taxable property within the City for a term not to exceed ten years, in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the City, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of any one or more of the public improvements authorized by state law, including acquisition of any land incident to the making thereof. The City shall not be authorized to levy the tax or to establish the sinking fund as provided in this subsection if, having bonded indebtedness, such City has been in default in the payment of interest thereon or principal thereof for a period of ten years prior to the date of the passage of the resolution providing for the submission of the proposition for establishment of the sinking fund as required in subsection (C).

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

D. All funds received by the city treasurer, by donation or by tax levy, as hereinbefore provided, shall be immediately invested by the treasurer as they accumulate, with the written approval of the City Council, in the manner provided in Neb. Rev. Stat. §77-2341. Whenever investments of such sinking fund or funds are made as aforesaid, the nature and character of the same shall be reported to the council and the investment report shall be made a matter of record by the city clerk in the proceedings of the council. The sinking fund(s) accumulated under the provisions of this section shall constitute a special fund for the purpose for which the same was authorized and shall not be used for any other purpose unless authorized by 60% of the qualified electors of the City voting at a general election favoring such change in the use of the sinking fund; provided, the

question of the change in the use of the sinking fund, when it fails to carry, shall not be resubmitted in substance for a period of one year from and after the date of such election. (Neb. Rev. Stat. §§19-1301 through 19-1304, 77-2337, 77-2339)

SECTION 1-612: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE

A. The City shall collect the special assessments which it levies and perform all other necessary functions related thereto including foreclosure. Notice that special assessments are due shall be mailed or otherwise delivered to the last known address of the person against whom such special assessments are assessed or to the lending institution or other party responsible for paying such special assessments. Failure to receive such notice shall not relieve the taxpayer from any liability to pay such special assessments and any interest or penalties accrued thereon.

B. The City shall:

1. File notice of the assessments and the amount of assessment being levied for each lot or tract of land with the register of deeds; and
2. File a release of assessment upon final payment of each assessment with the register of deeds.

(Neb. Rev. Stat. §18-1216)

SECTION 1-613: SPECIAL ASSESSMENT FUND

All money received on special tax assessment shall be held by the city treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and such money shall be used for no other purpose unless to reimburse the City for money expended for any such improvement. (Neb. Rev. Stat. §17-710)

SECTION 1-614: CONTRACTS; APPROPRIATION

No contracts shall hereafter be made by the City Council or any committee or member thereof and no expense shall be incurred by any of the officers or departments of the City, whether the object of the expenditures shall be ordered by the council or not, unless an appropriation shall have been previously made concerning such expense or the funds necessary for the payment of such expense have been duly transferred according to law. (Neb. Rev. Stat. §§17-708, 17-709)

SECTION 1-615: CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS

A. Except as provided in Neb. Rev. Stat. §18-412.01 for a contract with a public power district to operate, renew, replace, or add to the electric distribution, transmission, or generation system of the City, no contract costing over \$30,000.00 shall be made for enlargement or general improvements such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, unless it is first approved by the City Council.

B. Except as provided in Neb. Rev. Stat. §18-412.01, before the City Council makes any contract in excess of \$30,000.00 for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the city engineer and submitted to the council. In advertising for bids as provided herein, the council may publish the amount of the estimate.

C. Advertisements for bids shall be required for any contract costing over \$30,000.00 entered into for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property or for the purchase of equipment used in the construction of such enlargement or general improvements.

D. The municipal electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is:

1. \$30,000.00 or less;
2. \$60,000.00 or less and the electric utility has gross annual revenue from retail sales in excess of \$1,000,000.00;
3. \$90,000.00 or less and the electric utility has gross annual revenue from retail sales in excess of \$5,000,000.00; or
4. \$120,000.00 or less and the electric utility has gross annual revenue from retail sales in excess of \$10,000,000.00.

E. The advertisement provided for in subsections (B) and (C) of this section shall be published at least seven days prior to the bid closing in a legal newspaper published in or of general circulation in the City or, if no newspaper has general circulation in the City or County, by posting a written or printed copy thereof in each of three public places in the City at least seven days prior to the bid closing. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to, life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by Neb. Rev. Stat. §17-613 when adopted by a three-fourths vote of the City Council and entered of record.

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

G. If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the City Council, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the City, the council may authorize the manufacture and assembly of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

H. Any city bidding procedure may be waived by the City Council when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in Neb. Rev. Stat. §§81-145 to 81-162 or when the contract is negotiated directly with a sheltered workshop pursuant to Neb. Rev. Stat. §48-1503 or when required to comply with any federal grant, loan or program.
(Neb. Rev. Stat. §§17-568.01, 17-568.02)

SECTION 1-616: ANNUAL AUDIT

A. The City Council shall cause an audit of the City's accounts to be made by a recognized independent and qualified accountant as expeditiously as possible following the close of the fiscal year, covering all financial transactions and affairs of the City for such preceding fiscal year. Such audit shall be made on a cash or accrual method at the discretion of the City. Such audit shall be completed and the annual audit report made by such accountant shall be submitted within six months after the close of the fiscal year in any event, unless an extension of time shall be granted by a written resolution adopted by the council.

B. If the City owns or operates any type of public utility or other enterprise which substantially generates its own revenue, that entity shall be audited separately from the City's other functions and the result shall appear separately in the annual audit report. Such audit shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. If the City operates its utilities through a board of public works, an entirely separate audit of such operations and report, on an accrual basis, may be provided by a different accountant than the one making the general audit.

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

D. At least three copies of such annual audit report shall be properly signed and attested by the accountant; two copies shall be filed with the city clerk and one copy shall be filed with the state auditor of public accounts. The copy of the annual audit report submitted to the auditor of public accounts shall be accompanied by a supplemental report, if appropriate, by the accountant making the audit identifying any illegal acts or indications of illegal acts discovered as a result of the audit.

E. The annual audit report filed, together with any accompanying comment or explanation, shall become a part of the public records of the City and shall at all times thereafter be open and subject to public inspection. The copies filed with the auditor shall be kept as a part of the public records in that office for at least five years and shall at all times be subject to public inspection.

(Neb. Rev. Stat. §§13-606, 19-2903, 19-2904, 19-2905)

SECTION 1-617: GENERAL FUND

All money not specifically appropriated in the annual appropriation bill shall be deposited in and known as the general fund.

SECTION 1-618: BUDGET STATEMENT; APPROPRIATIONS

The City Council shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill," in which are appropriated such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the City.
(Neb. Rev. Stat. §17-706)

SECTION 1-619: BUDGET PROCEDURE; FORM AND MANUAL INCORPORATED

Budgets shall be prepared as provided in the Nebraska Budget Act, Neb. Rev. Stat. §§13-501 to 13-513. For the purpose of proper budget preparation, the *City/Village Budget Form* and the *Budget Form Instruction Manual*, prepared by the state auditor of public

accounts, are incorporated by reference.

SECTION 1-620: BUDGET HEARING

Following the filing of the proposed budget statement, the City Council shall publish a proposed budget and conduct a public hearing on the said proposed budget statement. Notice of the place and time of the hearing, as well as a copy of the proposed budget, shall be published at least five days prior to the hearing date in a newspaper of general circulation in the City. After such hearing, the statement shall be adopted, or amended and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption.

SECTION 1-621: EXPENDITURES PRIOR TO ADOPTION OF BUDGET

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

B. The restriction on expenditures in subsection (A) of this section may be exceeded upon the express finding of the City Council that expenditures beyond an amount authorized are necessary to enable the City to meet its statutory duties and responsibilities. The finding and approval of the expenditures in excess of the statutory authorization shall be adopted by the council in open, public session. Expenditures authorized by this section shall be charged against appropriations for each individual fund or purpose as provided in the budget when adopted, and nothing in this section shall be construed to authorize expenditures by the City in excess of that authorized by any other statutory provision.

(Neb. Rev. Stat. §§13-509.01, 13-509.02)

SECTION 1-622: EMERGENCY; TRANSFER OF FUNDS

Whenever during the current fiscal year it becomes apparent to the City Council that due to unforeseen emergencies there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the council may by a majority vote, unless otherwise provided by state law, transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement, except as authorized in Neb. Rev. Stat. §13-511. Any officer(s) of the City Council who obligate funds contrary to the provisions of this section shall be guilty of a Class V misdemeanor. (Neb. Rev. Stat. §§13-510)

SECTION 1-623: PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION

A. Pursuant to the Municipal Proprietary Function Act, the City Council may prepare a proprietary budget statement for its proprietary functions separate and apart from its budget statement prepared pursuant to the Nebraska Budget Act. For purposes of this section, "proprietary function" shall mean a water supply or distribution utility, a wastewater collection or treatment utility, an electric generation, transmission, or distribution utility, a gas supply, transmission, or distribution utility, an integrated solid waste management collection, disposal, or handling utility, or a hospital or a nursing home owned by the City.

B. The City Council may establish a separate fiscal year for each proprietary function, except that any proprietary function which is subsidized by appropriations from the City's general fund shall have the same fiscal year as the City. For purposes of this section, "subsidization" shall mean that the costs of operation of a proprietary function are regularly financed by appropriations from the City's general fund in excess of the amount paid by the City to the proprietary function for actual service or services received.

C. If the City does not include its proprietary functions in its budget statement, a proposed proprietary statement shall be prepared in writing on forms provided by the state auditor and filed with the city clerk, at least 30 days prior to the start of the fiscal year of each proprietary function, containing the following information:

1. For the immediately preceding fiscal years, the revenue from all sources, the unencumbered cash balance at the beginning and end of the year, the amount received by taxation, and the amount of actual expenditure;
2. For the current fiscal year, the actual and estimated revenue from all sources separately stated as to each such source, the actual unencumbered cash balance available at the beginning of the year, the amount received from taxation, and the amount of actual and estimated expenditure, whichever is applicable;
3. For the immediately ensuing fiscal year, an estimate of revenue from all sources separately stated as to each such source, the actual or estimated unencumbered cash balance, whichever is applicable, to be available at the beginning of the year, the amounts proposed to be expended during the fiscal year, and the amount of cash reserve based on actual experience of prior years; and
4. A uniform summary of the proposed budget statement which shall include a total of all funds maintained for the proprietary function. Such statement shall contain the estimated cash reserve for each fiscal year and shall whether or not such reserve is encumbered. The cash reserve projections shall be based upon the actual experience of prior years.

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

E. After such hearing, the proposed proprietary budget statement shall be adopted or amended and adopted as amended, and a written report shall be kept of such hearing. If the adopted proprietary budget statement reflects a change from the proposed proprietary statement presented at the hearing, a copy of the adopted proprietary budget statement shall be filed with the city clerk within 20 days after its adoption and published in a newspaper of general circulation within the City Council's jurisdiction or by mailing to each resident within the jurisdiction.

F. If the actual expenditures for a proprietary function exceed the estimated expenditures in the proprietary budget statement during its fiscal year, the City Council shall adopt a proprietary function reconciliation statement within 90 days after the end of such fiscal year which reflects any difference between the adopted proprietary budget statement for the previous fiscal year and the actual expenditures and revenue for such fiscal

year. After the adoption of a proprietary function reconciliation statement, it shall be filed with the city clerk and published in a newspaper of general circulation within the City Council's jurisdiction or by mailing to each resident within the jurisdiction. If the difference between the adopted proprietary budget for the previous fiscal year and the actual expenditures and revenues for such fiscal year is greater than 10%, the proprietary function reconciliation statement shall only be adopted following a public hearing.

G. Any income from a proprietary function which is transferred to the general fund of the City shall be shown as a source of revenue in the budget statement created pursuant to the Nebraska Budget Act.

(Neb. Rev. Stat. §§18-2803 to 18-2808)

SECTION 1-624: PROPERTY TAX; CERTIFICATION OF AMOUNT

The City Council shall, at the time and in the manner provided by law, cause to be certified to the county clerk the amount of tax to be levied upon the taxable value of all the taxable property of the City which the City requires for the purposes of the adopted budget statement for the ensuing year, including all special assessments and taxes assessed as otherwise provided. The county clerk shall place the same on the property tax lists to be collected in the manner provided by law for the collection of county taxes in the county where the City is situated. In all sales for any delinquent taxes for municipal purposes, if there are other delinquent taxes due from the same person or a lien on the same property, the sale shall be for all the delinquent taxes. Such sales and all sales made under or by virtue of this section or the provision of law herein referred to shall be of the same validity and in all respects be deemed and treated as though such sales had been made for the delinquent county taxes exclusively. Subject to Neb. Rev. Stat. §77-3442, the maximum amount of tax which may be so certified, assessed, and collected shall not require a tax levy in excess of the amounts specified in Neb. Rev. Stat. §17-702. (Neb. Rev. Stat. §17-702)

SECTION 1-625: ALL-PURPOSE LEVY; ALLOCATION; ABANDONMENT; EXTRAORDINARY LEVIES

The City Council has decided to certify to the county clerk for collection one all-purpose levy required to be raised by taxation for all municipal purposes instead of certifying a schedule of levies for specific purposes added together. Subject to the limits in Neb. Rev. Stat. §77-3442, the all-purpose levy shall not exceed the annual levy specified in Neb. Rev. Stat. §19-1309, to be levied upon the taxable valuation of all taxable property in the City. The amount of the all-purpose levy shall be certified as a single amount for general fund purposes. The City Council shall allocate the amount raised by the all-purpose levy to the several departments of the City in its annual budget and appropriation ordinance or in other legal manner as the council deems wisest and best. The City shall be bound by its election to follow the all-purpose levy method during the ensuing fiscal year but may abandon such method in succeeding fiscal years. Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the City may be made by the City in addition to the all-purpose levy. (Neb. Rev. Stat. §§19-1309 through 19-1312)

SECTION 1-626: PROPERTY TAX LEVY AND REQUEST; AUTHORITY TO SET

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

B. The hearing notice shall contain the following information:

1. The dollar amount of the prior year's tax request and the property tax rate that was funding that tax request;
2. The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and
3. The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request.

C. Any resolution setting a tax request under this section shall be certified and forwarded to the county clerk on or before October 13 of the year for which the tax request is to apply.

D. Any tax levy which is not in compliance with this section and Neb. Rev. Stat. §77-1601 shall be construed as an unauthorized levy under Neb. Rev. Stat. §77-1606. (Neb. Rev. Stat. §§77-1601, 77-1601.02)

SECTION 1-627: PROPERTY TAX LEVY; GENERAL REVENUE; OTHER TAXES AND SPECIAL ASSESSMENTS

The City shall have power to levy taxes for general revenue purposes in any one year not to exceed the amount authorized by state law upon the taxable value of all the taxable property in the City. The valuation of such property shall be ascertained from the books or assessment rolls of the county assessor. The City shall have power to levy any other tax or special assessment authorized by law. (Neb. Rev. Stat. §§17-506, 17-507)

SECTION 1-628: PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED

Provisions for property tax levy, maximum levy, and authority to exceed the maximum levy for the support of the City shall be as provided in Neb. Rev. Stat. §§77-3442 through 77-3444.

Article 7 – Elections

SECTION 1-701: ELECTIONS GENERALLY

A. The city primary and general election shall be held in accordance with the provisions of Neb. Rev. Stat. Chapter 32. Said elections shall be held in conjunction with the state primary and general election. The county clerk shall have charge of the election and shall have the authority to deputize the city clerk for city election purposes. Commencing with the statewide primary election in 1976 and every two years thereafter, those candidates for mayor and for positions on the City Council whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

B. All city issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if city offices or issues can reasonably be combined with the non-partisan ballot and state law does not require otherwise. Any other election held by the City shall be held as provided in the Election Act unless otherwise provided by the charter, code, or bylaws of the City.
(Neb. Rev. Stat. §§32-404, 32-533, 32-556)

SECTION 1-702: CERTIFICATIONS REQUIRED

No later than January 5 of each even-numbered year, the City Council shall certify to the

election commissioner or the county clerk, on forms prescribed by such official, the name of the City, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office. (Neb. Rev. Stat. §32-404)

SECTION 1-703: CITY COUNCIL; NUMBER, QUALIFICATIONS, TERMS

A. The City Council shall consist of four residents of the City who are residents and registered voters. All council members shall be nominated and elected on a nonpartisan ballot unless the City provides for a partisan ballot by ordinance. Council members shall serve for terms of four years, until their successors are elected and have qualified. Terms of office shall begin on the first regular meeting of the council in December following the statewide general election.

B. "Elector" as used in this article shall mean a citizen of the United States whose residence is within the state and who is at least 18 years of age or is 17 years of age and will attain the age of 18 years on or before the first Tuesday after the first Monday in November of the then current calendar year.

C. Unless the City wishes to elect council members by wards as provided in Neb. Rev. Stat. §§17-102 and 32-553, members of the council shall be elected at large. (Neb. Rev. Stat. §§17-103, 17-104, 32-110, 32-533, 32-553, 32-554, 32-557, 32-602)

SECTION 1-704: SPECIAL ELECTION

A. Except as provided in Neb. Rev. Stat. §77-3444, any issue to be submitted to the registered voters at a special election by the City shall be certified by the city clerk to the election commissioner or county clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. Rev. Stat. §§32-952 through 32-959. Any other special election shall be subject to subdivision (B) of this section.

B. In lieu of submitting the issue at a special election, the City may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the city clerk to the election commissioner or county clerk by March 1 for the primary election and by September 1 for the general election. The city clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues.

C. The election commissioner or county clerk shall prepare the ballots and issue ballots for early voting and shall also conduct the submission of the issue, including the receiving and counting of ballots on the issue. The election returns shall be made to the election commissioner or county clerk. The ballots shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the election commissioner or county clerk shall certify the election results to the City Council. The canvass by the Canvassing Board shall have the same force and effect as if made by the board.

D. Any issue to be submitted to the registered voters at a special election by the City shall be certified by the city clerk to the election commissioner or county clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. Rev. Stat. §§32-952 through 32-959. Any special election under the Election Act shall be held on the first Tuesday following the second Monday of the selected month unless otherwise specifically provided. No special election shall be held under the Election Act in April, May, June, October, November, or December of an even-numbered year unless it is held in conjunction with the statewide primary or general election.

SECTION 1-705: PETITION CANDIDATES

A. Any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in Neb. Rev. Stat. §§32-617 to 32-621, or by nomination by political party convention or committee pursuant to Neb. Rev. Stat. §§32-627 or 32-710.

B. Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under subsection (2) of Neb. Rev. Stat. §32-625 and the candidate files for the office by petition as prescribed herein.

C. Petitions for nomination of candidates for City Council shall conform to the requirements of Neb. Rev. Stat. §32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. A sample copy of the petition shall be filed with the filing officer prior to circulation. Petitions shall be signed by registered voters residing in the City and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. Rev. Stat. §32-607. Petition signers and petition circulators shall conform to the requirements of Neb. Rev. Stat. §§32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required. Such petitions shall be filed by September 1 in the year of the general election.

D. The number of signatures of registered voters needed to place the name of a nonpartisan candidate upon the ballot for a city office for the general election shall be at least 10% of the total number of registered voters voting for governor or president of the United States at the immediately preceding general election in the City, not to exceed 2,000. The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be at least 20% of the registered voters voting for governor or president of the United States at the immediately preceding general election in the City, not to exceed 2,000.

E. The filing officer (election commissioner) shall verify the signatures according to Neb. Rev. Stat. §32-631. Within three days after the signatures on a petition for nomination have been verified pursuant to such section and the filing officer has determined that pursuant to Neb. Rev. Stat. §32-618 a sufficient number of registered voters signed the petitions, the filing officer shall notify the candidate so nominated by registered or certified mail and the candidate shall, within five days after the date of receiving such notification, file with such officer his or her acceptance of the nomination or his or her name will not be printed on the ballot.

F. A candidate placed on the ballot by petition shall be termed a candidate by petition. The words "By Petition" shall be printed upon the ballot after the name of each candidate by petition.

(Neb. Rev. Stat. §§32-616, 32-617, 32-618)

SECTION 1-706: WRITE-IN CANDIDATES

Any candidate engaged in or pursuing a write-in campaign shall file a notarized affidavit of his or her intent, together with the receipt for any filing fee, with the filing officer as provided in Neb. Rev. Stat. §32-608 no later than ten days prior to the election. Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or after March 1 and before the general election in the calendar year of the general election may have his or her name placed on the general

election ballot for a partisan office by filing petitions as prescribed in Neb. Rev. Stat. §§32-617 to 32-621 or by nomination by political party convention or committee pursuant to Neb. Rev. Stat. §§32-627 or 32-710. A candidate who has been defeated as a candidate in the primary election or defeated as a write-in candidate in the primary election shall not be eligible as a write-in candidate for the same office in the general election unless a vacancy on the ballot exists pursuant to Neb. Rev. Stat. §32-625(2), and the candidate files for the office by petition as prescribed in Neb. Rev. Stat. §§32-617 and 32-618 and files as a write-in candidate or is nominated by political party convention or committee as prescribed herein. A candidate who files a notarized affidavit shall be entitled to all write-in votes for the candidate even if only the last name of the candidate has been written if such last name is reasonably close to the proper spelling. (Neb. Rev. Stat. §§32-615, 32-616)

SECTION 1-707: FILING FOR OFFICE; FORMS

A. *Primary Election.* Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the secretary of state as provided in Neb. Rev. Stat. §32-607. If a candidate for an elective office is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between December 1 and February 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. Candidates shall file for office between December 1 and March 1 prior to the date of the primary election.

B. *General Election.* Any candidate for the City Council may place his or her name on the general election ballot by filing a candidate filing form prescribed by the secretary of state as provided in Neb. Rev. Stat. §32-607. If a candidate for an elective office is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between December 1 and July 15 prior to the date of the general election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after July 15 of that election year. All other candidates shall file for office between December 1 and August 1 prior to the date of the general election.

C. All candidate filing forms shall contain the information required by Neb. Rev. Stat. §32-607. Said forms shall be filed in the office of the county clerk. (Neb. Rev. Stat. §§32-606, 32-607)

SECTION 1-708: FILING FEE

A. Except as provided in subsection (C) or (D) of this section, a filing fee shall be paid to the city treasurer by or on behalf of each candidate prior to filing for office. The fee shall be a sum equal to 1% of the annual salary as of November 30 of the year preceding the election for the office for which the candidate files and shall be placed in the general fund of the City. No candidate filing forms shall be filed until the proper receipt showing payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the city treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

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

C. No filing fee shall be required on any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than \$500.00 per year.

D. No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office as a pauper. The definition of "pauper" and requirements regarding income and assets shall be as provided in Neb. Rev. Stat. §32-608.

E. If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the City Council prior to the date of the election. Upon approval of the claim by the board, the filing fee shall be refunded.
(Neb. Rev. Stat. §32-608)

SECTION 1-709: CERTIFICATE OF NOMINATION OR ELECTION

The county clerk shall, within 40 days after the election, prepare, sign, and deliver a certificate of nomination or a certificate of election to each person whom the Canvassing Board has declared to have received the highest vote for each city office. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received a number of votes at least equal to 5 percent of the total ballots cast at the primary election by registered voters affiliated with that political party in the district which the office for which he or she is a candidate serves. (Neb. Rev. Stat. §§32-558, 32-1033)

SECTION 1-710: BALLOTS

It shall be the duty of the county clerk to provide printed ballots for every general city election, and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the City. (Neb. Rev. Stat. §§32-805, 32-1202)

SECTION 1-711: PRIMARY OR GENERAL ELECTION; NOTICE

The county clerk shall publish in a newspaper designated by the County Board the notice of the election no fewer than 42 days prior to the primary or general election. This notice will serve the notice requirement for all city elections which are held in conjunction with the county. (Neb. Rev. Stat. §32-802)

SECTION 1-712: PRIMARY ELECTION; NUMBER OF CANDIDATES FILING

If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated and no primary election for their nomination shall be required.

SECTION 1-713: GENERAL ELECTION; PREPARATION OF BALLOT

A. When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the county clerk, in preparing the official ballot for the general election, shall place thereon the names of the persons who received the greatest number of votes in the primary but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election.

B. The county clerk shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the name of the candidates shall be placed upon the general election ballot in the order of their filing. The candidates receiving the greatest number of votes shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms.

SECTION 1-714: EXIT POLLS

No person shall conduct any exit poll, public opinion poll, or any other interview with voters on Election Day seeking to determine voter preference within 20 feet of the entrance of any polling place room or, if inside the polling place building, within 100 feet of any voting booth. (Neb. Rev. Stat. §32-1525)

SECTION 1-715: AUTOMATIC RECOUNT

A. If it appears as evidenced by the abstract of votes that any candidate failed to be nominated or elected by a margin of (1) 1% or less of the votes received by the candidate who received the highest number of votes for the office at an election in which more than 500 total votes were cast or (2) 2% or less of the votes received by the candidate who received the highest number of votes for the office at an election in which 500 or fewer total votes were cast, then such candidate shall be entitled to a recount. Any losing candidate may waive his or her right to a recount by filing a written statement with the election commissioner or county clerk. All expenses of a recount under this section shall be paid by the City.

B. Recounts shall be made by the County Canvassing Board which officiated in making the official county canvass of the election returns. If any member of the county canvassing board cannot participate in the recount, another person shall be appointed by the election commissioner or county clerk to take the member's place.

C. The election commissioner or county clerk shall be responsible for recounting the ballots for those candidates for whom the County Canvassing Board deems a recount to be necessary. The recount shall be made as soon as possible after the adjournment of the Canvassing Board.

D. The election commissioner or county clerk shall notify all candidates whose ballots will be recounted of the time, date, and place of the recount. Candidates whose ballots will be recounted may be present or be represented by an agent appointed by the candidate. The procedures for the recounting of ballots shall be the same as those used for the counting of ballots on election day.
(Neb. Rev. Stat. §32-1119)

SECTION 1-716: RECOUNT; LOSING CANDIDATE

The losing candidate for any office at the city election may request a recount of the ballots cast when the official canvass of such votes cast reveals that there is a difference of 25 votes or fewer between the total cast for the winner and the loser. Such recount shall be made if the losing candidate files a written request therefor with the county clerk within three days following the completion of the official canvass. (Neb. Rev. Stat. §§32-1121)

SECTION 1-717: RECALL PROCEDURE

Any or all of the elected officials of the City may be removed from office by recall pursuant to Neb. Rev. Stat. §§32-1301 to 32-1309.

Article 8 – Penal Provision

SECTION 1-801: 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 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.

CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Library Board

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

A. The City Council may levy a tax upon the taxable value of all the taxable property in the City annually to be levied and collected in like manner as other taxes in the City for support of the library. The amount collected from such levy shall be known as the library fund and shall also include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing property and real estate from any source for the purpose of endowing the public library. All money collected by the library shall be turned over at least monthly by the librarian to the city treasurer along with a report of the sources of the revenue.

B. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the public library shall be kept for the use of the library, shall be drawn upon and paid out by the city treasurer upon vouchers signed by the president of the Library Board and authenticated by the secretary of the board, and shall not be used or disbursed for any other purpose or in any other manner. The City may establish a public library sinking fund for major capital expenditures.
(Neb. Rev. Stat. §§51-201, 51-209)

SECTION 2-102: MEMBERS; TERMS

The Library Board shall consist of five appointed members who shall be residents of the City and who shall serve terms of four years. The board members shall be appointed by a majority vote of the City Council. The council may also appoint a member from the student body of the Chase County Schools or a local home school, who must be a resident of the City and shall have voting rights except in the case where such vote would result in a tie vote. In this event, such student member shall abstain from voting. The board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the council and conditioned upon the faithful performance of their duties. No member of the City Council shall serve as a member of the Library Board while serving a term of office as a member of the council. In cases of vacancies by resignation, removal or otherwise, the council shall fill the vacancy for the unexpired term. No member shall receive any pay or compensation for any services rendered as a member of the Library Board. (Neb. Rev. Stat. §51-202)

SECTION 2-103: OFFICERS; MEETINGS

At the time of the first meeting in January of each year, the members shall organize by selecting from their number a president, secretary, and such other officers as may be necessary. No member of the Library Board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to prepare an agenda for all regular and special meetings, to keep the full and correct minutes and records of all meetings, and to file the same with the city clerk, where they shall be available for public inspection within ten working days or before the next board meeting, whichever is earlier. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairman or any three board members. (Neb. Rev. Stat. §51-204)

SECTION 2-104: POWERS AND DUTIES

A. The Library Board shall have the power to make and adopt such bylaws, rules,

and regulations for its own guidance and for the government of the library and reading room as it may deem expedient not inconsistent with Neb. Rev. Stat. §§51-201 through 51-219.

B. The Library Board shall have exclusive control of expenditures, all money collected or donated to the credit of the library fund, the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose.

C. The Library Board may erect, lease, or occupy an appropriate building for the use of such a library, appoint a suitable librarian and assistants, fix the compensation of such appointees, and remove such appointees at the pleasure of the board. The City Council shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the board.

D. The Library Board may establish rules and regulations for the government of the library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. The board may fix and impose by general rules any penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments.

(Neb. Rev. Stat. §§51-205, 51-207, 51-211)

SECTION 2-105: ANNUAL REPORT TO CITY COUNCIL

The Library Board shall, on or before the second Monday in February each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the proper officers of the board.

(Neb. Rev. Stat. §51-213)

SECTION 2-106: REAL ESTATE; SALE AND CONVEYANCE

A. The Library Board may by resolution direct the sale and conveyance of any real estate owned by the board or by the library which is not used for library purposes or of any real estate so donated or devised to the board or to the library, upon such terms as the board may deem best.

B. Before any such sale is made, the Library Board shall advertise the sale once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the City. The notice shall set out the time, place, terms, manner of sale, legal description of such real estate, and the right to reject any and all bids. If the bids have not been rejected, then the real estate shall be sold to the highest bidder for cash and the board president, upon resolution of the board directing him or her so to do, shall convey the real estate to the purchaser of such real estate upon payment of said bid. If within 30 days after the third publication of the notice a remonstrance against the sale is signed by 30% of the registered voters of the City voting at the last regular city election and filed with the City Council, the property shall not then nor within one year thereafter be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the 30-day period but the filing shall be considered timely if filed or postmarked on or before the next business day.

SECTION 2-107: GROUNDS AND BUILDING

The Library Board may purchase or lease grounds, exercise the power of eminent domain, and condemn real estate for the purpose of securing a site for a library building. The procedure to condemn property shall be exercised in the manner set forth in Neb. Rev. Stat. §§76-704 through 76-724. (Neb. Rev. Stat. §51-210)

SECTION 2-108: MORTGAGES; RELEASE OR RENEWAL

The president of the Library Board shall have the power to release, upon full payment, any mortgage constituting a credit to the library fund and standing in the name of the board. The signature of the president on any such release shall be authenticated by the secretary of the board. The president and secretary in like manner, upon resolution duly passed and adopted by the board, may renew any such mortgage. (Neb. Rev. Stat. §51-206)

SECTION 2-109: LIBRARY; DONATIONS

Any person may make donation of money, lands, or other property for the benefit of the public library. The title to property so donated may be made to and shall vest in the Library Board and its successors in office, and the board shall thereby become the owners thereof in trust to the uses of the public library. (Neb. Rev. Stat. §51-215)

SECTION 2-110: LIBRARY; COST OF USE; VIOLATION OF RULES

A. Except as provided in subsection (B) of this section, the library shall be free of charge for the use of the inhabitants of the City, subject always to such reasonable regulations as the Library Board may adopt to render the library of the greatest use to the inhabitants. The board may exclude from the use of the library any person who willfully violates or refuses to comply with rules and regulations established for the government thereof.

B. The public library shall make its basic services available without charge to all residents of the City. The board may fix and impose reasonable fees, not to exceed the library's actual cost, for non-basic services.

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

1. "Basic services" shall include, but are not limited to, free loan of circulating print and non-print materials from the local collection and general reference and information services.
2. "Non-basic services" shall include but are not limited to the use of:
 - a. Photocopying equipment;
 - b. Telephones, facsimile equipment, and other telecommunications equipment;
 - c. Media equipment;
 - d. Personal computers; and
 - e. Electronic-recording and playing equipment.

(Neb. Rev. Stat. §§51-201.01, 51-211, 51-212)

SECTION 2-111: LIBRARY; DISCRIMINATION PROHIBITED

No library service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status. (Neb. Rev. Stat. §51-211)

SECTION 2-112: LIBRARY; BOOK REMOVAL

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the library without the consent of the librarian or an authorized employee of the library. Any person removing a book from the library without properly checking it out shall be deemed guilty of an offense. (Neb. Rev. Stat. §51-211)

SECTION 2-113: LIBRARY; LOST AND DAMAGED MATERIALS

Any person who injures or fails to return any item checked out from the library shall forfeit and pay not less than the value of the item in addition to any replacement costs and penalty which the Library Board may assess. (Neb. Rev. Stat. §51-211)

SECTION 2-114: LIBRARY; SALE, EXCHANGE, OR DISPOSAL OF BOOKS

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the library. Records shall be kept of any such books so disposed of. (Neb. Rev. Stat. §51-211)

SECTION 2-115: LIBRARY; PENALTIES; RECOVERY; DISPOSITION

Penalties imposed or accruing by any bylaw or regulation of the Library Board and any court costs and attorney's fees may be recovered in a civil action before any court having jurisdiction, such action to be instituted in the name of the board. Money collected in such actions, other than any court costs and attorney's fees, shall be placed in the treasury of the City to the credit of the library fund. Attorney's fees collected pursuant to this section shall be placed in the treasury of the City and credited to the budget of the city attorney's office. (Neb. Rev. Stat. §51-214)

Article 2 – Board of Health

SECTION 2-201: MEMBERS; TERMS

A. The City Council shall appoint a Board of Health consisting of four members: the mayor, who shall serve as chairman; the president of the council; and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the board's medical advisor. In the event no physician resides within the City, the mayor shall appoint a citizen at large to serve instead. If the mayor has appointed a chief of police, he or she shall serve on the board as secretary and quarantine officer. If the City has a contract with the Chase County sheriff for law enforcement services, the mayor may appoint the county sheriff to serve as secretary and quarantine officer.

B. The members of the Board of Health, other than the mayor, president of the council, and chief of police, shall serve terms of office of the length specified by the City Council and may be reappointed. No member of the Board of Health shall hold more than one board position. The members of the board shall serve without compensation. The Board of Health shall be funded by the City Council from time to time out of the general fund.

SECTION 2-202: MEETINGS; OFFICERS

The Board of Health shall meet at such times as the City Council may designate. The board shall elect officers at its meeting after appointments are regularly considered by the council and, if necessary, select a member to serve as secretary. A majority of the board

shall constitute a quorum for the purpose of doing business. The secretary shall keep full and correct minutes and records of all meetings and file the same with the city clerk, where they shall be available for public inspection. Special meetings may be held upon the call of the chairman or any two members of the board.

SECTION 2-203: DUTIES

It shall be the duty of the Board of Health to enact rules and regulations, which shall have the full force and effect of law to safeguard the health of the people of the City. The board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and shall actively enforce all state laws and city ordinances relating to nuisances and matters of sanitation which affect the health and safety of the people. The board shall regularly inspect such premises and businesses as the City Council may direct. The board shall be responsible for making such reports, prescribing such penalties, and performing such other duties as the council may designate from time to time. All actions of the Board of Health shall be subject to the review and supervision of the council.

SECTION 2-204: ENFORCEMENT OFFICIAL

The police chief appointed as the quarantine officer shall be the chief health officer of the City. It shall then be his or her duty to notify the City Council and the Board of Health of health nuisances within the City and its zoning jurisdiction.

SECTION 2-205: STATE RULES

The publication *Rules and Regulations Relating to Public Health*, Department of Health of the State of Nebraska, is hereby incorporated by reference when the same is applicable to the City, in its present form and as it may hereafter be amended. (Neb. Rev. Stat. §18-132)

Article 3 – Park and Tree Board

SECTION 2-301: OPERATION

A. The City owns and manages the park and recreation systems through the Park and Tree Board. The said board shall consist of seven members who shall be citizens and residents of this city, appointed by the mayor with the approval of the City Council. The terms shall be three years and shall expire December 31, at which time members may be reappointed. Two members shall be appointed or re-appointed each year for two years and three members appointed the third year. The council may also appoint a member from the student body of the Chase County Schools or a local home school, who must be a resident of the City and shall have voting rights except in the case where such vote would result in a tie vote. In this event, such student member shall abstain from voting. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. Members of the board shall serve without compensation.

B. The board shall choose its own officers, make its own rules and regulations, and keep a minute book of its proceedings. A majority of its members shall be a quorum for the transaction of business.

C. The City Council shall have the right to review the conduct, acts, and decisions of the board. Any person may appeal any ruling or order of the board to the council, which may hear the matter and make a final decision.

SECTION 2-302: DUTIES AND RESPONSIBILITIES

A. The City Council shall have the power and authority to hire and supervise such employees as it may deem necessary and to pass such rules and regulations for the operation of the parks and recreation programs as may be proper for its efficient operation. All recommendations of the Park and Tree Board must be approved by the council before implementation of policies. The Park and Tree Board shall:

1. Develop policies and make management recommendations to the City Council relating to the general operations of the municipal swimming pool and soccer and baseball/softball programs. General care of the grounds shall be the responsibility of city staff under the direction of the director of public works.
2. Make recommendations to the council regarding rules and regulations for the municipal swimming pool.
3. Make recommendations for hiring of a swimming pool manager, who will be responsible for the hiring of assistant managers and lifeguards.
4. Develop a fee schedule for swimming pool admission rates and days/hours of operation.
5. Make recommendations for hiring of a soccer director and his or her rate of pay.
6. Make recommendations for registration fees for soccer participants.
7. Make recommendations for hiring of a summer recreation director and his or her rate of pay.
8. Make recommendations for registration fees for baseball/softball participants.

B. The Park and Tree Board shall study, investigate, counsel, develop, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be updated periodically and presented to the City Council and, upon its acceptance and approval, shall constitute the official comprehensive tree plan for the City. The board, when requested by the council, shall consider, investigate, make finding, report, and recommend upon any special matter or question coming within the scope of its work.

SECTION 2-303: TREES; DEFINITIONS

“Community forest” is herein defined as all street and park trees as a total resource.

"Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the City or to which the public has free access.

“Small trees” are herein defined as trees which by their nature do not normally attain heights greater than 25 feet at their maturity.

“Large trees” are herein defined as trees which by their nature attain heights greater than 45 feet at maturity.

SECTION 2-304: TREES; SPECIES TO BE PLANTED; SPACING

A. The official street tree list for the City as adopted and periodically modified by the Park and Tree Board shall be filed in the office of the city clerk. No species other than those included in said list may be planted as street trees without written permission of the board.

B. The spacing of street trees will be in accordance with the three species size classes listed in the tree list. No trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

C. The distance that trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in tree list. No trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

SECTION 2-305: TREES; DISTANCE FROM CORNERS AND HYDRANTS

No street tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet from any fire hydrant.

SECTION 2-306: TREES; UTILITIES

No street trees other than those species listed as small trees may be planted under or within 10 lateral feet of any overhead utility wire or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility within any easement.

SECTION 2-307: TREES; MAINTENANCE, REMOVAL; ADJACENT PROPERTY OWNERS

A. The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. The City Council or its designated representative may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public Improvements or is affected with any injurious fungus, insect, or other pest.

C. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with this article.

SECTION 2-308: TREES; PUBLIC RIGHT OF WAY; CONSENT OF PROPERTY OWNER; PERMIT

A. The City shall plant no trees on public right of way without the consent of the adjacent property owners. Such consent shall be in writing and shall be maintained as part of the official board records.

B. No person shall plant trees on public right of way without obtaining a permit from the City. Such person shall also obtain the consent of the adjacent property owners in writing as provided above.

SECTION 2-309: TREES; TOPPING

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the Park and Tree Board.

SECTION 2-310: TREES; PRUNING; CLEARANCE

See Chapter 6 Public Ways and Property, Section 6-103.

SECTION 2-311: TREES; INJURY OR DAMAGE

It shall be unlawful for any person to purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade, or other tree standing or growing on any land belonging to another person or on any public land in the corporate limits.

SECTION 2-312: TREES; REMOVAL ON PRIVATE PROPERTY

A. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead, dying, or diseased trees within the right of way of streets or on private property within the corporate limits of the City. For the purpose of carrying out the provisions of this section, the utilities superintendent shall have the authority to enter upon private property to inspect the trees thereon.

B. Notice to abate and remove such nuisances and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within 30 days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the City may have such work done and bill the property owner. If the owner fails to reimburse the City after being properly billed, the City may levy and assess all or any portion of 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 or assessed.

C. In the event the property owner is a nonresident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §§18-1720, 28-1321)

SECTION 2-313: TREES; PUBLIC SERVICE COMPANIES

Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the city administrator to do so; and the written permit of the administrator in accordance with its decision to allow such an action shall constitute the only lawful authority on the part of the company to do so. (Neb. Rev. Stat. §17-555)

SECTION 2-314: TREES; REMOVAL OF STUMPS

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump does not project above the surface of the ground.

SECTION 2-315: INTERFERENCE

It shall be unlawful for any person to prevent, delay, or interfere with the Park and Tree Board or any of its agents while they are engaged in the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

Article 4 – Theatre Board

SECTION 2-401: OPERATION

A. The mayor, with the approval of the City Council, shall appoint the Theatre Board, which shall consist of five members who shall be residents of the City. The council may also appoint a student of Chase County Schools or a local home school. The members of the board shall serve four-year terms of office and shall serve without compensation.

B. At the first meeting of each year, the board shall organize by selecting from its membership a chairperson and a secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the city clerk, where they shall be available for public inspection. A majority of the board members shall constitute a quorum for the purpose of doing business. The board shall meet at such times as the board's membership may designate. Special meetings may be held upon the call of the chairperson or any three members of the board.

C. It shall be the duty of the Theatre Board to develop policies and make management recommendations to the City Council relating to the supervision, maintenance, care and operation of the Community Center. All funds will be paid by the city treasurer out of the appropriate funds. All funds received by programs under the direction of the Theatre Board shall be maintained by the city treasurer. The board shall develop a recommended budget for presentation at the City Council's budget work sessions. A member of the board shall be present at the work sessions to answer questions and discuss theatre operations. All recommendations of the Theatre Board shall be subject to review and approval by the City Council. The board shall be responsible for making such reports and performing such additional duties as the council may designate.

Article 5 – Board of Senior Services

(Am. Ord. No. 2015-02-02, 2/2/15)

SECTION 2-501: INTENT AND PURPOSE

The intent and purpose of this article is to establish and enable the control of the Imperial Manor Nursing Home (nursing home facility), Imperial Parkview Assisted Living (assisted living facility), and Imperial Heights Retirement Center (independent retirement living facility), collectively referred to as "senior services facilities" in this article, by one board, which shall be called the Board of Senior Services.

SECTION 2-502: MEMBERS; APPOINTMENTS

There shall be five members on the Board of Senior Services, appointed by the mayor with the approval of the City Council, which may require the members of the board to give

a bond in a sum set by resolution of the council and conditioned upon the faithful performance of their duties. The members shall serve without pay. In addition to the five members of the board, the mayor shall be an *ex officio* member of the board without the ability to cast a vote in the board's activities and may not hold a position as an officer of the board.

SECTION 2-503: QUALIFICATIONS; TERMS; VACANCIES

The members of the board shall be selected from the citizens of the City, provided that one member of the board shall also be a member of the City Council. One member of the board may reside outside the city limits but within 1 mile of said city limits. The terms of office of the board shall be four years and shall be structured so that at least two terms shall expire each year. In the case of vacancy by resignation, removal or otherwise, the vacated seat shall be filled for the unexpired term in like manner as described above.

SECTION 2-504: OFFICERS; DUTIES

At the time of the board's first meeting of the year, the members may select a chairperson and secretary and such other officers deemed necessary from among their members. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file same with the city clerk, where they shall be available for public inspection. It shall be the duty of the chairperson or designee to present a written report of the financial status of the senior services facilities, including expenditures and receipts of the facilities, of any reports generated by the board regarding facilities' physical assets, and any other issues, requirements or other items discussed by the board upon request of the City Council. The chairperson or designee shall be available for any questions presented by the council members.

SECTION 2-505: MEETINGS

The Board of Senior Services shall meet at least once per month or at such other times as the City Council may direct. A majority of the members, excluding *ex officio* members, shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairperson or a majority of the members of the board. All meetings shall comply with Nebraska public meeting laws including but not limited to the notification and open meetings requirements. A copy of each advertisement of a meeting shall be placed in the city clerk's office.

SECTION 2-506: AUTHORITY

The Board of Senior Services shall have the power and authority to:

A. Manage and operate the senior services facilities. This power is exclusive but subject to review and supervision of the City Council; provided, however, the board shall not have the power to remove any person or entity hired by the City to provide daily management of the senior services facilities without approval of the council.

B. Adopt such rules, regulations and bylaws for the operation, management and maintenance of the said entities as in the board's judgment may be required. A current copy of all board rules, regulations or bylaws in effect shall be kept in the office of the city clerk.

C. Direct the payment of any and all amounts provided in the annual budget passed by the City Council.

D. Direct and provide for the purchase of any non-budgeted item(s) up to an amount of \$10,000.00. Any single item or expenditure exceeding \$10,000.00 shall require

the approval of the City Council.

SECTION 2-507: DUTIES

The board shall have the following duties

A. Review and be responsible for all the activities undertaken by the senior services facilities.

B. Present an annual budget for all of the senior services facilities for approval by the City Council in conjunction with any manager hired by the council for operation of the senior services facilities. The annual budget must be given by the board to the city clerk no later than June 1 of each year for approval by the council as part of the regular budget processes of the council.

C. Generate any reports requested by the City Council.

Article 6 – Housing Authority

SECTION 2-601: CONTINUED EXISTENCE AS HOUSING AGENCY

A. The local Housing Authority established under prior state law and in existence on January 1, 2000, shall have continued existence as a housing agency under the Nebraska Housing Agency Act.

B. The local housing agency shall conduct its operations consistent with the Nebraska Housing Agency Act. All property, rights in land, buildings, records and equipment and any funds, money, revenue, receipts or assets of the authority belong to the agency as successor. All obligations, debts, commitments and liabilities of the authority are obligations, debts, commitments and liabilities of the successor agency.

C. Any resolution by the authority and any action taken by the authority prior to January 1, 2000, with regard to any project or program which is to be completed within or to be conducted for a 12-month period following January 1, 2000, and which resolution or action is lawful under state law as it existed prior to January 1, 2000, is a lawful resolution or action of the successor agency and binding upon the successor agency and enforceable by or against the agency notwithstanding that such resolution or action is inconsistent with, not authorized by, or prohibited under the provisions of the Nebraska Housing Agency Act.

D. All commissioners of the local housing agency and all officers, legal counsel, technical experts, directors and other appointees or employees of the agency holding office or employment by virtue of any such prior law on January 1, 2000, shall be deemed to have been appointed or employed under the Nebraska Housing Agency Act.
(Neb. Rev. Stat. §71-1576)

SECTION 2-602: OWNERSHIP

The Housing Authority is owned by the City and operated through the Housing Authority. The authority shall constitute a body corporate and politic and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Nebraska Housing Authority law. (Neb. Rev. Stat. §71-1529)

SECTION 2-603: DEFINITIONS

Except as otherwise specifically provided, the definitions and terms set out in state stat-

utes relating to housing authorities under the Nebraska Housing Authority law are hereby adopted by reference as they now exist or may hereafter be amended.

SECTION 2-604: MEMBERS; TERMS; COMPENSATION

The mayor, with approval of the City Council, shall appoint five persons who shall constitute the Housing Authority and who shall be called the commissioners. Each commissioner shall serve a five-year term of office or until his or her successor is duly appointed, provided that any vacancy shall be filled for the unexpired term. One term shall expire every year. The City Council may appoint one of its members to serve as one of the five members of the Housing Authority for such term as the council may determine. No person shall serve as a commissioner unless he or she resides within the area of operation of the Housing Authority. A certificate of the appointment or reappointment of any commissioner shall be filed with the city clerk and such certificate shall be conclusive evidence of the proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services but shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his or her duties.

SECTION 2-605: MEETINGS; OFFICERS; DUTIES

A. A majority of commissioners shall constitute a quorum for the purpose of conducting its business, exercising its powers, and for all other purposes. Action may be taken by the authority upon the vote of the majority of the commissioners present unless in any case the bylaws of the authority shall require a larger number. The commissioners shall elect a chairman and vice-chairman from among the commissioners and shall have the power to employ an executive director, who shall serve as ex officio secretary of the authority.

B. The authority may employ legal counsel or it may call upon the chief law officer of the City for such services as it may require. It may employ technical experts and such other officers, agents and employees as it may require and shall determine their qualifications, duties, compensations and terms of office. The authority may delegate such other powers and duties to its agents or employees as it may deem proper.

SECTION 2-606: CONFLICT OF INTEREST

During his or her tenure and for one year thereafter, no commissioner, officer or employee of the Housing Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, contract or proposed contract relating to any housing project. If any such commissioner, officer or employee involuntarily acquires any such interest or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer or employee, he or she shall immediately disclose his or her interest in writing to the authority. Such disclosure shall be entered upon the minutes of the authority and he or she shall not participate in any action by the authority relating to the property or contract in which he or she has any such interest; provided that nothing herein shall apply to the acquisition of any interest in notes or bonds of the authority issued in connection with any housing project, or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services, the rates for which are fixed or controlled by a governmental agency.

SECTION 2-607: REMOVAL OF COMMISSIONER

The mayor may remove a commissioner for neglect of duty or misconduct in office in the manner prescribed hereafter. The mayor shall send a notice of removal to such commissioner which shall contain a statement of the charges against him or her. Unless such commissioner files with the clerk within ten days from the receipt of such notice a request

for a hearing before the City Council, the commissioner shall be deemed removed from office. If a request for a hearing is filed with the clerk, the council shall hold a hearing, at which the commissioner shall have the right to appear in person or by counsel and the council shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the commissioner shall continue to hold his or her position.

SECTION 2-608: REPORT TO CITY COUNCIL

The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make an annual report to the City Council at the regular meeting in January of each year. Such report shall include all mortgages and other interests in real property held by the authority, including options to purchase and land sale contracts; a listing of all bond issues and their essential terms and obligations; and all other financial obligations of the Housing Authority over \$50,000.00. Such reports shall be considered public records. If there has been no change since the last report in the status of any of the items reported pursuant to this section, the Housing Authority may file a statement to that effect in lieu of the report. (Neb. Rev. Stat. §71-1552)

SECTION 2-609: RULES AND REGULATIONS

The Housing Authority may from time to time establish rules and regulations consistent with the purposes of this article concerning the priority of eligible applicants for occupancy. The authority may give preferential treatment to applicants who are military personnel or veterans, relatives of military personnel or veterans, the elderly or disabled, those in urgent need of adequate housing or who have no adequate source of income, provided that in any such system of priority, displaced persons in need shall have a priority ahead of all other persons and, provided further, that no tenant in good standing then in occupancy and qualified for continued occupancy shall have his or her tenancy terminated in order to provide dwelling units for classes or categories of applicants as the authority may establish.

SECTION 2-610: JOINT HOUSING AUTHORITY

A. Any two or more cities, villages or counties or any combination thereof may, by resolution of their separate governing bodies, determine that there is a need for a joint Housing Authority to provide decent, safe and sanitary housing for persons of low income living in a multi-jurisdictional area and that this need would be more efficiently served by the establishment of such joint Housing Authority. Such joint authority shall have perpetual existence, except that any city, village or county, as the case may be, may withdraw from participation in the joint Housing Authority by resolution of its governing body only under the conditions set out in state law. The area of operation of such joint Housing Authority would be an area equivalent to the total areas of operation which the housing authorities would have if created separately by the cities, villages or counties establishing the joint authority. The creation of subsequent housing authorities shall not affect the area of operation or territorial jurisdiction of any existing Housing Authority. Whenever a joint Housing Authority is created, it shall bear such name as the political subdivision or subdivisions creating it shall choose, and such name shall include the words "Joint Housing Authority."

B. When it is determined by resolution of the governing bodies of two or more cities, villages or counties or any combination thereof that it is expedient to create a joint Housing Authority and to participate therein, the governing bodies shall appoint persons who shall be residents of the area of operations of the authority and who shall constitute the joint Housing Authority. Such persons shall be called commissioners and they shall be appointed as follows:

1. When two political subdivisions constitute the participating members in such

joint authority, each shall appoint two persons to act as commissioners and they shall elect a fifth person to act as a commissioner;

2. When three political subdivisions constitute the participating members in such joint authority, each shall appoint one person to act as a commissioner and they shall elect a fourth and fifth person to act as commissioners;
3. When four political subdivisions constitute the participating members in such joint authority, each shall appoint one person to act as commissioner and they shall elect a fifth person to act as a commissioner; and
4. When five or more political subdivisions constitute the participating members in the joint authority, each shall appoint one person to act as commissioner.

C. Each commissioner shall serve a term of five years from the date of his or her appointment. Any vacancy shall be filled for the unexpired term by the entity originally appointing such commissioner. Tenancy in a project established by a joint Housing Authority shall not preclude the appointment of any such tenant to serve as a commissioner of such joint Housing Authority. After a joint Housing Authority has been created, additional political subdivisions may elect to participate as members of such joint authority after compliance with Neb. Rev. Stat. §71-1523, if the majority of existing commissioners in such joint Housing Authority and all participating political subdivisions by their respective governing bodies consent to such additional member. A joint Housing Authority having 12 or more commissioners may, by resolution, establish an executive committee of at least five but not more than seven commissioners. The committee shall have such powers over the management and operation of such joint Housing Authority as the commissioners of such joint authority shall specify and shall declare in the resolution. No person shall serve as a commissioner unless he or she resides within the area of operation of the joint Housing Authority involved.

(Neb. Rev. Stat. §71-1581 to 71-1587)

Article 7 – Airport Authority Board

SECTION 2-701: AUTHORITY; DUTIES

The Airport Authority Board shall have the full and exclusive jurisdiction and control over all facilities owned or hereafter acquired by the City for the purposes of aviation operation, air navigation, and air safety operation. The board is a body corporate and politic, constituting a public corporation and an agency of the City. The board shall have such powers and duties as may be prescribed by state law.

SECTION 2-702: MEMBERS

The members of the Airport Authority Board shall be appointed by the mayor by and with the advice and consent of the City Council. The board shall consist of five members who shall be selected as follows: the mayor, by and with the consent of the council, shall appoint: (A) one member who shall serve until his or her successor, elected at the first general municipal election following such appointment, shall qualify and take office; (B) two members who shall serve until their successors, elected at the second general municipal election following such appointment, shall qualify and take office; (C) two members who shall serve until their successors, elected at the third general municipal election following their appointment, shall qualify and take office. Members of the board shall be residents of the City and shall serve terms of six years. Two members of the board shall be elected in each municipal election year, provided that in each third election year, one member only shall be elected to the Airport Authority Board. (Neb. Rev. Stat. §3-501 through 3-514)

SECTION 2-703: VACANCIES

Any vacancy on the board resulting other than from expiration of a term of office shall be filled by temporary appointment by the mayor, with the approval of the City Council, until a successor can be elected at the next general municipal election to serve the unexpired portion of the term.

SECTION 2-704: REMOVAL OF MEMBERS

A member of the board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought upon resolution of the City Council in the District Court of the county.

Article 8 – Cemetery Board

SECTION 2-801: CEMETERY; OPERATION AND FUNDING

A. The City owns and manages the city cemetery through the Cemetery Board. The City Council, for the purpose of defraying the cost of the care, management, maintenance, and beautification of the cemetery, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the cemetery fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the cemetery. The cemetery fund shall be in the custody of the city treasurer. The public works director shall have the power and authority to hire and supervise such employees as he or she may deem necessary. The City Council shall have the power and authority to pass such rules and regulations for the operation of the cemetery as may be proper for its efficient operation.

B. This section does not limit the use of any money that comes to the City by donation, bequest, or otherwise that is not designated to be credited to the perpetual fund or that allows greater use for purchase or development of additional land to be used for cemetery purposes.

(Neb. Rev. Stat. §§12-301 through 12-403)

SECTION 2-802: MEMBERS

The mayor, with the approval of the City Council, shall appoint the Cemetery Board, which shall consist of not fewer than three nor more than six members who are residents of the City and who shall serve without compensation for terms of three years. (Am. Ord. No. 08-09-05, 9/8/08)

SECTION 2-803: OFFICERS; MEETINGS

At the first meeting in January each even-numbered year, the Cemetery Board shall organize by selecting from its membership a chairman and secretary. No member of the board shall hold more than one board office. The secretary shall prepare an agenda for all regular and special meetings and file it with the city clerk at least 24 hours in advance of the meeting, keep the full and correct minutes and records of all meetings and file the same with the city clerk, where they shall be available for public inspection. A majority of the board members shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the chairman or any three board members.

SECTION 2-804: DUTIES

All recommendations must be approved by the City Council before implementation of policies. The Cemetery Board shall:

A. Have the responsibility for developing policies and making management recommendations to the City Council relating to the general care, management and supervision of the city cemetery, except general care of the grounds, which shall be the responsibility of city staff under the direction of the director of public works.

B. Make recommendations to the council regarding rules and regulations for the cemetery and prescribe penalties and fines for violations thereof.

C. Develop a fee schedule for sale of lots, opening and closing fees, permits and other fees which may be instituted to pay for the cost of general maintenance, beautification, planting or improvements at the cemetery using revenue received from the sale of lots, interest from the perpetual care fund, property taxes, gifts or by devise for the care, management and administration of the cemetery. All fees shall be determined and presented to the City Council for review prior to adoption of a budget for a fiscal year in which the fees will be in force. All fees for services at the cemetery will be payable to the City and collected at the office of the city treasurer.

D. In conjunction with the city administrator and director of public works, develop a recommended budget for presentation at the City Council budget work sessions. A member of the board shall be present at the work session to discuss fund requests and answer questions relating to cemetery operations.

E. Be responsible for making such reports and performing such additional duties as the City Council may designate.

F. Have no authority to hire personnel or determine wages.
(Neb. Rev. Stat. §12-401 through 12-403)

SECTION 2-805: CEMETERY; CONVEYANCE OF LOTS

The City Council may convey cemetery lots by certificate signed by the mayor and countersigned by the city clerk under the city seal, specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. The said certificate shall give a right in fee simple to the proprietor, his or her heirs and assigns. The certificate shall then be recorded in the office of the county clerk.
(Neb. Rev. Stat. §17-941)

SECTION 2-806: CEMETERY; LOT PRICES

It shall be the duty of the Cemetery Board, subject to the approval of the City Council, to fix the purchase prices of lots and burial spaces, which shall include one schedule of prices adequate to provide for the perpetual care of each lot as well as the cemetery in general, in addition to the purchase price of lots without perpetual care but subject to annual assessments for maintenance. Prices shall be on public display in the office of the city clerk on a map or plat therein. The city clerk shall report to the Cemetery Board and the City Council, when requested, a report listing the lots sold during the preceding month or since the date of his or her last report. Said report shall also include such information as the council may deem necessary. Changes in the schedule of lot prices may be made upon a majority vote of the board and shall take effect immediately after being sustained by a passing motion of the City Council.

SECTION 2-807: CEMETERY; FORFEITURE OF LOTS

If, for three consecutive years, all charges and liens are not paid by the holders of the lot

certificates, the said certificates shall be declared forfeited and subject to resale. All certificates sold shall contain a forfeiture clause to the effect that if no interment is made on the said lot and all liens paid, the certificate and the rights under the same may, at the option of the City Council, be declared null and void and the lot shall be subject to resale. (Neb. Rev. Stat. §17-938)

SECTION 2-808: CEMETERY; LOT TRANSFERS

Any person who wishes to transfer a certificate may do so by surrendering the original certificate to the city clerk. Charges for transfer of certificates and for perpetual care of burial spaces shall be set by the Cemetery Board. Upon receipt of the application for transfer and payment of the transfer fee and perpetual care fee, the city clerk shall issue a new certificate. (Neb. Rev. Stat. §17-946)

SECTION 2-809: CEMETERY; DESTRUCTION OF PROPERTY

Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone placed in the cemetery or any fence, railing, or other work for the protection or ornamentation of the cemetery or who shall willfully destroy, cut, break or injure any tree, shrub, or plant shall be deemed to be guilty of an offense. (Neb. Rev. Stat. §17-946)

SECTION 2-810: CEMETERY; PERPETUAL CARE

A. The mayor and City Council may set aside the proceeds of the sale of lots as a perpetual fund. The fund shall be permanent in nature and as it accumulates shall be invested in such interest-bearing securities as are authorized by state law. The income earned thereon shall be used solely for the purposes of perpetual care for the cemetery lots. The principal of the perpetual fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery so long as no more than 20% of the principal is so used in any fiscal year and no more than 40% of the principal is so used in any period of ten consecutive fiscal years. The principal of the perpetual fund may also be used for the purchase and development of additional land to be used for cemetery purposes so long as no more than 25% of the principal is so used in any fiscal year and no more than 35% of the principal is so used in any period of ten consecutive fiscal years.

B. Any lot owner who shall not have endowed his or her holdings with perpetual care prior to the purchase of his or her lot may do so by paying to the city clerk such sum of money as the Cemetery Board may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment.

C. This section does not limit the use of any money that comes to the City by donation, bequest, or otherwise that is not designated to be credited to the perpetual fund or that allows greater use for purchase or development of additional land to be used for cemetery purposes.

(Neb. Rev. Stat. §12-402)

SECTION 2-811: UNLAWFUL BURIAL

It shall be unlawful to perform a burial in any other place within the corporate limits of the City than in the cemetery.

Article 9 – Community Redevelopment Authority

SECTION 2-901: OPERATION

A. Pursuant to the authority granted in Neb. Rev. Stat. §18-2101.01, the City created and maintains the Community Redevelopment Authority, to be legally known as the Community Redevelopment Authority of the City of Imperial (abbreviated as "Imperial CRA").

B. The Imperial CRA shall be governed by a board consisting of five members appointed by the mayor with the approval of the City Council. The members shall serve alternating three-year terms.

C. The Imperial CRA shall exercise all powers and authority granted to a community redevelopment authority by the "Community Redevelopment Law" as set forth in Neb. Rev. Stat. §18-2101 through §18-2144, including but not limited to the specific grant of powers described in Neb. Rev. Stat. §18-2107.

D. The Imperial CRA shall prepare or cause to be prepared a Redevelopment Plan and, consistent with the sound needs of the City as a whole, shall afford maximum opportunity to the rehabilitation or redevelopment of the community redevelopment areas by private enterprises. The Imperial CRA shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the City, the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements.
(Am. Ord. No. 11-03-01, 4/25/11)

Article 10 – Planning Commission

(Neb. Rev. Stat. §§19-924 through 19-929)

SECTION 2-1001: MEMBERS

The Planning Commission shall consist of seven members who shall represent, insofar as is possible, the different professions or occupations in the City and shall be appointed by the mayor by and with the approval of a majority vote of the City Council. Two of the regular members may be residents of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulation. All regular members of the commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908.
(Am. Ord. No. 14-01-01, 1/6/14)

SECTION 2-1002: ALTERNATE MEMBER

The mayor, with the approval of a majority vote of the City Council, may by ordinance provide for the appointment of one alternate member to the commission, who shall serve without compensation and shall hold no other city office. The term of the alternate member shall be three years and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the mayor with the approval of a majority of the City Council. The alternate member may attend any meeting and may serve as a voting and participating member of the commission at any time when less than the full number of regular commission members is present and capable of voting.

SECTION 2-1003: TERMS; VACANCIES

The terms of approximately one-third of the members of the commission shall be for three years; the terms of approximately one-third of the members of the commission shall be for two years; and the terms of approximately one-third of the members of the commission shall be for one year. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the mayor with the consent of a majority vote of the council members for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. Vacancies occurring other than through the expiration of term shall be filled for the unexpired portion of the term by the mayor. (Am. Ord. No. 14-01-01, 1/6/14)

SECTION 2-1004: OFFICERS; MEETINGS

The Planning Commission shall elect its chairman from its members and create and fill such other of its offices as it may determine. The term of the chairman shall be one year and he or she shall be eligible for re-election. The commission shall hold at least one regular meeting in each calendar quarter, except the City Council may require the commission to meet more frequently and the chairman of the commission may call for a meeting when necessary to deal with business pending before the commission. A number of commissioners equal to a majority of the number of regular members appointed to the commission shall constitute a quorum for the transaction of any business. The commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record.

SECTION 2-1005: FUNDING

The City Council may provide the funds, equipment, and accommodations necessary for the work of the Planning Commission but its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by the council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

SECTION 2-1006: POWERS AND DUTIES; APPEAL

A. Except as provided in Neb. Rev. Stat. §§19-930 to 19-933, the Planning Commission shall (1) make and adopt plans for the physical development of the City, including any areas outside its boundaries which in the commission's judgment bear relation to the planning of such City and including a Comprehensive Development Plan as defined by Neb. Rev. Stat. §19-903; (2) prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipal departments; and (3) consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the Comprehensive Development Plan and its implemental programs. The commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports. The City Council shall not take final action on matters relating to the Comprehensive Development Plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Planning Commission.

B. The commission shall make its recommendations to the City Council so that they are received within 90 days after the commission begins consideration of a matter. A recommendation from the commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights of way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the City Council has designated an agent by ordinance pursuant to Neb.

C. The commission may, with the consent of the City Council, in its own name (1) make and enter into contracts with public or private bodies, (2) receive contributions, bequests, gifts, or grant funds from public or private sources, (3) expend the funds appropriated to it by the City, (4) employ agents and employees, and (5) acquire, hold, and dispose of property. The commission may on its own authority make arrangements consistent with its program, conduct or sponsor special studies or planning work for any public body or appropriate agency, receive grants, remuneration, or reimbursement for such studies or work, and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

D. The commission may grant conditional uses or special exceptions to property owners for the use of their property if the City Council has, through a zoning ordinance or special ordinance, generally authorized the commission to exercise such powers and has approved the standards and procedures adopted by the commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The power to grant conditional uses or special exceptions shall be the exclusive authority of the commission, except that the City Council may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The council may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest. An appeal of a decision by the commission or City Council regarding a conditional use or special exception shall be made to the District Court.

Article 11 – Board of Adjustment

SECTION 2-1101: APPOINTMENT

A. The mayor shall appoint, with the approval of the City Council, a Board of Adjustment which shall consist of five regular members plus one additional member designated as an alternate, who shall attend and serve only when one of the regular members is unable to attend for any reason. No member of the council shall serve as a member of the Board of Adjustment. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another planning commissioner to the board.

B. After the effective date of this section, the first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than 200 persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The members of the board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum, as set by resolution by the council and kept on file in the city office and conditioned upon the faithful performance of their duties. The Board of Adjustment shall be funded from time to time out of the general fund by the City Council.

SECTION 2-1102: TERMS; VACANCIES

Each member of the board shall serve a term of three years unless reappointed and shall be removable only for cause by the City Council upon written charges and after a public hearing. Any vacancy shall be filled for the unexpired term of any member whose term becomes vacant.

SECTION 2-1103: OFFICERS; MEETINGS

The Board of Adjustment shall organize at its first meeting in January of each year and elect from its membership a chairman and secretary. No member of the board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to keep complete and accurate minutes of all board meetings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. All meetings of the board shall be open to the public and shall be held at such times as the chairman may, in his or her discretion, call a meeting. Special meetings may be also held upon the call of any three members of the board. A majority of the board shall constitute a quorum for the purpose of doing business. The board shall adopt rules in accordance with the provisions of Neb. Rev. Stat. §§19-901 to 19-914.

SECTION 2-1104: POWERS AND DUTIES

A. It shall be the duty of the board:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by a municipal official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
2. To hear and decide, in accordance with the provisions of the zoning regulations, requests for interpretation of any map; and
3. When by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this section and Neb. Rev. Stat. §§19-901, 19-903 to 19-904.01, and 19-908 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution. No such variance shall be authorized by the board unless it finds that:
 - a. The strict application of the zoning regulation would produce undue hardship;
 - b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
 - d. The granting of such variance is based upon reason of demonstrable and

exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice. No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

B. In exercising the above-mentioned powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such municipal official or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

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

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

(Neb. Rev. Stat. §§19-907 through 19-910)

SECTION 2-1105: APPEAL; PROCEDURE

A. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, officer, department, board, or bureau of the City may present to the district court a petition duly verified, setting forth that such decision is illegal in whole or in part and specifying the grounds of such illegality. Such petition must be presented to the court within 15 days after the filing of the decision in the office of the board. Upon the filing of such petition a summons shall be issued and served upon the Board of Adjustment, together with a copy of the petition. Return of service shall be made within four days after the issuance of the summons. Within ten days after the return day of such summons, the Board of Adjustment shall file an answer to the petition which shall admit or deny the substantial averments of the petition and shall state the contentions of

the board with reference to the matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for the petition.

B. At the expiration of the time for filing answer, the court shall proceed to hear and determine the cause without delay and shall render judgment thereon according to the forms of law. If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. The appeal to the district court shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order. Any appeal from such judgment of the district court shall be prosecuted in accordance with the general laws of the state regulating appeals in actions at law.

(Neb. Rev. Stat. §19-912)

Article 12 – Penal Provision

SECTION 2-1201: 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 of not more than \$500.00 for each offense, and each day's maintenance of the same shall constitute a separate offense.

CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: OBSTRUCTING AN OFFICER

It shall be unlawful for any person to use or threaten to use violence, force, physical interference, or obstacle to intentionally obstruct, impair, or hinder the enforcement of the penal law or the preservation of the peace by a peace officer acting under color of his or her official authority or a police animal assisting a peace officer acting pursuant to the peace officer's official authority. "Police animal" shall mean a horse or dog owned or controlled by the State or any county, city or village for the purpose of assisting a peace officer acting pursuant to his or her official authority. (Neb. Rev. Stat. §28-906)

SECTION 3-102: HINDERING OR RESISTING ARREST

It shall be unlawful for any person in this city to hinder, obstruct, or resist any police officer in making any arrest or performing any duty of his or her office. (Neb. Rev. Stat. §28-904)

SECTION 3-103: IMPERSONATING OFFICER

It shall be unlawful for any person to falsely pretend to be a peace officer and perform any act in that pretended capacity. (Neb. Rev. Stat. §28-610)

SECTION 3-104: RESISTING ARREST WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON

A. It shall be unlawful for any person to intentionally prevent or attempt to prevent a law enforcement officer, acting under color of his or her official authority, from effecting an arrest on said person or on another by (1) using or threatening to use physical force

or violence against the said officer or another; (2) using any other means which creates a substantial risk of causing physical injury to the officer or another; or (3) employing means which require substantial force to overcome resistance to effecting the arrest; provided, this section shall apply only to those actions taken to resist arrest without the use of a deadly or dangerous weapon.

B. It is an affirmative defense to prosecution under this section if the officer involved was out of uniform and did not identify himself or herself as a law enforcement officer by showing his or her credentials to the person whose arrest was attempted.

(Neb. Rev. Stat. §28-904)

SECTION 3-105: CARRY, POSSESSION OF WEAPONS IN CITY BUILDINGS; CONCEALED WEAPONS; DISCHARGE

A. No person shall carry or possess any weapon in city-owned public buildings. "Weapon" is defined as a firearm, slingshot, air gun, BB gun, paint ball gun, or the like loaded with rock or other dangerous missiles or arrows, or a revolver, pistol, Bowie knife, dirk or knife with dirk blade attachment, metal knuckles or any other deadly or dangerous weapon as defined by Nebraska statutes. This section shall not apply to (1) any officer authorized by law of this city or of the State of Nebraska or the United States to preserve the peace or to make arrests or to (2) a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon which the offender is carrying is a handgun as defined in Neb. Rev. Stat. §69-2429. The City may permit certain weapons in city-owned facilities for training or educational events, and said permits shall be issued by the clerk after approval from the chief of police and City Council.

B. Any person who carries a weapon or weapons concealed on or about his or her person such as a revolver, pistol, Bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, or any other deadly weapon within the city limits commits the offense of carrying a concealed weapon. This section shall not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon which the offender is carrying is a handgun as defined in Neb. Rev. Stat. §69-2429.

C. It shall be unlawful for any person to discharge a firearm at any time or under any circumstances within the City, provided that nothing herein shall be construed to apply to any officer authorized by law of this city or of the State of Nebraska or the United States to preserve the peace or to make arrests acting in the course of their regular law enforcement duties.

(Neb. Rev. Stat. §§17-207, 17-556, 28-1202) (Ord. Nos. 07-11-05, 12/10/07; 17-09-01, 10/16/17)

SECTION 3-106: CRIMINAL MISCHIEF

It shall be unlawful for any person to damage property of another intentionally or recklessly, tamper with property of another intentionally or recklessly so as to endanger any person or property or cause another to suffer pecuniary loss by deception or threat intentionally or maliciously, provided that the value of the property involved is under \$5,000.00. If the value is \$5,000.00 or more, the offense is a felony and not subject to prosecution under this code. (Neb. Rev. Stat. §28-519)

SECTION 3-107: CRIMINAL TRESPASS

A. A person commits first degree criminal trespass if he or she:

1. Enters or secretly remains in any building or occupied structure or any separately secured or occupied portion thereof, knowing that he or she is not licensed or privileged to do so; or

2. Enters or remains in or on a public power infrastructure facility knowing that he or she does not have the consent of a person who has the right to give consent to be in or on the facility. For purposes of this section, "public power infrastructure facility" shall mean a power plant, an electrical station or sub-station, or any other facility which is used by a public power supplier as defined in Neb. Rev. Stat. §70-2103 to support the generation, transmission, or distribution of electricity and which is surrounded by a fence or is otherwise enclosed.

B. A person commits second degree criminal trespass if, knowing that he or she is not licensed or privileged to do so, he or she enters or remains in any place as to which notice against trespass is given by:

1. Actual communication to the actor; or
2. Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or
3. Fencing or other enclosure manifestly designed to exclude intruders except as otherwise provided in subsection (A).

(Neb. Rev. Stat. §§28-520, 28-521)

SECTION 3-108: FALSE REPORTING

It shall be unlawful for any person to:

A. Furnish material information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or impede the investigation of an actual criminal matter;

B. Furnish information he or she knows to be false, alleging the existence of (1) a need for the assistance of an emergency medical service or out-of-hospital emergency care provider or (2) an emergency in which human life or property is in jeopardy to any hospital, emergency medical service, or other person or governmental agency;

C. Furnish any information, or cause such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department;

D. Furnish any information he or she knows to be false concerning the location of any explosive in any building or other property to any person;

E. Furnish material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation.
(Neb. Rev. Stat. §28-907)

SECTION 3-109: STALKING

A. Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.

B. For purposes of this section, the following definitions shall apply:

1. "Harass" means 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;

2. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person;
3. "Family or household member" means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context.

(Neb. Rev. Stat. §§28-311.02, 28-311.03, 28-311.04)

SECTION 3-110: 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.

SECTION 3-111: PUBLIC INDECENCY

It shall be unlawful for any person 18 years of age or over to perform, procure, or assist any other person to perform in a public place and where the conduct may reasonably be expected to be viewed by members of the public:

- A. An act of sexual penetration as defined by Neb. Rev. Stat. §28-318(5);
- B. An exposure of the genitals of the body done with intent to affront or alarm any person; or
- C. A lewd fondling or caressing of the body of any other person of the same or opposite sex.

(Neb. Rev. Stat. §28-806)

SECTION 3-112: SEX OFFENDERS AND PREDATORS

A. *Definitions.* For purposes of this ordinance:

1. "Childcare facility" means a facility licensed pursuant to the Child Care Licensing Act;
2. "Reside" means to sleep, live, or dwell at a place, which may include more than one location and may be mobile or transitory;
3. "Residence" means a place where an individual sleeps, lives, or dwells, which may include more than one location and may be mobile or transitory;
4. "School" means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;
5. "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

6. "Sexual predator" means an individual 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.

B. *Residency Restrictions.* It is unlawful for any sex offender or sexual predator to reside within 500 feet from a school or childcare facility. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.

C. *Exceptions.* This ordinance shall not apply to a sex offender or sexual predator who (A) resides within a prison or correctional or treatment facility operated by the state or a political subdivision; (B) established a residence before July 1, 2006, and has not moved from that residence; or (C) established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sex offender's or sexual predator's residence at that location.
(Neb. Rev. Stat. §§29-4016, 29-4017) (Ord. No. 09-12-03, 12/14/09)

SECTION 3-113: THREATS; ASSAULT IN THE THIRD DEGREE

It shall be unlawful for any person to intentionally, knowingly, or recklessly cause bodily injury to another person or threaten another in a menacing manner. It shall further be unlawful for any person to commit the above act in a fight or scuffle entered into by mutual consent. (Neb. Rev. Stat. §28-310)

SECTION 3-114: DISORDERLY CONDUCT

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

SECTION 3-115: DISTURBING AN ASSEMBLY

It shall be unlawful for any person or persons to disturb, interrupt, or interfere with any lawful assembly of people, whether religious or otherwise, by loud and unnecessary noise, threatening behavior, or indecent and shocking behavior. (Neb. Rev. Stat. §17-556)

SECTION 3-116: DISTURBING THE PEACE; EXCESSIVE NOISE

A. It shall be unlawful for any person to intentionally disturb the peace and quiet of any person, family or neighborhood.

B. It shall be unlawful to operate industrial equipment, heavy machinery, jackhammers and other industrial equipment emitting loud noise or to race automobile engines within the City between the hours of 10:00 p.m. and 6:00 a.m. in such a manner 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 administrator.
(Neb. Rev. Stat. §§17-556, 28-1322)

SECTION 3-117: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS

It shall be unlawful for any person to operate any radio, tape player, compact disc player,

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

SECTION 3-118: MALICIOUS DESTRUCTION OF PROPERTY

It shall be unlawful for any person, wantonly or maliciously in any manner to molest, injure or destroy any property of another in this city. Any such offender shall be liable for all damages which arise from the commission of such unlawful act, in addition to a fine as permitted by law.

SECTION 3-119: LITTERING

A. Any person who deposits, throws, discards, scatters, or otherwise disposes of any litter, refuse, waste matter, or other thing on any public or private property or in any waters commits the offense of littering unless (1) such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or (2) the litter is placed in a receptacle or container installed on such property for such purpose.

B. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or watercraft commits the offense of littering.

C. Residents may dispose of tree limbs at the City's tree disposal site as provided in Chapter 7, Section 7-508.

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

1. "Litter" shall include all waste material susceptible of being dropped, deposited, discarded, or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing.

2. "Waste material" shall mean any material appearing in a place or in a context not associated with that material's function or origin.

(Neb. Rev. Stat. §§17-123.01, 28-523)

SECTION 3-120: POSTING; UNLAWFUL DESTRUCTION

A. It shall be unlawful for any person, firm or corporation to use the streets, sidewalks or public grounds of the City for signs, signposts or the posting of handbills or advertisements without written permission of the city administrator.

B. It shall be unlawful for any person to wrongfully and maliciously tear, deface, remove, or cover up the posted advertisement or bill of any person, firm, or corporation when said bill or advertisement is rightfully and lawfully posted and the same remains of value.

SECTION 3-121: APPLIANCE OUTDOORS

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children, whether on private or public property, unless he or she shall first remove all doors, lids and locks to make the

same reasonably safe. (Neb. Rev. Stat. §18-1720)

SECTION 3-122: OBSTRUCTING WATER FLOW

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

SECTION 3-123: INJURY TO PLANTS AND TREES

It shall be unlawful for any person to purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any trees or their fruit or any shrub, plant, flower, or grass on any public or private property not his or her own. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the city administrator and the written permit of the City in accordance with its decision to allow such an action shall constitute the only lawful authority on the part of the company to do so.

SECTION 3-124: PARKS; INJURY TO PROPERTY; LITTERING; OVERNIGHT CAMPING PROHIBITED

A. It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub; to injure or destroy any sodded or planted area; or to injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the city parks and recreational areas.

B. No person shall commit any waste on or litter the city parks or other public grounds.

C. It shall be unlawful for any person to camp overnight in any city park unless granted permission in writing from the mayor or city administrator.
(Neb. Rev. Stat. §§17-563, 28-523)

SECTION 3-125: THEFT OF TELECOMMUNICATIONS SERVICE

A. It is an offense for any person to:

1. Knowingly make or possess any device designed or commonly used to obtain telecommunications service fraudulently from a licensed cable television franchisee or fiberoptic/internet franchisee with the intent to use such device in the commission of an offense described in Neb. Rev. Stat. §28-515(1); provided, use of unsecured wi-fi systems shall not be prohibited;
2. Knowingly tamper with, interfere with, or connect to any cables, wires, converters or other devices used for the distribution of telecommunications service by any mechanical, electrical, acoustical or other means without authority from the operator of the service with the intent of obtaining telecommunications service fraudulently; or
3. Sell, give, transfer or offer or advertise for sale a device which such person knows or should know is intended to be used for the purpose of obtaining telecommunications service fraudulently.

B. For purposes of this section, "telecommunications service" includes but is not limited to telephone, cable television and fiberoptic/internet services; and "device" includes, but is not limited to, any instrument, apparatus, equipment and plans or instructions for making or assembling the instrument, apparatus or equipment.
(Neb. Rev. Stat. §28-515.01)

SECTION 3-126: RODENTS AND INSECTS; EXTERMINATION

It shall be the duty of the owner, lessee or occupant of any dwelling or building to be responsible for the active and continued extermination of any insects, rodents or other pests therein or on the premises. In the event that the owner, lessee or occupant of any said dwelling or building neglects, fails or otherwise refuses to control and actively exterminate the insects, rodents and other pests in and about his or her premises, the Board of Health shall issue notice for him or her to do so.

A. *Occupant.* It shall be the responsibility of the occupant in a single dwelling unit, whether or not the dwelling unit is located in a multiple unit structure, to exterminate the rodents and insects infesting the premises when it is found by the Board of Health or code enforcement officer that only the occupant's dwelling is so infested.

B. *Owner.* The owner of a multiple dwelling unit shall have the duty to exterminate therein for rodents and insects when infestation exists in two or more units, when infestation exists in shared or public areas of a multiple unit structure, or when the infestation is due to failure by the owner to maintain the dwelling in an insect- and rodent-proof condition. The owner of a single dwelling unit shall have the duty to exterminate therein notwithstanding the occupancy of a renter or lessee when the infestation of insects or rodents is due to the said owner's failure to construct or maintain the premises in such a manner as to make it reasonably resistant to the entrance and habitability of such pests.

C. "Infested" and "infestation" shall mean insects and/or animals that inhabit or overrun a property in numbers large enough to cause damage or disease or to be threatening or obnoxious. Signs of infestation shall include but not be limited to pest droppings, evidence of nesting, or physical damage to structures
(Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 3-127: HEDGES, VEGETATION OBSTRUCTING VIEW

The growing or maintaining or permitting the growing of hedges, corn, or other vegetation so tall as to obstruct the view of any private building, business building, street intersection, or private drive is declared to be a nuisance and is hereby prohibited. (Neb. Rev. Stat. §18-1720)

Article 2 – Dogs and Cats

SECTION 3-201: DEFINITIONS

"Animal control authority" shall mean an entity authorized to enforce the animal control laws of the City.

"Animal control officer" shall mean any individual employed, appointed, or authorized by the animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals; includes any state or local law enforcement or the code enforcement officer appointed in Chapter 1, Section 1-513.

"Owner" shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog; and specifically in reference to a collarless dog, every person who shall harbor such a dog about his or her premises for the space of ten days shall be held to be the owner.
(Neb. Rev. Stat. §§54-606, 71-4401)

SECTION 3-202: CONDITIONS REQUIRED

It shall be unlawful for any person owning, keeping, harboring or otherwise in possession or control of any dog or cat to fail to provide any or all of the following to the animal: (A) adequate care; (B) adequate control; (C) adequate food; (D) adequate health care; (E) adequate shelter; and (F) adequate water.

SECTION 3-203: NUMBER ALLOWED

A. It shall be unlawful and a public nuisance for any person in charge of a residence to keep or allow to be kept more than two dogs or cats, or any combination of such animals exceeding three in number over the age of 90 days at such residence unless the residence of the owner of the dogs and cats kept there is licensed as a commercial animal establishment. See Article 3 (Kennels).

B. When animals in excess of the limit established in this section are found at a residence, the owner of the animals shall have 10 days to comply with this section. Failure to comply within 10 days shall constitute a violation of this section and shall be punished as provided for in Section 3-226 hereafter. Any combination of dogs or cats in excess of three in number shall be considered one violation of this section, but each day's continuance in violation shall constitute a separate offense.

SECTION 3-204: RABIES VACCINATION

Every dog and cat shall be vaccinated against rabies pursuant to Nebraska law. Unvaccinated dogs or cats acquired or moved into the City must be vaccinated within 30 days after purchase or arrival unless under the age for initial vaccination. 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 fewer 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 fewer than 30 days; such animals shall be kept under the strict supervision of the owner. (Neb. Rev. Stat. §71-4402)

SECTION 3-205: DOGS; LICENSING; RABIES CERTIFICATE; FEES

A. Any person who shall own, keep or harbor a dog over the age of three months within the City shall, within 30 days after the acquisition of the dog, acquire a license for each such dog. All dogs shall be licensed annually by May 1.

B. Licenses shall be issued by the city clerk for all dogs if the license applicant meets all the requirements of this section. The licenses issued shall not be transferable and no refund will be allowed in the case of death, sale or other disposition of the licensed dog. At the time the application for license is made, upon an application provided by the City, the owner shall state the dog license applicant's name and address and the name, breed, color, and sex of the dog(s) owned and kept by applicant. A certificate verifying that each dog has had a rabies vaccination, effective for the ensuing year after application for the license, shall be presented with the application. No dog license shall be issued until the rabies certificate for the ensuing year is shown.

C. Upon payment of the license fee and providing a satisfactory certificate of rabies vaccination, the city clerk shall issue to the applicant a license certificate and a metallic tag for each dog so licensed. The tag shall be properly attached to the collar or harness of any dog so licensed and shall entitle the applicant to keep or harbor the said dog until April 30 of the year after issuance of the license. The license fee amount shall be as set by resolution by the City Council. The City shall, in addition to the license tax imposed, collect from the licensee a state fee. Both fee amounts shall be kept on file in the office of the city clerk for public inspection.

D. In the event that a license tag is lost, and upon satisfactory evidence that the

original tag was issued in accordance with the provisions herein, the city clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee set by resolution of the City Council for each 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 city clerk to issue tags of a suitable design that are different in appearance each year.

(Neb. Rev. Stat. § 17-526, 54-603, 71-4412) (Am. Ord. Nos. 10-07-02, 07/12/10; 19-03-01, 3/4/19)

SECTION 3-206: DOGS; COLLAR OR HARNESS; OWNER'S ID; LICENSE TAG

A. It shall be the duty of the owner of every dog to securely place upon the neck of such dog a good and sufficient collar or harness with a metallic plate attached which shall be plainly inscribed with the name of such owner. The city license tag shall also be attached. Any dog found running at large upon the streets and public grounds of the City without a collar or harness is hereby declared a public nuisance. Such dogs found running at large shall be killed or impounded in the city animal shelter by the code enforcement officer.

B. It shall be unlawful for any person to remove or cause to be removed the collar, harness, ID tag or license tag from any dog without the consent of the owner, keeper, or possessor thereof.

(Neb. Rev. Stat. §§17-526, 54-605)

SECTION 3-207: DOGS; WRONGFUL LICENSING

It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to wear any license, metallic tag, or other city identification other than that issued by the city clerk. (Neb. Rev. Stat. §17-526)

SECTION 3-208: DOGS; RUNNING AT LARGE; PENALTIES

A. It shall be unlawful for any person owning, keeping or harboring any dog to permit, suffer or allow the dog to run at large within the City. For the purpose of this section, any dog shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harbinger to run at large when such animal is outside of the property of the owner, keeper or harbinger and not effectively physically restrained on a chain or leash or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

B. A legally blind person using a seeing-eye dog or a deaf person using a hearing dog in the customary manner shall be deemed to be in compliance with this section, and official use of dogs by a governmental unit shall be deemed in compliance with this section.

C. If an officer finds a dog running at large in violation of this section, the officer has the authority to pick up the animal and transport it to the designated place of impoundment. The owner or person claiming such animal shall pay an impoundment fee to the City in addition to any other fees or fines provided for herein.

1. Any person owning, keeping or harboring any dog found that is found to be in violation this section shall be guilty of a misdemeanor and punished according to this section.
2. Each time a person owning, keeping or harboring any dog is found to be in violation hereof, the prosecutor for the case may review the number of violations that the person was convicted of or pled guilty to in the 365 days immediately preceding the alleged violation. Penalties shall be levied based upon

the number of violations that the person was found to be guilty of or pled guilty to in the 365 days preceding the date of the incident which led to conviction, as follows:

- a. Persons found to have no violations of hereof in the preceding 365 calendar days shall be fined \$25.00 upon conviction of the violation hereof.
 - b. Persons found to have one prior violation hereof in the preceding 365 calendar days shall be fined \$50.00 upon conviction of the violation hereof..
 - c. Persons found to have two violations of hereof in the preceding 365 calendar shall be fined \$100.00 upon conviction of the violation hereof.
3. For consideration of the number of violations in the preceding 365 calendar days in this section, the date of the issuance of the citation shall operate to be the effective date for prior violations.
 4. In addition to any penalties provided in this section, if the dog is impounded at the animal shelter, the owner or person claiming such animal shall pay an impoundment fee to the City as provided for herein.

(Am. Ord. 13-10-01, 10/21/13)

SECTION 3-209: CATS; RUNNING AT LARGE; PENALTY

A. It shall be unlawful for any person owning, keeping or harboring any cat to permit, suffer or allow the said cat to run at large within the City so that it poses a nuisance to neighbors or the public welfare. A cat which poses a nuisance is one which interferes with the comfortable enjoyment of life and property or tends to depreciate the value of property of others.

B. Any person found in violation of this section shall be punished by a fine pursuant to the penal provisions of this chapter and, in addition, if a cat is impounded at the animal shelter, the owner or person claiming such animal shall pay an impoundment fee to the City as set forth hereafter.

SECTION 3-210: DOGS; DAMAGE; LIABILITY OF OWNER

It shall be unlawful for any person to allow a dog owned, kept, or harbored by him or her or under his or her charge or control to injure or destroy any real or personal property of any description belonging to another 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 so sustained. (Neb. Rev. Stat. §§18-1720, 54-601, 54-602)

SECTION 3-211: DOGS; EXCESSIVE NOISE

A. It shall be unlawful for any person to (1) own or keep any animal which, by making excessive noise, disturbs a neighbor, or (2) 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, drivers, or vehicles while they are on any public sidewalks, streets, or alleys in the City.

B. The following definitions and conditions shall be applicable to enforcement of this section:

1. "Excessive noise" shall mean and include any noise produced by an animal which is so loud and continuous as to disturb the peace and quiet of a

neighbor.

2. "Neighbor" shall mean an individual residing in a residential structure which is within 100 yards of the property on which the animal is kept or harbored and who states in writing that he will testify under oath that the animal makes excessive noise.

C. The provisions of this section shall not be construed to apply to the city dog shelter. Nothing in this section shall be construed to prohibit an officer from filing a complaint for excessive noise based on his own observations and personal knowledge. (Neb. Rev. Stat. §17-526) (Am. Ord. No. 10-07-01, 07/12/10)

SECTION 3-212: FEMALES IN HEAT

The owner, keeper or person harboring any female dog or cat shall, during the period that such animal is in heat or in state of estrus, keep it securely confined within an area secure from access by male dogs and cats running at large, except when out upon such person's premises briefly for toilet purposes while on a leash or otherwise effectively physically restrained and under supervision. (Neb. Rev. Stat. §17-526)

SECTION 3-213: KILLING AND POISONING

It shall be unlawful to (A) kill; (B) administer or cause to be administered poison of any sort to an animal; (C) injure, maim or destroy in any manner; (D) attempt to injure, maim or destroy any animal that is the property of another person in any manner; or (E) place any poison, or poisoned food where the same is accessible to an animal; provided, this section shall not apply to animal control officers acting within their power and duty.

SECTION 3-214: SERVICE DOG; VIOLENCE ON; INTERFERENCE WITH

A. For purposes of this section:

1. "Blind person" means a person with totally impaired vision or with vision, with or without correction, which is so severely impaired that the primary means of receiving information is through other sensory input, including but not limited to Braille, mechanical reproduction, synthesized speech, or readers;
2. "Deaf person" means a person with totally impaired hearing or with hearing, with or without amplification, which is so severely impaired that the primary means of receiving spoken language is through other sensory input including but not limited to lip reading, sign language, finger spelling, or reading;
3. "Hearing impaired person" means a person who is unable to hear air conduction thresholds at an average of 40 decibels or greater in the person's better ear;
4. "Physically limited person" means a person having limited ambulatory abilities, including but not limited to having a permanent impairment or condition that requires the person to use a wheelchair or to walk with difficulty or insecurity to the extent that the person is insecure or exposed to danger; and
5. "Visually impaired person" means a person having a visual acuity of 20/200 or less in the person's better eye with correction or having a limitation to the person's field of vision so that the widest diameter of the visual field subtends an angular distance not greater than 20°.
6. "Service dog" means (a) a guide dog for a blind or visually impaired person,

(b) a hearing aid dog for a deaf or hearing impaired person, (c) a service dog for a physically limited person, or (d) a police dog.

B. A person commits the offense of violence on a service dog when he or she (1) intentionally injures, harasses or threatens to injure or harass or (2) attempts to intentionally injure, harass or threaten a dog that he or she knows or has reason to believe is a service dog as defined herein.

C. A person commits the offense of interference with a service dog when he or she (1) intentionally impedes, interferes, or threatens to impede or interfere or (2) attempts to intentionally impede, interfere, or threaten to impede or interfere with a dog that he or she knows or has reason to believe is a service dog.

D. Evidence that the defendant initiated or continued conduct toward a dog as described in the subsections above after being requested to avoid or discontinue such conduct by the person being served or assisted by the service dog shall create a rebuttable presumption that the conduct of the defendant was initiated or continued intentionally.

(Neb. Rev. Stat. §28-1009.01)

SECTION 3-215: DOGS; FIGHTING PROHIBITED

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. (Neb. Rev. Stat. §17-526)

SECTION 3-216: DOGS; RABIES SUSPECTED; IMPOUNDMENT

Any dog suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions of this article which has bitten any person and caused an abrasion of the skin shall be seized and impounded under the supervision of the Police Department for a period of no fewer than ten days. If, upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten 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. (Neb. Rev. Stat. §71-4406)

SECTION 3-217: DANGEROUS AND POTENTIALLY DANGEROUS DOGS; DEFINITIONS

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

“Potentially dangerous dog” means any dog that, when unprovoked, inflicts bites on a human or a domestic animal on either public or private property or chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack; or any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of humans or domestic animals.

“Dangerous dog or other dangerous animal” means any dog or animal that, according to the records of the appropriate authority, has:

A. Inflicted injury on a human being without provocation on public or private property;

B. Killed a domestic animal without provocation while off the owner's property; or

C. Previously been found to be potentially dangerous, the owner having received notice of such finding, and the dog or other animal again aggressively bites, attacks or endangers the safety of humans or domestic animals.

“Injury” means any physical injury that results in broken or punctured skin, broken bones or lacerations requiring sutures.

“Proper enclosure” of a potentially dangerous dog means that, while on the owner's property, it shall be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, shall be securely embedded into the ground, and shall also provide protection from the elements for the dog.

SECTION 3-218: POTENTIALLY DANGEROUS DOGS; DETERMINATION

A. If it is determined by the animal control officer, after investigation, that a dog is a potentially dangerous dog, he or she shall notify the owner of the dog in writing that it has been declared a potentially dangerous dog. If the owner of the dog disagrees with the animal control officer's determination, he or she may appeal such determination in writing within 10 days of receiving the notice. Such notice of appeal shall be made to the city clerk. Upon receiving the appeal, the city clerk shall notify the mayor of such appeal and the mayor shall appoint three residents of the City to hear the appeal. Such residents shall be titled “appeal commissioners.” The appeal commissioners appointed shall elect one of their own as chairman and shall hold a hearing within ten days to examine the evidence concerning the determination previously made. The hearing shall be informal in nature and the rules of evidence shall not apply, but the appeal commission shall consider only credible and relevant evidence. The owner and animal control officer shall have the opportunity to present evidence and be heard on this matter.

B. After the appeal commission makes a determination and notifies the owner in writing, he or she shall have the right to further appeal the matter to the City Council. The appeal must be filed with the city clerk within ten days of receiving the written notification and the council shall hold its hearing within 30 days of such filing. The hearing shall be conducted by the mayor or his or her designated agent in the same manner as previously mentioned in this subsection and the same procedure shall apply. The determination that a dog is a potentially dangerous dog shall be made by the concurrence of a majority of all council members. During the procedure described in this subsection, a dog declared as potentially dangerous may be impounded at the owner's expense or, if the officer is assured by the owner's signed agreement of proper confinement and safeguards, and that the dog has a current rabies vaccination, the dog may be released to its owner pending a final determination.

SECTION 3-219: POTENTIALLY DANGEROUS DOGS; CONFINEMENT; CERTIFICATE OF REGISTRATION

The owner of a dog which has been declared as a potentially dangerous dog shall immediately apply for a certificate of registration from the animal control officer. Such certificate shall be issued if the owner presents sufficient evidence of a proper enclosure to confine a potentially dangerous dog and the posting of the premises with clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog. A decision by the animal control officer not to issue the certificate of registration may be reviewed as provided for in this section.

SECTION 3-220: POTENTIALLY DANGEROUS DOGS; RESTRAINT

It is unlawful for an owner of a potentially dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

SECTION 3-221: POTENTIALLY DANGEROUS DOGS; IMPOUNDMENT

Any potentially dangerous dog which is (A) not validly registered under this section; (B) not maintained in the proper enclosure; (C) outside the dwelling of the owner or outside of the proper enclosure and not under physical restraint of the responsible person; or (D) not covered by liability insurance coverage or a surety bond as required by this section; or any dangerous dog or any dangerous animal shall be immediately confiscated by an animal control officer and placed in quarantine at the owner's cost until ordered by the court to either return the dog to the owner or humanely kill it.

SECTION 3-222: DANGEROUS DOGS; PROHIBITED; EXCEPTIONS

A. The owning, allowing, keeping or harboring of a dangerous dog or other dangerous animal within the corporate limits of the City is hereby prohibited and unlawful.

B. Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog; was tormenting, abusing or assaulting the dog or has in the past been observed or reported to have tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.

SECTION 3-223: DANGEROUS AND POTENTIALLY DANGEROUS DOGS; VIOLATION; PENALTY; DESTRUCTION

It shall be unlawful to violate any provision of this section, and such violation shall be punished as provided for in Section 3-226 hereafter. If the court finds that a dog is a potentially dangerous dog as defined in this section, the court may, in addition to the usual judgment of conviction, order that the dog be humanely killed. Upon a finding by the court that a dog is a dangerous dog or other dangerous animal as defined in this section, the court shall, in addition to the usual judgment of conviction, order that the dog or other animal be humanely killed. (Neb. Rev. Stat. §54-617 through 54-624).

SECTION 3-224: IMPOUNDMENT

A. It shall be the duty of the animal control officer to capture, secure and remove in a humane manner to any animal shelter or veterinarian any animal violating any of the provisions of this chapter. The 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. Each impounded animal shall be kept and maintained at the pound for a period of not less than five days after public notice has been given, unless reclaimed earlier by the owner. If the owner of the dog is known, the clerk may attempt to personally notify him or her of the impoundment.

B. Stray animals that are roaming at large, remaining on private property without consent of the owner or tenant, or remaining on or frequenting public property are deemed to be the property of the City. If the stray animal cannot be captured by conventional means, every police officer, animal control officer, or other person designated by the City Council is authorized to use any means necessary to remove the animal.

C. The impoundment fees for any animal shall be as set by resolution by the City Council and kept on file in the office of the city clerk for public inspection.

D. Before releasing the animal before or after impoundment, the owner of said animal shall pay for the cost of a rabies shot (if suggested by a veterinarian), cost of impounding the animal (including the boarding fees and impoundment fees), and cost of a license tag (if required). The owner may also be required to pay any fines and court costs imposed for violations of the ordinances but said fines and costs will not be a requirement for release of the animal to the custody of the owner.

(Neb. Rev. Stat. §§17-548; 71-4408)

SECTION 3-225: INTERFERENCE WITH ANIMAL CONTROL

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 or her by the provisions of this article or to break open or in any manner directly or indirectly aid, counsel, or advise breaking into the animal shelter or any vehicle used for the collecting or conveying of dogs to the shelter. (Neb. Rev. Stat. §28-906)

SECTION 3-226: VIOLATION; PENALTY

If any section of this article provides a specific fine to be imposed upon a determination of guilt, then that fine shall supersede and take priority over the penal provisions at the end of this chapter, the language of said penal provisions notwithstanding. (Am. Ord. No. 18-11-01, 11/5/18)

Article 3 – Kennels

SECTION 3-301: DEFINED

"Kennel" is defined for this article as any lot or parcel of land or place where more than three dogs or more than three cats over the age of six months are confined, treated, boarded, housed, or cared for and shall include any lot or parcel of land or place where a person, corporation, or other entity engages in, conducts, manages, or maintains a veterinary business, regardless of the number of animals treated, kept, confined, or boarded.

SECTION 3-302: UNLICENSED KENNELS; PROHIBITED; NUISANCE

It is unlawful for any person, corporation, partnership, or other entity to maintain, keep, conduct, or operate any kennel within the zoning limits of the City without first obtaining a license therefor and any such unlicensed kennel shall be declared a nuisance.

SECTION 3-303: APPLICATION; LICENSE

Any person or legal entity seeking a kennel license shall make written application to the City Council. Such application shall state in detail the type, number, and gender of animals to be held in such kennel, describe the kennel facility in detail, and provide such other information as may be required by the City Council. Such application shall also have attached thereto the consent of all property owners or occupants of lands or lots adjoining the land upon which the proposed kennel is to be located. In the event that the City Council determines that such kennel would not constitute a nuisance, it shall issue such license on such terms and conditions as it deems appropriate. Such license shall be on an annual basis and may be revoked after notice and hearing for violation of any term or condition of the issuance of the license. The annual license fee shall be as set by resolution of the City Council and kept on file in the office of the city clerk for public inspection. The license shall not be issued until such fee is paid.

SECTION 3-304: REGULATIONS

Every place used as a kennel shall be kept in a clean and sanitary condition and no refuse or waste material shall be allowed to remain thereon for more than 24 hours. All animals shall be humanely treated and any animal having any disease shall be properly isolated and treated.

Article 4 – Animals Generally

SECTION 3-401: LIVESTOCK AND FOWLS PROHIBITED

It shall be unlawful for any person or persons to keep or maintain within the city limits any horses, mules, sheep, cows, goats, swine or other livestock or any poultry, turkeys, geese, ducks, chickens or any other fowls unless allowed by the Imperial Zoning Ordinance. (Ord. No 06-12-02, 12/11/06)

SECTION 3-402: RESIDENTIAL AREA; CERTAIN ANIMALS PROHIBITED

Within any residential area (for purposes of this subsection, defined as any area not zoned for commercial, agricultural or industrial purposes), the keeping, harboring or selling of any poisonous or venomous animal or any warm-blooded carnivorous or omnivorous animal, including but not limited to nonhuman primates, raccoons, skunks, foxes, leopards, panthers, tigers and lions is hereby prohibited. Small caged birds, dogs, house cats, ferrets and small rodents of varieties commonly kept as household pets such as rats, mice, gerbils, guinea pigs and hamsters shall be allowed. Nonpoisonous snakes shall be allowed but they must be kept in locked, escape-proof cages except when being handled. No snake shall be permitted by the owner, keeper or handler to escape from a cage or while being handled.

SECTION 3-403: CARE OF ANIMALS

It shall be unlawful for any person owning, keeping, harboring or otherwise in possession or control of any animal to fail to provide any or all of the following to the animal: (A) adequate care; (B) adequate control; (C) adequate food; (D) adequate health care; (E) adequate shelter; and (F) adequate water.

SECTION 3-404: ANIMAL WASTE

A. *Purpose:* To establish requirements for the proper disposal of pet solid waste in the City of Imperial so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

B. *Definitions:* For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

1. “Owner/keeper” shall mean any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
2. “Pet” shall mean a domesticated animal, other than a disability assistance animal, kept for amusement or companionship.
3. “Pet solid waste” shall mean waste matter expelled from the bowels of the

pet; excrement.

4. "Proper disposal" shall mean placement in a designated waste receptacle or other suitable container and discarded in a refuse container which is regularly emptied by the City or some other refuse collector or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

C. *Requirements for Disposal:* Every pet owner and keeper is required to immediately and properly dispose of his or her pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

D. *Exemptions:* Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

E. *Enforcement:* The provisions of this article shall be enforced by the City Police Department and/or any other designated enforcement officer of the City.
(Ord. No. 11-07-01, 7/25/11)

SECTION 3-405: ANIMAL WASTE VIOLATIONS; PENALTY

A. Anyone found to be in violation of Section 3-404 (Animal Waste) shall be guilty of a misdemeanor and punished according to this section.

B. Each time a person owning, keeping or harboring any pet is found to be in violation of Section 3-404, the prosecutor for the case may review the number of violations that the person was convicted of or pled guilty to in the 365 days immediately preceding the alleged violation. Penalties shall be levied based upon the number of violations of Section 3-404 that the person was found to be guilty of or pled guilty to in the 365 days preceding the date of the incident which led to conviction of said section.

1. Persons found to have no violations of Section 3-404 in the preceding 365 calendar days shall be fined \$25.00 upon conviction of violation of said section.
2. Persons found to have one prior violation of Section 3-404 in the preceding 365 calendar days shall be fined \$50.00 upon conviction of violation of said section.
3. Persons found to have two violations of Section 3-404 hereof in the preceding 365 calendar days shall be fined \$75.00 upon conviction of violation of said section.
4. Persons found to have three or more violations of Section 3-404 in the preceding 365 calendar days shall be fined \$100.00 upon conviction of violation of said section.

C. For consideration of the number of violations in the preceding 365 calendar days in this section, the date of the issuance of the citation shall operate to be the effective date for prior violations.

(Ord. No. 15-11-02, 1/4/16)

SECTION 3-406: IMPOUNDMENT

Animals or fowls maintained unlawfully or found running at large within the City shall be captured by the official in charge of animals and killed or confined in the manner prescribed for dogs. (Neb. Rev. Stat. §17-547)

SECTION 3-407: CAPTURE; HUMANE METHODS

No person shall kill or injure any animal by the use of firearms, stones, clubs, poisons or any other means unless it is vicious or dangerous and cannot be captured without danger to the persons attempting to effect its capture. In such a situation, the most humane method shall be employed in order to cause the least pain and suffering to the animal.

Article 5 – Nuisances

SECTION 3-501: PUBLIC NUISANCES PROHIBITED

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. (Neb. Rev. Stat. §§17-207, 18-1720, 28-1321)

SECTION 3-502: 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:

- A. Injures or endangers the comfort, repose, health or safety of others,
 - B. Offends decency,
 - C. Is offensive to the senses,
 - D. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the City,
 - E. In any way renders other persons insecure in life or the use of property, or
 - F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
- (Neb. Rev. Stat. §18-1720)

SECTION 3-503: 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:

- A. 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. No dead animal shall be buried within the corporate limits; provided, animals such as small pets shall be allowed.
- B. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats or which are foul or malodorous.
- C. 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.
- D. Animal manure in any quantity which is not securely protected from flies and the elements or which is kept or handled in violation of any ordinance of the City.

E. 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 health officer of the City nor the dumping of non-putrefying waste in a place and manner approved by the health officer.

F. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all trash or abandoned material, unless the same is kept in covered bins or galvanized iron receptacles.

G. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, appliances, scrap iron, tin, or other metal 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.

H. Any buildings or structures which have any or all of the defects defined at Section 3-601 (Determination and Definitions) hereafter.

I. All places used or maintained (1) as junkyards or dumping grounds; (2) for the wrecking and disassembling of automobiles, trucks, tractors, or machinery of any kind; (3) for the storing or leaving of worn-out, wrecked, or abandoned automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof; or (4) for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons.

J. Stagnant water permitted or maintained on any lot or piece of ground; water pollution as provided in Chapter 7, Section 7-213.

K. Air pollution, which includes discharge into the open air of dust, fumes, gases, mist, odors, smoke, or any combination thereof. The standards for air pollution established or adopted by the State shall be presumptive evidence as to when the air is deemed to be polluted.

L. Any machine, vehicle, 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.

M. Any motor vehicle as follows: (1) It shall be unlawful for any person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, to allow any non-operating, wrecked, junked, or partially dismantled vehicle to remain on such property longer than 30 days. It shall be unlawful for any person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, to allow any vehicle which has been unregistered for more than 30 days to remain on such property. (2) This subsection shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the lawful operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner. If a vehicle is kept within a privacy fence, said fence must have prior approval of the City Council with respect to height requirements, material specifications, and setbacks and must be constructed so as to prevent viewing of the items within the fence by the passing public.

N. Dead or diseased trees within the right-of-way of streets within the corporate limits or on private property within the one-mile zoning jurisdiction beyond the corporate

limits.

O. Any wood or tree limbs not cut and stacked in neat rows on an area not exceeding 10 feet by 16 feet.

P. Debris from burned or damaged buildings, whether created by consensual burning or demolition or whether occurring due to fire or age.

Q. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens, or any other place, building, or enclosure in which animals or fowl of any kind are confined or on which 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.

R. Maintenance of weeds, grasses or worthless vegetation of 12 inches or more in height or 8 inches if, within the same calendar year, the City has acted to remove weeds, grasses, or worthless vegetation exceeding 12 inches on the same lot or piece of ground and had to seek recovery of the costs and expenses of such work from the owner.

S. All other things specifically designated as nuisances elsewhere in this code. (Neb. Rev. Stat. §§17-555, 17-563, 18-1720) (Ord. Nos. 09-12-01, 12/14/09; 10-08-02, 8/9/10; 11-05-01, 5/9/11)

SECTION 3-504: ABATEMENT SERVICES; NOTICE PROCEDURE

A. *Nuisance Officer.* The City shall appoint an individual or organization to identify and enforce abatement of nuisances within the City. Said individual or organization shall be identified as the "nuisance officer" and said appointment shall be identified by resolution of the City.

B. Identifying Nuisances

1. The City may identify suspected nuisances, in which case the city clerk shall, upon direction of the City Council, notify the nuisance officer of the suspected location, person or persons in violation of any provision of this chapter and provide the address of such alleged nuisance.
2. The City may request that the nuisance officer audit the City for nuisances as defined by the Municipal Code. The nuisance officer shall then view the property or area for any violations of the nuisances of the City. The nuisance officer shall not go upon private property for said audit unless granted permission by the resident or owner of the suspect property.

C. *Confirming, Documenting and Presenting Nuisances.* The nuisance officer shall identify and confirm that in his or her opinion a nuisance exists as defined by federal, state or city law.

1. Upon confirming that a nuisance appears to exist, the nuisance officer shall document said nuisance with photographs and other evidence pertinent to the situation. The nuisance officer will also obtain the legal description of the property and identify the current owners and, if possible, the occupants of the property upon which the nuisance exists.
2. The nuisance officer shall then present such information to the City Council

at a regular or special meeting for its confirmation that a nuisance exists as stated in Section 3-505 below.

(Ord. No. 09-12-01, 12/14/09)

SECTION 3-505: ENFORCEMENT PROCEDURES

The nuisance, health and/or sanitation violation is brought to the City Council by the city nuisance officer or the Board of Health or upon the council's own action. The council then may declare by resolution a nuisance, health and/or sanitation violation. The nuisance, health, and/or sanitation ordinances may be enforced by city administrative procedures, penal prosecutions through the courts, and/or by civil procedures in the courts. Any of these procedures or any combination of these procedures may be used to enforce the nuisance, health and/or sanitation ordinances of the City:

A. Administrative Procedure. The City may proceed with abatement of the nuisance, sanitation, and/or health violation with or without court involvement after the following procedure is followed:

1. After a nuisance is declared, the City Council notifies the nuisance officer to serve notice upon the violator(s).
2. The nuisance officer shall prepare and serve notice, which shall describe the found nuisance and state the required date that abatement and removal of the nuisance is to be accomplished. The notice shall also provide information as to how the interested parties may request a hearing before the City Council as described in subsection (4) below.
3. The notice shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, said notice shall be given by a single publication in a newspaper of general circulation in the City or County, and by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. The date of service is determined by the later of certified mail receipt, personal service certificate of delivery or publication date.
4. The accused violator (owner/agent/occupant) may request in writing a hearing before the City Council within five days after notice of violation is served or published. For tree nuisance violations, the period for requesting a hearing is extended to 30 days after service.
5. If no request for a hearing is received in the required time period, the City Council may cause a hearing to be held. This option is at the sole discretion of the council, to be used in exceptional cases.
6. If a hearing is requested, the city clerk shall fix the date of said hearing to be no later than 30 days from the receipt of the request for hearing. Notice of said hearing, containing the date and time, shall be served upon the agent, owner and occupant of the nuisance property by certified and regular mail. (Am. Ord. 12-08-02, 8/6/12)
7. The hearing shall be a "show cause" hearing in which the agent, owner, or occupant of the nuisance property (objecting party) shall provide evidence why the alleged condition should not be found to be a public nuisance and remedied. This hearing shall be heard before a quorum of the City Council. The mayor may conduct the hearing or may appoint another person as the hearing officer to conduct the hearing. Said hearing officer may be the city

attorney or the enforcement officer. At the hearing, the hearing officer shall mark and receive evidence which was presented when the finding of a nuisance was made, relevant evidence of the nuisance since that time, and evidence that the notices were properly given. The objecting party shall then provide his or her evidence. The rules of evidence are not required at said hearing but all evidence must be relevant to the particular nuisance being heard. Testimony shall be under oath as administered by the hearing officer or any person so designated by the hearing officer, and the person providing the testimony is subject to the laws of perjury. Evidence may be submitted in writing by affidavit.

8. No later than 14 days after the hearing and consideration of the evidence, the City Council may by majority vote rescind the resolution of violation. If the resolution of violation is not rescinded, it shall stand. Furthermore, if the objector or designated agent fails to appear at the hearing or does not provide evidence, the nuisance shall stand. If the resolution is not rescinded, the council may, by resolution, extend the date that owner, occupant, lessee, or mortgagee shall abate and remedy the said public nuisance but in no case shall this time exceed 60 days. The findings of the council shall be made no later than 14 days after the hearing, and notice of its finding shall be served upon the objecting party by regular U.S. Mail within five days of the finding. The finding of this hearing is final but an interested party or parties may appeal such decision to the appropriate court for adjudication.
9. If the nuisance officer determines the nuisance is not remedied and abated within the time period designated, the City shall cause the abatement of the nuisance.
10. If an interested party properly appeals to an appropriate court the findings and orders of the City, the City's actions shall be stayed until such time that the legal proceedings are completed or dismissed. In cases of appeal from an action of the City condemning real property as a nuisance or as dangerous under its police powers, the owners of the adjoining property may intervene in the action at any time before trial.

(Neb. Rev. Stat. §19-710)

B. Penal Court Enforcement Procedure. If the declared nuisance, health, and/or sanitation violation is/are not abated within 15 days after the notice is served upon the owner and/or occupant and the city clerk has not received a request for hearing, the nuisance officer may cause issuance of a citation for the code violation. The citation shall be prosecuted in the appropriate court by the city attorney or other designated prosecutor for the City and shall be fined as provided in the penal provisions at the end of this chapter.

C. Civil Court Procedure. The City Council may instruct the city attorney by resolution to file a civil action for the abatement of a nuisance. Said civil suit may commence after 15 days' notice has been served and may be filed and prosecuted at the same time any other enforcement procedure has commenced, terminated or is in progress.

(Ord. No. 09-12-01, 12/14/09)

SECTION 3-506: EXPENSES

A. When the City has effected the abatement of the nuisance, health and/or sanitation violation through either city employees or through contract with a third party and has incurred expenses and costs therefor, the actual cost thereof shall be charged to the owner, agent, occupant or person in possession, charge or control of such property. The billing shall be calculated at the actual cost of abating the nuisance plus an administrative fee as set by resolution by the City Council and kept on file in the office of the city clerk

for public inspection. Such billing shall be submitted by regular U.S. Mail to the last known address of the owner of the nuisance property as found in the county treasurer's office.

B. If said costs are not paid within two months after the work is done and one month after the expenses and costs are submitted to the owner and/or occupant, the City may levy and assess the expenses and costs upon the real estate benefited by the actions in the same manner as other special assessments are levied and assessed, and the City may collect said assessments in the same procedure as other special assessments are collected. The City may also recover said expenses and costs of abating the nuisance, health and/or sanitation violation in a civil action in County Court.

(Ord. No. 09-12-01, 12/14/09)

SECTION 3-507: SPECIFIC NUISANCE FINES

A. The City declares it to be a nuisance to permit or maintain any nuisance named in this chapter or elsewhere in this Municipal Code.

B. Any owner or occupant of any lot, piece of ground, or other site as referenced herein may be issued a citation for a city ordinance violation, and the fine shall be paid to the city office within five days. Such fines shall be as set by resolution by the City Council and kept on file in the office of the city clerk for public inspection.

C. Fines within this section are to be considered in addition to any costs or fees assessed and due to the City for failing to comply with an order or notice to abate and remove such a nuisance and for nuisance violations of the Municipal Code. Should said fine or costs remain unpaid within the five-day period stated herein, a complaint will be filed in County Court by the city attorney. The violator will be liable for prosecution in County Court for the offense or offenses charged and subject to penalty provided for a misdemeanor pursuant to Nebraska statutes and laws.

(Ord. No. 09-06-03, 6/8/09)

SECTION 3-508: JURISDICTION

The mayor and city police are directed to enforce this Municipal Code against all nuisances. The jurisdiction of the mayor, city police, and court shall extend to, and the territorial application of this chapter shall include, all territory adjacent to the limits of the City within one mile thereof and all territory within the corporate limits. (Neb. Rev. Stat. §18-1720)

SECTION 3-509: ADJOINING LAND OWNERS; INTERVENTION BEFORE TRIAL

In cases of appeal from an action of the City Council condemning real property as a nuisance or as dangerous under the police powers of the City, the owners of the adjoining property may intervene in the action at any time before trial. (Neb. Rev. Stat. §19-710)

Article 6 – Dangerous Buildings

SECTION 3-601: DETERMINATION AND DEFINITIONS

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

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

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

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

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

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

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

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

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

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

J. Those having been inspected by the County Health Department or a professional engineer appointed by the City which are, after inspection, deemed to be in violation of any provision of the health department rules and regulations or which are structurally unsafe or unsound as found by the inspection of the professional engineer;

K. Those existing in violation of any provision of this article, any provision of the Fire Code, any provision of the county health rules and regulations or other applicable provisions of city ordinances, including but not limited to the Building Code adopted by the City.

(Neb. Rev. Stat. §18-1720)

SECTION 3-602: BUILDING INSPECTOR

A specially designated building inspector, as provided in Chapter 9, Section 9-101, shall, at the direction of the City Council:

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

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

C. Report to the City Council the results of the inspection;

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

SECTION 3-603: STANDARDS

In the event that it is determined that any building or structure is unsafe or dangerous the following standards shall be followed in substance in determining whether the structure or building should be repaired, vacated or demolished:

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

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

(Neb. Rev. Stat. §§17-136, 15-905, 18-2107)

SECTION 3-604: UNLAWFUL MAINTENANCE

It is hereby determined unlawful to maintain a dangerous building within the corporate limits of the City or within its zoning jurisdiction. (Neb. Rev. Stat. §28-1321)

SECTION 3-605: NUISANCE; PROCEDURE

If the specially designated building inspector or his representatives or professional engineer finds that a building or structure is unsafe or dangerous and a nuisance, the City Council shall:

A. Notify the owner, occupant, lessee, mortgagee, agent or other persons having an interest in the building or structure that it has been found to be an unsafe or dangerous building; the notice will indicate whether the owner must vacate, repair or demolish the building or structure;

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

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

D. File a copy of such determination or resolution in the office of the register of deeds of the county to be recorded. No fee shall be charged for such recording or for the release of such recording.

(Neb. Rev. Stat. §18-1722.01)

SECTION 3-606: FAILURE TO COMPLY

In case any owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure shall fail, neglect or refuse to comply with the notice by or on behalf of the City to repair, rehabilitate or demolish and remove a building or structure which is unsafe or dangerous and a public nuisance, and fails to request a hearing on such determination, the City may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the City Council, which is authorized to levy the cost as a special assessment against the property.

Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments under Nebraska statutes. (Neb. Rev. Stat. §18-1722)

SECTION 3-607: DISPUTES

A. In the event that the owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure disagrees with or disputes the information contained in the notice, such person shall notify the city clerk with a written statement that sets forth the reasons for the disagreement or dispute and the relief requested. This written request shall be made within 14 days of mailing of the notice as provided herein. If written notice is received by the city clerk within 14 days of mailing or delivery of notice, a hearing shall be held before the City Council, either at a special meeting or at a regularly scheduled monthly meeting. The clerk shall notify the person requesting the hearing, in writing, of the time, place and date of such hearing.

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

SECTION 3-608: APPEAL

Any person aggrieved by the decision of the City Council may appeal the decision to the District Court. This appeal shall and must be taken within 30 days of the pronouncement of the council's decision.

SECTION 3-609: IMMEDIATE HAZARD

In the event the building constitutes an immediate hazard to the life or safety of any persons and must be demolished to protect their health or safety, the specially appointed building inspector or professional engineer designated by the City Council shall report such facts to the council. Upon receipt of such report the City, by and through the council, may immediately contract for the immediate demolition of the unsafe or dangerous building without requiring bids. The cost of such emergency vacation and demolition of unsafe or dangerous buildings or structures shall be levied, equalized, and assessed, as are other special assessments.

Article 7 – Penal Provision

SECTION 3-701: 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 more than \$500.00 for each offense. Each day's maintenance of the same shall constitute a separate offense.

SECTION 3-702: ABATEMENT OF NUISANCE

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. 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)

CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 4-101: DEFINITIONS

The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §§60-606 through 60-676)

SECTION 4-102: RULES OF THE ROAD; INCORPORATED BY REFERENCE

The Nebraska Rules of the Road, together with all subsequent amendments thereto, as adopted by the State of Nebraska relating to traffic regulations, are incorporated by reference into this section and made a part of this article as though spread at large herein, except those provisions in conflict with this article when the City Council has the authority to alter such regulations. (Neb. Rev. Stat. §18-132)

SECTION 4-103: EMERGENCY REGULATIONS

The chief of police or the mayor is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

SECTION 4-104: POLICE; ENFORCEMENT

The chief of police and all police officers of the City are hereby authorized, empowered, and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict, regulate and, when necessary, temporarily divert or exclude in the interest of public safety, health, and convenience the movement of pedestrian, animal, and vehicular traffic of every kind in streets, parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. (Neb. Rev. Stat. §60-683)

SECTION 4-105: POLICE; REFUSAL TO OBEY

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a police officer. Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of an offense whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or this article or of a person whom such officer reasonably believes has violated the same. (Neb. Rev. Stat. §§60-680, 60-6,110)

SECTION 4-106: POLICE; TRAFFIC OFFICERS

The City Council or the city police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer notwithstanding the directive of a stop sign or signal device which may have been placed at any

SECTION 4-107: REGULATION BY CITY COUNCIL

A. The City Council may, by resolution:

1. Mark lanes for traffic on street pavements at such places as it may deem advisable, provide for one-way travel in any street or alley, designate any street or portion thereof as a snow route, and establish and maintain crosswalks.
2. Provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the City's jurisdiction for the purpose of regulating or prohibiting traffic thereon.
3. Designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated.
4. Establish and maintain crosswalks by appropriate devices, markers, or lines upon the street at intersections where there is particular danger to pedestrians crossing the street and at such other places as may be deemed necessary.

B. Such resolutions shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective.

(Neb. Rev. Stat. §§60-6,119 through 60-6,121, 60-680)

SECTION 4-108: SIGNS, TRAFFIC CONTROL AND SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH

A. No person shall willfully or maliciously injure, deface, alter or knock down any sign, traffic control device, or traffic surveillance device.

B. Any person who willfully or maliciously shoots upon the public highway and injures, defaces, damages, or destroys any signs, monuments, road markers, traffic control devices, traffic surveillance devices, or other public notices lawfully placed upon such highway shall be guilty of an offense.

C. It shall be unlawful for any person, other than a duly authorized representative of the Nebraska Department of Roads, the County, or the City to remove any sign, traffic control device, or traffic surveillance device placed along a highway for traffic control, warning, or informational purposes by official action of the Department, County, or City. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this subsection.

D. Any person violating subsection (A) or (C) of this section shall be guilty of an offense and shall be assessed liquidated damages in the amount of the value of the sign, traffic control device, or traffic surveillance device and the cost of replacing it.

(Neb. Rev. Stat. §§60-6,129, 60-6,130)

SECTION 4-109: SIGNS; UNAUTHORIZED DISPLAY

It shall be unlawful for any person to maintain or display upon or in view of any street any unofficial sign, signal, or device which purports to be, is an imitation of, or resembles an official traffic sign or signal which attempts to direct the movement of traffic or which hides

from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance and any police officer is hereby empowered to remove the same or cause it to be removed without notice. (Neb. Rev. Stat. §60-6,127)

SECTION 4-110: STOP SIGNS; YIELD SIGNS

A. The City Council may provide for preferential right of way at an intersection and indicate such by stop signs or yield signs erected by such authority. Every person operating any vehicle shall, upon approaching any stop sign, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line or, if there is no stop line, before entering the crosswalk but if neither is indicated, then as near the right of way line of the intersecting roadway as possible.

B. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or, if there is no such line, shall stop before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection. (Neb. Rev. Stat. §§60-6,119 through 60-6,121, 60-680, 60-6,148)

SECTION 4-111: SIDEWALK SPACE

No motor vehicle shall be driven within any sidewalk space, except a permanent or temporary driveway. (Neb. Rev. Stat. §60-6,178)

SECTION 4-112: LICENSE PLATES; READABLE

The license plates required on every motor vehicle by laws of the State of Nebraska or of any other state while such vehicle is operated within the corporate limits shall be kept clear and free from grease, dust, mud, snow or other blurring matter so they will be plainly visible at all times. The said plates shall be attached in such manner as to be clearly readable at a distance of 100 feet and under no circumstances shall they be obstructed by any portion of the vehicle. (Neb. Rev. Stat. §§60-324, 60-325)

SECTION 4-113: UNNECESSARY STOPPING

It shall be unlawful for any person to stop any vehicle on any public street or in an alley other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right of way to pedestrians or to other vehicles. (Neb. Rev. Stat. §§60-6,164, 60-6,166)

SECTION 4-114: SPEED LIMITS

No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than 25 miles per hour within the Residential District and 20 miles per hour within the Business District, unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. (Neb. Rev. Stat. §§60-6,185, 60-6,186, 60-6,190)

SECTION 4-115: SPEED ZONES

No person shall operate a motor vehicle within the city limits at a speed greater than is reasonable and proper, having regard for the traffic, use and condition of the streets or at such speeds as to endanger the life, limb or property of any person, and under no circumstances in excess of the limits in those locations as set by the City Council and kept on file in the office of the city clerk. The speed limits prescribed, including those near schools, shall be plainly indicated by standard signs at or near the approaches to the corporate limits and thereafter as changes in speed limits are provided. All other streets within the corporate limits not otherwise provided with a speed limit shall have a maximum rate of speed of 25 mph.

SECTION 4-116: SPEED; ELECTRONIC DETECTOR

A. A determination made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement officer, while being competent evidence for all other purposes, shall be corroborated by the use of a radio microwave, mechanical, or electronic speed measurement device. The results of such device may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the City may offer in evidence the results of such speed measurement device for the purpose of establishing the speed of any motor vehicle, the City shall prove the following:

1. The said speed measurement device was in proper working order at the time of conducting the measurement;
2. The speed measurement device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;
3. The person operating the speed measurement device and interpreting such measurement was qualified by training and experience to properly test and operate the speed measurement device; and
4. The operator conducted external tests of accuracy upon the speed measurement device within a reasonable time both prior to and subsequent to an arrest being made and the device was found to be in proper working order.

B. The driver of any motor vehicle measured by use of a speed measurement device to be driving in excess of the applicable speed limit may be arrested if the apprehending officer:

1. Is in uniform and displays his or her badge of authority; and
2. Has (a) observed the recording of the speed of the motor vehicle by the speed measurement device or (b) received a radio message from a law enforcement officer who observed the speed recorded and (i) the radio message has been dispatched immediately after the speed of the motor vehicle was recorded and (ii) gives a description of the vehicle and its recorded speed.

(Neb. Rev. Stat. §60-6,192)

SECTION 4-117: RIGHT OF WAY; GENERALLY

A. When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a city police officer stationed at the intersection.

B. The driver of a vehicle intending to turn to the left within an intersection or into

an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

C. The driver of a vehicle on any street shall yield the right of way to a pedestrian crossing such street within any clearly marked crosswalk or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than a pedestrian crossing, crosswalk, or intersection shall yield the right of way to vehicles upon the street.

D. The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right of way to any pedestrian approaching on any sidewalk and all vehicles approaching on such streets.

(Neb. Rev. Stat. §§60-6,146 through 60-6,154)

SECTION 4-118: RIGHT OF WAY; EMERGENCY VEHICLES

A. Upon the immediate approach of an authorized emergency vehicle which makes use of proper audible or visual signals:

1. The driver of any other vehicle shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes, unless otherwise directed by any peace officer; and
2. Any pedestrian using such roadway shall yield the right of way until such emergency vehicle passes, unless otherwise directed by any peace officer.

B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Neb. Rev. Stat. §60-6,151)

SECTION 4-119: TURNING; GENERALLY; SIGNAL

Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right-hand side of the highway and must turn the corner as near the right-hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, the "center of the intersection" shall mean the meeting point of the medial lines of the highways intersecting one another. A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. (Neb. Rev. Stat. §§60-6,159, 60-6,161)

SECTION 4-120: TURNING; "U" TURNS

No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation or where a sign is posted indicating that "U" turns are prohibited. (Neb. Rev. Stat. §60-6,160)

SECTION 4-121: FUNERAL PROCESSIONS

No vehicle, except police vehicles or Fire Department vehicles when responding to

emergency calls or orders, ambulances responding to emergency calls or vehicles carrying United States mail, shall be driven through a funeral procession or cortege except with the permission of a police officer.

SECTION 4-122: BACKING

It shall be unlawful for any person to back a motor vehicle on the city streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety. (Neb. Rev. Stat. §60-6,169)

SECTION 4-123: DRIVING ABREAST

Two or more vehicles shall not be driven abreast except when passing or when traversing a multi-lane or one-way street; provided, motorcycles may be driven no more than two abreast in a single lane. (Neb. Rev. Stat. §60-6,139)

SECTION 4-124: FOLLOWING; FIRE APPARATUS

The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block when fire apparatus has stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 4-125: FOLLOWING; DISTANCE

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic and condition of the street. (Neb. Rev. Stat. §60-6,140)

SECTION 4-126: MUFFLER

Every motor vehicle operated within this city shall be equipped with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; provided, the provisions of this section shall not apply to authorized emergency vehicles. (Neb. Rev. Stat. §§60-6,286, 60-6,371)

SECTION 4-127: RIDING OUTSIDE VEHICLE

No person shall permit any other person to ride on the running board, hood, top or fenders of any motor vehicle, nor shall any person ride on the running board, hood, top or fenders of any motor vehicle. Riding in the open bed of a pickup is permitted so long as the persons riding are seated on the floor of the pickup bed and not on the wheel well or side walls of the pickup bed. (Neb. Rev. Stat. §60-180)

SECTION 4-128: REMOVAL OF DEBRIS

Any person who removes a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance deposited on the highway from such vehicle. (Neb. Rev. Stat. §39-311)

SECTION 4-129: UNNECESSARY NOISE

It shall be unlawful for any person to drive a motor vehicle, motorcycle or snowmobile

within the City in such a manner that it creates or causes loud, disturbing, unnecessary, or unusual engine noises or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. The following acts, among others, are declared to be loud, disturbing, and unusual noises in violation of this section:

A. The sounding of any horn or other signal device on any motor vehicle or motorcycle on any street or public place in the City except as a danger warning device; the sounding of any such device for an unnecessary reason or any unreasonable length of time; the use of a siren on other than emergency vehicles; the use of citizens' band radios, public address systems other than that of an emergency vehicle; and acknowledging or giving a greeting to another by use of a horn.

B. Acceleration or stopping of said vehicles causing tire squeal, operating the vehicles in such a manner as to simulate a temporary race, sometimes referred to as "dragging," "gunning," or peeling," or an acceleration contest or exhibition.

C. Driving a motor vehicle, motorcycle, or snowmobile without a muffler (1) including a baffle which is in good working order and in constant operation so that excessive or annoying noises or annoying smoke is prevented; or (2) having the noise suppressant capabilities of the muffler originally installed on the vehicle; or (3) driving any of said motor vehicles using a muffler cut-out.

(Neb. Rev. Stat. §§17-505, 60-6,286, 60-6,371)

SECTION 4-130: RACING

No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record. No person shall in any manner participate in any such race, competition, contest, test, or exhibition. (Neb. Rev. Stat. §60-6,195)

SECTION 4-131: EXHIBITION DRIVING

Any person who operates a motor vehicle, meaning any self-propelled vehicle, upon streets or alleys within the city limits or upon property owned by the City in such a manner as to cause or create unnecessary engine noise, squealing of tires, rear skidding, sliding, or swaying of such motor vehicle or possible acceleration of speed of said motor vehicle shall be guilty of exhibition driving.

SECTION 4-132: NEGLIGENCE DRIVING

Any person who drives any vehicle in such a manner as to indicate the absence of care, prudence, and forethought as duty requires should be exercised under the circumstances is guilty of negligent driving. (Neb. Rev. Stat. §60-4,182)

SECTION 4-133: CARELESS DRIVING

Any person who drives any motor vehicle in the City carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. (Neb. Rev. Stat. §§60-6,212, 60-4,182)

SECTION 4-134: RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving and as such shall be punished as provided by statute. (Neb. Rev. Stat. §§60-6,213, 60-6,215, 60-4,182)

SECTION 4-135: WILLFUL RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be deemed to be guilty of willful reckless driving. (Neb. Rev. Stat. §§60-6,214, 60-6,216, 60-4,182)

SECTION 4-136: TRUCK ROUTES

The City Council may by resolution designate certain streets in the City that trucks shall travel upon and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise; and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through or about the City. The council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes. (Neb. Rev. Stat. §60-681)

SECTION 4-137: ENGINE BRAKES

It shall be unlawful for any person within the city limits to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for purposes of assisted braking on any motor vehicle; provided, however, it shall be permitted to use engine brakes in an emergency situation.

SECTION 4-138: OVERLOADING FRONT SEAT; OBSTRUCTING DRIVER'S VIEW; INTERFERING WITH DRIVER'S CONTROL

No person shall drive a motor vehicle when there are more than three persons in the front or it is so loaded as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over such vehicle. No passenger in a vehicle shall ride in such a position as to interfere with the driver's control over such vehicle. (Neb. Rev. Stat. §60-6,179)

SECTION 4-139: CONVEYANCES; CLINGING TO MOTOR VEHICLES

No person riding upon any bicycle, coaster, roller skates, sled, skis or toy vehicle shall attach the same or himself or herself to any moving vehicle upon any roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis or toy vehicle to cling to or attach himself or herself or his/her bicycle, coaster, roller skates, sled, skis or toy vehicle to such vehicle so driven and operated by him or her. (Neb. Rev. Stat. §60-6,316)

SECTION 4-140: LOADS; PROJECTING

When any vehicle has been loaded in such a manner that any portion of the load extends more than 4 feet beyond the rear of the bed or the body of such vehicle, a red flag of not less than 12 inches both in length and width shall be carried by day and a red light after sunset at the extreme rear end of such load. (Neb. Rev. Stat. §60-243)

SECTION 4-141: LOADS; CONTENTS; REQUIREMENTS

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle.

B. No person shall transport any sand, gravel, rock less than 2 inches in diameter, or refuse in any vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering.

C. No person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle. (Neb. Rev. Stat. §60-6,304)

SECTION 4-142: PARADES AND MOTORCADES; REGULATIONS AND PROCEDURES

A. Definitions:

1. "Parade" means any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.
2. "Motorcade" means an organized procession containing 25 or more vehicles except funeral processions, upon any street, sidewalk or alley.

B. It shall be unlawful for any person to conduct a parade or motorcade in or upon any public street, sidewalk or alley in the City or knowingly participate in any such parade or motorcade unless and until a permit to conduct such parade or motorcade has been obtained as hereinafter provided.

C. Any person who wants to conduct a parade or motorcade shall apply to the chief of police for a permit at least 30 days in advance of the date of the proposed parade or motorcade. The chief of police may, in his or her discretion, consider any application for a permit to conduct a parade or motorcade which is filed fewer than 30 days prior to the date such parade or motorcade is to be conducted. The application for permit shall be made in writing on a form approved by the chief of police. In order that adequate arrangements may be made for proper policing of the parade or motorcade, the application shall contain the following:

1. The name of the applicant, the sponsoring organization, the parade or motorcade chairman and his or her address and telephone number.
2. The purpose of the parade or motorcade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled and the approximate time when the parade or motorcade will assemble, start and terminate.
3. Such other information as the chief of police may deem reasonably necessary.

D. Issuance or denial of permit:

1. *Standards for Issuance.* The chief of police shall issue a parade or motorcade permit conditioned upon the applicant's agreement to comply with the terms of such permit, unless the chief of police finds that the time, route and size of the parade will disrupt the movement of other traffic to an un-reasonable extent.

2. *Standards for Denial.* The chief of police shall deny the application for a parade or motorcade permit and notify the applicant of such denial where:

- a. He or she makes a finding contrary to the requirements and conditions for issuance of a permit.
- b. The information contained in the application is found to be false or non-existent in any material detail.
- c. Such parade or motorcade is to be held for the sole purpose of advertising any product, goods, wares, merchandise or event and is designed to be held purely for private profit.
- d. The applicant refuses to agree to abide by or comply with all conditions of the permit.

E. In each permit the chief of police shall specify:

1. The assembly area and time therefor;
2. The starting time;
3. The minimum and maximum speed;
4. The route of the parade or motorcade;
5. What portions of street to be traversed may be occupied by such parade or motorcade;
6. The disbanding area, and disbanding time;
7. The number and type of vehicles, if any;
8. Such other requirements as are found necessary for the protection of persons or property.

F. Upon denial by the chief of police of an application made herein, the applicant may appeal such determination within five days thereafter to the City Council, to be considered at its next meeting. Upon such appeal, the council may reverse, affirm or modify in any regard the determination of the chief of police.

G. No person shall knowingly join or participate in any parade or motorcade conducted under permit from the chief of police in violation of any of the terms of said permit nor knowingly join or participate in any permitted parade or motorcade without the consent and over the objection of the permittee nor in any manner interfere with its progress or orderly conduct.

Article 2 – Parking

SECTION 4-201: GENERALLY

A. Except as otherwise provided in this section, any vehicle stopped or parked upon a two-way roadway where parking is permitted shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of such roadway. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.

B. Except when otherwise provided by the City Council, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of such roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway or its left-hand wheels within 12 inches of the left-hand curb or edge of such roadway.

C. Where stalls are designated either on the curb or pavement, vehicles shall be

parked within those stalls.

D. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away.
(Neb. Rev. Stat. §§60-6,167, 60-680)

SECTION 4-202: REGULATION BY CITY COUNCIL

A. The City Council may by resolution set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, where the parking of any vehicle shall be prohibited, or where a time limit shall be set. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof longer than a period of time necessary to load and unload freight or passengers. The placement of “no parking” or “restricted parking” signs shall be prima facie evidence of the restricting ordinance.

B. The City Council may by resolution designate any street or portion thereof where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb.

C. The City Council may by ordinance designate certain streets, alleys, or public ways where vehicles, regardless of length, shall be permitted to load or unload freight. Vehicles so designated shall park upon said streets, alleys, or public ways in such manner that other vehicles may pass.

D. The City Council may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution; and the parking or stopping of any vehicle in any such street, streets, or district, for a period of time longer than fixed in such resolution shall constitute a violation of this article.

E. The City Council may prohibit or restrict stopping, standing, or parking on highways under its jurisdiction and erect and maintain proper and adequate signs thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.
(Neb. Rev. Stat. §§60-6,167, 60-680)

SECTION 4-203: CURBS; PAINTED

In the event curbs are to be painted as deemed necessary by the City Council, it shall be the duty of the public works director to cause the curb space to be painted at places designated by the council and to keep the same painted. No person, firm, or corporation shall paint the curb of any street or in any manner set aside or attempt to prevent the parking of vehicles in any street or part thereof except at such places where the parking of vehicles is prohibited by the provisions of this article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the City through its proper officers at the direction of the council. (Neb. Rev. Stat. §60-680)

SECTION 4-204: CURRENT LICENSE; MAXIMUM TIME LIMIT

It shall be unlawful to park or place on the streets, alleys, or other public property any motor vehicle or other vehicle, boat, trailer or recreational vehicle of any description without first securing a current license as provided by law, and no such licensed motor vehicle or other vehicle, boat, trailer or recreation vehicle of any description shall be allowed to stand for a longer period than 24 hours. (Neb. Rev. Stat. §60-680) (Ord. No. 07-05-02, 5/14/07)

SECTION 4-205: CONGESTED AREA UNLOADING

A. It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any such vehicle on any street in the central business district of the City except to load or unload and then only when loading or unloading in an alley is impossible. Such vehicles may stop or stand for a period of time not to exceed 60 minutes, but only after the operator of said truck has obtained written permission from the city police to do so. Vehicles of an overall length of less than 20 feet, including load, may back to the curb while discharging freight but shall occupy as little of the street as possible.

B. The City Council may, by resolution, provide truck parking areas adjoining or adjacent to the central business district and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes.

C. No truck, including oil tankers, shall park or stop for any period of time within the limits of any street outside the central business district except for the purpose of loading or unloading the cargo thereof in the ordinary course of business, except in the area provided for by the City Council.

SECTION 4-206: ALLEYS; OBSTRUCTION; LOADING AND UNLOADING

No vehicle while parked shall have any portion thereof projecting into any alley entrance. No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of 60 minutes. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. (Neb. Rev. Stat. §60-680)

SECTION 4-207: OBSTRUCTING TRAFFIC

Except in case of an accident or emergency, no person shall stop any vehicle (A) in any location where such stopping will obstruct any street, intersection, crosswalk, alley entrance, or a public or private drive or (B) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic. (Neb. Rev. Stat. §§60-680, 60-6,166)

SECTION 4-208: OBSTRUCTING PRIVATE DRIVEWAY

It shall be unlawful for any person to stop or park any vehicle so as to obstruct a private driveway in any manner, which includes stopping or parking any vehicle within 5 feet of the outer portion of a curb cut on a private driveway. (Neb. Rev. Stat. §60-6,166)

SECTION 4-209: SIDEWALK SPACE

It shall be unlawful for any person to park, place, or cause to be parked or placed any motor vehicle or other vehicle upon any part of the sidewalk space or on a crosswalk. (Neb. Rev. Stat. §60-6,166)

SECTION 4-210: LEFT SIDE AT CURB; EXCEPTION

No vehicle shall park on any street with its left side to the curb unless said street has been designated a one-way street by the City Council.

SECTION 4-211: NO PARKING AND HANDICAP PARKING AREAS

A. Areas of no parking, as designated by sign, painted curb or other means, have been established at certain locations within the City, including those for vehicles of or transporting handicapped persons, which such vehicles shall be properly designated as such. Vehicular traffic shall not park in the areas designated as "no parking" areas at the

locations, hours, and other limitations as established by ordinance and kept on file in the office of the city clerk.

B. "Park" or "parking," for the purposes of this section, shall mean the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading cargo or passengers.
(Neb. Rev. Stat. §39-697, 60-680) (Am. Ord. No. 12-12-01, 12/3/12)

SECTION 4-212: TRUCKS; PARKING GENERALLY; RESIDENTIAL AREAS

A. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway or on a sidewalk.

B. As used in this section, unless the context otherwise indicates:

1. "Stepside van" shall mean the enclosed type of delivery truck with doorstep entrance on the side, commonly used for parcel deliveries.
2. "Tractor" shall mean the front power unit of a semi-tractor trailer unit.
3. "Trailer" shall mean the rear cargo portion of a semi-tractor trailer unit.
4. "Truck" shall mean any semi-tractor trailer, including both the tractor portion and/or the trailer portion; also any straight truck other than a pickup or step-side van.

C. It shall be unlawful for the owner or operator of a truck to park such truck on the streets in any residential area of the City, except when such owner or operator is performing a service for an adjacent or abutting property owner and then only for a period of no longer than three hours; provided, however, even then the location of the truck or any portion thereof shall not impede the safe flow of traffic.

D. It shall be unlawful for the owner or operator of a truck to park such truck on private property in any residential area of the City, except that an unloaded straight truck and a tractor only, if owned or operated by a resident of the City for his or her livelihood, may be driven to said owner's or operator's residence and parked there; provided, said unloaded straight truck or tractor unit must be parked in the driveway or in a garage. Further, no such unloaded straight truck or tractor shall be left running at any time in said driveway or garage.

SECTION 4-213: EMERGENCY VEHICLES; EXCEPTION

The provisions of this article regulating the movement, parking, and standing of vehicles shall not apply to any authorized emergency vehicle while the driver of such vehicle is operating the same in an emergency. (Neb. Rev. Stat. §60-6,114)

SECTION 4-214: FIRE STATION AND HYDRANTS

No vehicle shall be parked (A) within 15 feet in either direction of any fire hydrant; (B) within 20 feet of the driveway entrance to any fire station; nor (C) on the side of the street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted. Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost, and expense of the owner or claimant. (Neb. Rev. Stat. §60-6,166)

SECTION 4-215: SNOW REMOVAL; STREET MAINTENANCE OR CLEANING

The City Council shall have the power to order any street, alley, or portion thereof vacated for weather emergencies and street maintenance or street cleaning. Notice shall be given

by posting appropriate signs along such streets or alleys or personally notifying the owner or operator of a vehicle parked on such street or alley. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this chapter and such vehicle may be removed and parked under the supervision of city personnel to a suitable nearby location without further notice to the owner or operator of such vehicle. (Neb. Rev. Stat. §17-557)

SECTION 4-216: DISPLAY OR REPAIR OF VEHICLE

It shall be unlawful for any person to park upon any street, alley, or public place within the City any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle or race the motor of same while on the public streets or alleys of this city, except in case of breakdown or other emergency. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Neb. Rev. Stat. §60-680)

SECTION 4-217: REMOVAL OF ILLEGALLY PARKED VEHICLES

A. Whenever any police officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of this article, such officer may remove or have such vehicle removed or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of such street or alley or from such street or alley.

B. The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with reasonable towing and storage fees as set by resolution of the City Council. Any such towing or storage fees shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles.

(Neb. Rev. Stat. §§60-6,165, 60-680)

Article 3 – Bicycles and Minibikes

SECTION 4-301: BICYCLES; EQUIPMENT

A. When in use at nighttime, a bicycle shall be equipped with a light visible from a distance of at least 500 feet to the front on a clear night and with a red reflector on the rear of a type which is approved by the Department of Motor Vehicles or a local authority, visible on a clear night from all distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to such red reflector.

B. Any bicycle used on a highway shall be equipped with a brake or brakes which will enable the operator to stop the bicycle within 25 feet of the point of braking when moving at a speed of 10 miles per hour on dry, level, clean pavement.

(Neb. Rev. Stat. §60-6,318)

SECTION 4-302: MINIBIKES; UNLAWFUL OPERATION

It shall be unlawful for any person to operate a minibike upon any street or highway within the corporate limits of the City. For purposes of this article, "minibike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than 14 inches, an engine-rated capacity of less than 45 cubic centimeters displacement, or a seat height less than 25 inches from the ground, or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §§60-6,347, 60-6,352)

SECTION 4-303: MINIBIKES; EMERGENCIES AND PARADES

Minibikes shall be exempt from the provisions of this article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization. (Neb. Rev. Stat. §60-6,348)

SECTION 4-304: MINIBIKES; PUBLIC LANDS

Minibikes shall be prohibited upon the public lands owned by the City except where allowed by resolution of the City Council. (Neb. Rev. Stat. §60-6,353)

SECTION 4-305: MINIBIKES; TRAFFIC LAWS INAPPLICABLE

The provisions of Neb. Rev. Stat. Chapter 60, Articles 1, 3, 4, 5, and 17 shall not be applicable to the owners and operators of any minibike. (Neb. Rev. Stat. §60-6,347)

Article 4 – Mopeds and Motorcycles

SECTION 4-401: MOPEDS; DEFINED

“Moped” shall mean a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the device at a maximum design speed of no more than 30 miles per hour on level ground. Mopeds, their owners and their operators shall be subject to the Motor Vehicle Operator's License Act but shall be exempt from the requirements of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Motor Vehicle Safety Responsibility Act. (Neb. Rev. Stat. §§60-122, 60-6,309)

SECTION 4-402: MOPEDS; OPERATOR'S LICENSE

No person shall operate a moped upon the streets, alleys or public highways of the City unless such person has a valid motor vehicle operator's license or a valid school or learner's permit. (Ref. Neb. Rev. Stat. §60-6,310)

SECTION 4-403: MOPEDS; TRAFFIC REGULATIONS APPLICABLE

A. Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application.

B. Regulations applicable to mopeds shall apply whenever a moped is operated upon any highway or upon any path set aside by the Department of Roads or a local authority for the use of mopeds. Notwithstanding any established maximum speed limits in excess of 25 miles per hour, no person shall operate any moped at a speed in excess of 30 miles per hour.
(Neb. Rev. Stat. §60-6,311)

SECTION 4-404: MOPEDS; OPERATION; EQUIPMENT

A. Any person who operates a moped shall ride only upon a permanent and regular seat attached to the moped and shall ride only while sitting astride the seat, facing forward.

B. A person operating a moped shall not carry any other person nor shall any other person ride on a moped unless it is designed by the manufacturer to carry more than one person. Any moped which carries a passenger shall be equipped with footrests for such passenger.

C. No person shall operate a moped while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars.

D. No operator shall carry any person nor shall any person ride in a position that interferes with the operation or control of the moped or the view of the operator nor shall any person ride in a position that will interfere with the operation or control of the moped or the view of the operator.

E. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars.

(Neb. Rev. Stat. §60-6,312)

SECTION 4-405: MOPEDS; USE OF TRAFFIC LANES

A. A moped shall be entitled to full use of a traffic lane of any highway with an authorized speed limit of 45 miles per hour or less, and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two abreast in a single lane.

B. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.

C. Mopeds shall not be operated more than two abreast in a single lane.

D. Any person who operates a moped on a roadway with an authorized speed limit of more than 45 miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.

E. No person who rides upon a moped shall attach himself, herself, or the moped to any other vehicle on a roadway.

F. Mopeds shall not be operated on sidewalks.

(Neb. Rev. Stat. §60-6,313)

SECTION 4-406: MOPEDS; HELMET REQUIRED

A person shall not operate or be a passenger on a moped or motorcycle on any highway, as defined in state statutes, unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, visor, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's *Federal Motor Vehicle Safety Standard No. 218*, 49 C.F.R. 571.218, for motorcycle helmets. (Neb. Rev. Stat. §60-6,279)

SECTION 4-407: MOTORCYCLES; OPERATION

A. Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter.

B. Any person who operates a motorcycle shall ride only upon a permanent, regular seat attached thereto and shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent, regular seat if designed for two persons or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

C. Any person shall ride upon a motorcycle only while sitting astride the seat, facing forward.

D. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him or her from keeping both hands on the handlebars.

E. No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

F. A motorcycle shall be entitled to full use of a traffic lane of any highway and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

G. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

H. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

I. Motorcycles shall not be operated more than two abreast in a single lane.

J. Subsections (G) and (H) of this section shall not apply to police officers in the performance of their official duties.
(Neb. Rev. Stat. §§60-6,307, 60-6,308)

SECTION 4-408: MOTORCYCLES; LIGHTS

No person shall ride a motorcycle upon the streets, alleys or highways from one-half hour after sunset to one-half hour before sunrise unless the same shall be equipped with at least one and not more than two headlights, plainly visible from the front; and a light on the rear exhibiting a red light visible under normal atmospheric conditions from a distance of at least 500 feet to the rear thereof; provided, said lights shall comply with the requirements and limitations of state statutes. (Neb. Rev. Stat. §60-6,219)

SECTION 4-409: MOTORCYCLES; HELMET REQUIRED

A person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in state statutes, unless such person is wearing a protective helmet as provided in Section 4-406.

Article 5 – Recreational and Off-Road Vehicles

SECTION 4-501: SNOWMOBILES; EQUIPMENT

A. Every snowmobile operated within the City shall be registered with the State of Nebraska as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one taillamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars,

and with brakes as prescribed by the state director of motor vehicles. Every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise; the exhaust system shall not emit or produce a sharp popping or crackling sound.

B. All laws applying to the operation of other motor vehicles shall apply to snowmobiles, except those relating to required equipment and those which, by their nature, have no application.

(Neb. Rev. Stat. §§60-6,332, 60-6,335, 60-6,339)

SECTION 4-502: SNOWMOBILES; UNLAWFUL OPERATION

It shall be unlawful for any person to operate a snowmobile upon any street or highway within the corporate limits of the City, except that snowmobiles may be operated when, due to severe weather conditions, they provide the only practical method of safe vehicular travel. When such conditions do exist, the snowmobile shall be operated only in a manner and at a speed that is reasonable or proper under the surrounding circumstances.

SECTION 4-503: SNOWMOBILES; UNLAWFUL ACTS

It shall be unlawful for any person to allow a snowmobile, either owned or operated by him or her, to be operated:

A. At a rate of speed greater than reasonable or proper under the surrounding circumstances.

B. In a careless, reckless or negligent manner so as to endanger person or property.

C. While under the influence of alcoholic liquor or any drug.

D. By a person (1) under the age of 12 years unless accompanied by a parent, guardian, or other person over 18 years of age or (2) over the age of 12 years and under the age of 16 years unless such person (a) holds a valid snowmobile safety certificate, (b) is accompanied by a person 14 years of age or over who holds a valid snowmobile safety certificate, or (c) is accompanied by a person over the age of 18 years. The operator of a snowmobile shall not be required to hold an operator's license.

E. Without the proper equipment as required in Section 4-501.

F. In any tree nursery or planting in a manner which damages or destroys growing stock.

G. Upon the public lands owned by the City, except where allowed by resolution of the City Council.

H. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.

I. Within the congested area of the City, unless weather conditions are such that it provides the only practicable method of safe vehicular travel or said snowmobile is engaged in responding to an emergency.

(Neb. Rev. Stat. §§60-6,337, 60-6,338, 60-6,340)

SECTION 4-504: SNOWMOBILES; ACCIDENT; REQUIREMENTS

A. The operator of a snowmobile involved in a collision, accident, or other casualty occurring on any public land, ice, snow, park, right-of-way, trail, or course shall give his or her name and address and the number of such snowmobile in writing to any injured person and to the owner of any property damaged in such collision, accident, or other casualty.

B. When a collision, accident, or other casualty involving a snowmobile results in death or injury to a person or damage to property in excess of \$100.00, the operator of such snowmobile shall within ten days file with the state director of motor vehicles a full report of such collision, accident, or other casualty in such form and detail as the director by regulation may prescribe.

(Neb. Rev. Stat. §60-6,346)

SECTION 4-505: SNOWMOBILES; ENFORCEMENT

Any law enforcement officer, including a conservation officer, may enforce the provisions relating to snowmobiles. (Neb. Rev. Stat. §60-6,343)

SECTION 4-506: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; GOLF CARS; DEFINITIONS

The following definitions shall apply to this article of the Municipal Code:

A. "Street" means any street, road, avenue, boulevard or way which is publicly owned and/or maintained by the City when any part thereof is open to the use of the public for purposes of vehicular travel, except it shall not include a highway or controlled-access highway, as defined in this article.

B. "Highway" means any roadway designated as being within the Nebraska State Highway System and any roadways owned and/or maintained by the state Department of Roads which is open to the public for vehicular travel.

C. "Controlled-access highway" means any highway, as defined in this section, having more than two traffic lanes.

D. "All-terrain vehicle" is defined as provided in Neb. Rev. Stat. §60-6,355.

E. "Utility-type vehicle (UTV)" is defined as provided in Neb. Rev. Stat. §60-6,355.

F. "Golf car" is defined as provided in Neb. Rev. Stat. §60-116.01.
(Am. Ord. No. 18-06-01, 6/18/18)

SECTION 4-507: ALL- TERRAIN VEHICLES; PROHIBITED

All-terrain vehicles shall be prohibited on all streets and highways within the jurisdiction of the City. (Am. Ord. No. 18-06-01, 6/18/18)

SECTION 4-508: GOLF CARS AND UTILITY-TYPE VEHICLES; PERMITTED

A. UTVs may be operated on streets and highways other than controlled-access highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this article of the Municipal Code and applicable Nebraska law.

B. Golf cars may be operated on streets within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this article of the Municipal Code and applicable Nebraska law.
(Ord. No. 18-06-01, 6/18/18)

SECTION 4-509: GOLF CARS AND UTILITY-TYPE VEHICLES; PERMIT AND INSPECTION REQUIRED

All golf cars and UTVs operated on streets or highways within the jurisdiction of the City must be inspected by the Imperial Police Department prior to operation on such streets or highways. Upon determination that any golf car or UTV meets all the requirements of this article, the Police Department shall issue to the owner of the golf car or UTV a permit specific to the inspected golf car or UTV which shall permit that specific golf car or UTV to be operated in the City. The owner of the golf car or UTV shall present the permit issued by the Imperial Police Department to the city clerk for issuance of a decal or flag, as provided in this article. (Ord. No. 18-06-01, 6/18/18)

SECTION 4-510: GOLF CARS AND UTILITY-TYPE VEHICLES; CITY INSPECTION; REQUIREMENTS

A. All utility-type vehicles presented for inspection by the City of Imperial Police Department shall be required to have the following to obtain a permit for operation on streets or highways within the jurisdiction of the City:

1. A brake system maintained in good operating condition, including functioning brake light(s); and
2. Operable headlights; and
3. An original equipment manufacturer (OEM) exhaust muffler system in good working condition; and
4. A United States Forest Service-qualified spark arrester.

B. Any certificate of inspection issued by the Police Department shall expire five years after issuance. Certificates of inspection shall not be transferable. In the event of a sale of any utility-type vehicle or golf car to a buyer within the City, the new owner shall be required to obtain a new certificate of inspection.

(Ord. Nos. 18-06-01, 6/18/18; 19-09-01, 9/17/19)

SECTION 4-511: GOLF CARS AND UTILITY-TYPE VEHICLES; CITY-ISSUED DECAL OR FLAG REQUIRED; ISSUANCE; FEE

A. All golf cars and utility-type vehicles operating on streets or highways within the jurisdiction of the City of Imperial shall be required to:

1. Have been inspected by the Imperial Police Department for compliance with this ordinance and Nebraska law; and
2. Have been issued a permit for operation by the Imperial Police Department; and
3. Have prominently displayed a City-issued decal or flag issued by the city clerk as provided in this article; and
4. Obey all the provisions of this article, obey all city laws or regulations regarding motor vehicles, and obey all applicable Nebraska laws.

B. The City will charge a fee as set by resolution of the City Council for issuance of the flag or decal required by this article. A copy of the said resolution shall be kept on file at the office of the city clerk for public inspection.

(Ord. No. 18-06-01, 6/18/18)

**SECTION 4-512: GOLF CARS AND UTILITY-TYPE VEHICLES; ANNUAL PERMIT;
EXPIRATION**

A. All permits, decals and/or flags issued prior to April 1 each year by the city clerk for operation of a utility-type vehicle shall expire on April 1 each calendar year.

B. Any person seeking to obtain an annual permit from the city clerk must provide to the clerk satisfactory proof of the following:

1. Unexpired certificate of inspection from the Imperial Police Department for the vehicle to be permitted in the name of the current owner.

2. Proof of liability insurance as specified herein.

(Ord. No. 18-06-01, 6/18/18; 19-09-01, 9/17/19)

**SECTION 4-513: GOLF CARS AND UTILITY-TYPE VEHICLES; INSURANCE;
PROOF OF INSURANCE**

Any person operating a golf car or UTV shall have liability insurance coverage for the vehicle while operating it within the City. The liability insurance coverage required herein shall be provided by policies of liability insurance consistent with the requirements of the Motor Vehicle Safety Responsibility Act, Neb. Rev. Stat. §60-501 *et. seq.*, to the same extent as if a UTV were defined as a motor vehicle therein. For these purposes, the Motor Vehicle Safety Responsibility Act is expressly incorporated herein by this reference. The person operating the golf car or UTV shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such request. (Ord. No. 18-06-01, 6/18/18)

SECTION 4-514: GOLF CARS AND UTILITY-TYPE VEHICLES; OPERATORS

Operators of all UTVs and golf cars within the City shall be required to:

A. Possess a valid Class O operator's license or provisional operator's license as provided in Neb. Rev. Stat. §60-4,126.

B. Operate all UTVs with the headlight(s) and taillight(s) of the vehicle on and illuminated at all times.

C. Have a bicycle safety flag extending not less than 5 feet above the ground attached to the UTV.

D. Properly secure all cargo in such a manner that the cargo remains secured without any assistance of the operator.

E. Operate the UTV or golf car in compliance with all applicable city and state traffic regulations.

(Ord. No. 18-06-01, 6/18/18)

**SECTION 4-515: GOLF CARS AND UTILITY-TYPE VEHICLES; OPERATION;
RESTRICTIONS**

A. Golf cars and UTVs shall be operated only between sunrise and sunset.

B. UTVs are prohibited from operation on any controlled-access highway.

C. UTVs may cross a controlled access highway as provided by Neb. Rev. Stat. §60-6,356.

D. Golf cars are prohibited from operation on any highway, including controlled-access highways.

E. Golf cars may cross a highway as provided in Neb. Rev. Stat. §60-6,381(3). (Ord. No. 18-06-01, 6/18/18)

SECTION 4-516: GOLF CARS AND UTILITY-TYPE VEHICLES; MAXIMUM SPEED

A. UTVs must obey all posted speed limits for all streets and highways within the City; provided, however, no operator of any UTV shall exceed the maximum speed of 30 miles per hour even if the posted speed limit where the utility-type vehicle is being operated is more than 30 miles per hour.

B. Golf cars must obey all posted speed limits for all streets within the City; provided, however, no operator of any golf car shall exceed the maximum speed of 20 miles per hour even if the posted speed limit where the golf car is being operated is more than 20 miles per hour. (Ord. No. 18-06-01, 6/18/18)

SECTION 4-517: GOLF CARS AND UTILITY-TYPE VEHICLES; TRAILERS PROHIBITED

No operator of any golf car or UTV shall be permitted to pull or be attached to any trailer while operating the vehicle on any street or highway within the City. (Ord. No. 18-06-01, 6/18/18)

SECTION 4-518: UTILITY-TYPE VEHICLES; PASSENGERS; RESTRAINTS

No driver of a UTV that is manufactured with occupant protection systems shall operate the vehicle within the City unless the driver and each occupant in the UTV are wearing occupant protection systems and all occupant protection systems worn are properly adjusted and fastened in compliance with Neb. Rev. Stat. §60-6,270. (Ord. No. 18-06-01, 6/18/18)

SECTION 4-519: GOLF CARS AND UTILITY-TYPE VEHICLES; VIOLATION; PENALTIES

Any person who violates any provision of this article shall be punished as provided in the penal provision of the Municipal Code, unless otherwise provided for in this ordinance. In addition to any penalties for violation hereof, the Imperial Police Department may impound any all-terrain vehicle, golf car or utility-type vehicle when operated in violation of Nebraska law or city ordinance, in the same situation as any violation in connection with a motor vehicle. (Ord. No. 18-06-01, 6/18/18)

Article 6 – Abandoned Vehicles

SECTION 4-601: DEFINITIONS

A. A motor vehicle is an abandoned vehicle:

1. If left unattended, with no license plates or valid “In Transit” stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;
2. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

3. If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
4. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
5. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
6. If removed from private property by the City pursuant to a municipal ordinance.

B. An all-terrain vehicle, a utility-type vehicle, or a minibike is an abandoned vehicle:

1. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
2. If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
3. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
4. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
5. If removed from private property by the City pursuant to a municipal ordinance.

C. A mobile home is an abandoned vehicle if left in place on private property for more than 30 days after the City, pursuant to an ordinance or resolution, has sent a certified letter to each of the last registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. Rev. Stat. §60-1903.

D. For purposes of this section:

1. "Mobile home" means a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit and shall include a manufactured home as defined in Neb. Rev. Stat. §71-4603. "Mobile home" does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. Rev. Stat. §60-169;
2. "Public property" means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property; and

3. "Private property" means any privately owned property which is not included within the definition of public property.

E. No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this section.
(Neb. Rev. Stat. §60-1901)

SECTION 4-602: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (A)(1), (2), (3), or (4) or (B)(1), (2), or (3) of Neb. Rev. Stat. §60-1901. (Neb. Rev. Stat. §60-1907)

SECTION 4-603: TITLE; VEST IN CITY; WHEN

If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid "In Transit" stickers issued pursuant to Neb. Rev. Stat. §60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest in the City as provided in Neb. Rev. Stat. §60-1904. Any certificate of title issued under this section to the City shall be issued at no cost. (Neb. Rev. Stat. §60-1902)

SECTION 4-604: CITY; POWERS AND DUTIES

A. Except for vehicles governed by Neb. Rev. Stat. §60-1902, the City shall make an inquiry concerning the last registered owner of such vehicle as follows:

1. Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
2. Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

B. The City shall notify the last registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either (1) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (2) title will vest in the City 30 days after the date such notice was mailed. If the agency described in subdivision (A)(1) or (2) of this section also notifies the City that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

C. Title to an abandoned vehicle, if unclaimed, shall vest in the City (1) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subdivision (B)(1) of this section, (2) 30 days after the date the notice is mailed if the City will retain the vehicle, or (3) if the last registered owner cannot be ascertained, when notice of such fact is received.

D. After title to the abandoned vehicle vests pursuant to subsection (C) of this section, the City may retain for use, sell, or auction the abandoned vehicle. If the City has determined that the vehicle should be retained for use, the City shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the City intends to retain the abandoned vehicle for its use and that title will vest in the City 30 days after the publication.
(Neb. Rev. Stat. §60-1903)

SECTION 4-605: CUSTODY; WHO ENTITLED

The City shall be entitled to custody of an abandoned vehicle found within the City. (Neb. Rev. Stat. §60-1904)

SECTION 4-606: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the City shall be held by it without interest for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the City. (Neb. Rev. Stat. §60-1905)

SECTION 4-607: LIABILITY FOR REMOVAL

Neither the City nor the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the City or its contractual agent or as a result of any subsequent disposition. (Neb. Rev. Stat. §60-1906)

SECTION 4-608: DESTROY, DEFACE, OR REMOVE PARTS

No person other than one authorized by the City shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be guilty of a Class V misdemeanor. (Neb. Rev. Stat. §60-1908)

SECTION 4-609: COSTS OF REMOVAL AND STORAGE

The last registered owner of an abandoned vehicle shall be liable to the City for the costs of removal and storage of such vehicle. (Neb. Rev. Stat. §60-1909)

Article 7 – Penal Provision

SECTION 4-701: 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 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.

CHAPTER 5 – BUSINESS REGULATIONS

Article 1 – Alcoholic Beverages

SECTION 5-101: DEFINITIONS

All words and phrases herein used are to have the definitions applied thereto as defined in the Liquor Control Act of the State of Nebraska. (Neb. Rev. Stat. §53-103)

SECTION 5-102: ACQUISITION AND POSSESSION

It shall be unlawful for any person to purchase, receive, acquire, accept, or possess any alcoholic liquor acquired from any other person other than one duly licensed to handle alcoholic liquor under the Nebraska Liquor Control Act. Nothing in this section shall prevent:

A. The possession of alcoholic liquor legally obtained as provided in the act for the personal use of the possessor and his or her family and guests;

B. The making, transport, and delivery of wine, cider, beer, or other alcoholic liquor by a person from fruits, vegetables, honey, or grains, or the product thereof, by simple fermentation and without distillation, (1) if made solely for the use of the maker and his or her family and guests if such alcoholic liquor is not sold or offered for sale, or (2) if made without a permit for an exhibition, festival, or tasting competition, including exhibitions, festivals, or tasting competitions that are for nonprofit organizations such as fundraising events, legally conducted under the act, if such alcoholic liquor is not sold or offered for sale. Alcoholic liquor served pursuant to this subdivision (B) shall clearly be identified as alcoholic liquor that was manufactured under an exception to the rules and regulations of the commission by signage, and the location of the manufacturer shall be available upon request. Free or reduced admission to the exhibition, festival, or tasting competition shall not be considered a sale of the alcoholic liquor;

C. Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in the compounding of prescriptions of licensed physicians;

D. The possession and dispensation of alcoholic liquor by an authorized representative of any religion on the premises of a place of worship, for the purpose of conducting any bona fide religious rite, ritual, or ceremony, or the consuming, possessing, or having physical control of alcoholic liquor as a part of a bona fide religious rite, ritual, or ceremony by a minor in his or her permanent place of residence.

E. Persons who are 16 years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor;

F. Persons who are 16 years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment;

G. Persons who are 16 years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment;

H. Persons who are 16 years old or older from completing a transaction for the sale of alcoholic liquor in the course of their employment if they are not handling or serving alcoholic liquor; or

I. Persons who are 19 years old or older from serving or selling alcoholic liquor in the course of their employment.

(Neb. Rev. Stat. §§53-168.06, 53-180.02)

SECTION 5-103: DRINKING ON PUBLIC PROPERTY; POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINER

A. Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. Rev. Stat. §53-186(2), it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property. (Neb. Rev. Stat. §53-186[1])

B. It is unlawful for any person in the passenger area of a motor vehicle to possess

an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this city.

C. Except as provided in Neb. Rev. Stat. §53-186, it is unlawful for any person to consume an alcoholic beverage (1) in a public parking area or on any highway in this city or (2) inside a motor vehicle while in a public parking area or on any highway in this city.

D. This section does not apply to persons who are passengers of, but not drivers of, a limousine or bus being used in a charter or special party service as defined by rules and regulations adopted and promulgated by the state Public Service Commission and subject to Neb. Rev. Stat. Chapter 75, Article 3. Such passengers may possess open alcoholic beverage containers and may consume alcoholic beverages while such limousine or bus is in a public parking area or on any highway in this city if:

1. The driver of the limousine or bus is prohibited from consuming alcoholic liquor; and
2. Alcoholic liquor is not present in any area that is readily accessible to the driver while in the driver's seat, including any compartments in such area.

E. For purposes of this section:

1. "Alcoholic beverage" means (a) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor; (b) wine of not less than one-half of one percent of alcohol by volume; or (c) distilled spirits, which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. "Alcoholic beverage" does not include trace amounts not readily consumable as a beverage;
2. "Highway" means a road or street including the entire area within the right of way;
3. "Open alcoholic beverage container" means any bottle, can, or other receptacle that (a) contains any amount of alcoholic beverage; and (b) is open or has a broken seal; or (c) the contents of which are partially removed; and
4. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. "Passenger area" does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.
5. "Limousine" shall mean a luxury vehicle used to provide prearranged passenger transportation on a dedicated basis at a premium fare that has a seating capacity of at least five and no more than fourteen persons behind the driver with a physical partition separating the driver's seat from the passenger compartment. "Limousine" does not include taxicabs, hotel or airport buses or shuttles, or buses.

(Neb. Rev. Stat. §60-6,211.08)

SECTION 5-104: LICENSE REQUIRED

It shall be unlawful for any person to manufacture for sale, sell, keep for sale or to barter any alcoholic liquors within the City unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act. (Neb. Rev. Stat. §53-168.06)

SECTION 5-105: CITY POWERS AND DUTIES

A. The City Council is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, craft brewery, and microdistillery licensees carried on within the corporate limits of the City.

B. During the period of 45 days after the date of receiving from the Nebraska Liquor Control Commission an application for a new license to sell alcoholic liquor at retail or a craft brewery or microdistillery license, the City Council may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant.

C. The City Council, with respect to licenses within the corporate limits of the City, has the following powers, functions, and duties with respect to retail, craft brewery, and microdistillery licenses:

1. To cancel or revoke for cause retail, craft brewery, and microdistillery licenses to sell or dispense alcoholic liquor issued to persons for premises within its jurisdiction, subject to the right of appeal to the commission.
2. To enter or authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act ("the act") to determine whether any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the City Council has been or is being violated and at such time examine the premises of such licensee in connection with such determination. Any law enforcement officer who determines that any provision of the Nebraska Liquor Control Act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the council has been or is being violated shall report such violation in writing to the executive director of the commission:
 - a. Within 30 days after determining that such violation has occurred;
 - b. Within 30 days after the conclusion of an ongoing police investigation; or
 - c. Within 30 days after the verdict in a prosecution related to such an ongoing police investigation if the prosecuting attorney determines that reporting such violation prior to the verdict would jeopardize such prosecution, whichever is later.
3. To receive a signed complaint from any citizen within its jurisdiction that any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon such complaints in the manner provided in the act.
4. To receive retail, craft brewery and microdistillery license fees as provided in Neb. Rev. Stat. §§53-124 and 53-124.01 and pay the same to the city treasurer after the license has been delivered to the applicant.
5. To examine or cause to be examined any applicant or any retail, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation

has been served as provided in the act, to examine or cause to be examined the books and records of any applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the City Council may authorize its agent or attorney to act on its behalf.

6. To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in Neb. Rev. Stat. §53-134.04, it determines that the licensee has violated any of the provisions of the act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. Such order of cancellation or revocation may be appealed to the commission within 30 days after the date of the order by filing a notice of appeal with the commission, which shall handle the appeal in the manner provided for hearing on an application in Neb. Rev. Stat. §53-133.
7. Upon receipt from the commission of the notice and copy of application as provided in Neb. Rev. Stat. §53-131, to fix a time and place for a hearing at which the City Council shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in the City one time not less than seven and not more than 14 days before the time of the hearing. Such notice shall include but not be limited to a statement that all persons desiring to give evidence before the City Council in support of or in protest against the issuance of such license may do so at the time of the hearing. Said hearing shall be held not more than 45 days after the date of receipt of the notice from the commission. After such hearing, the council shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of such license. The city clerk shall mail to the commission by first-class mail, postage prepaid, a copy of the resolution, which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue such a license, the cost of publication of notice shall be paid by the commission from the security for costs.

D. When the Nebraska Liquor Control Commission mails or delivers to the city clerk a license issued or renewed by it, the clerk shall deliver the license to the licensee upon proof of payment of (1) the license fee if, by the terms of Neb. Rev. Stat. §53-124(5), the fee is payable to the city treasurer; (2) any fee for publication of notice of hearing before the City Council upon the application for license; (3) the fee for publication of notice of renewal, if applicable, as provided in Neb. Rev. Stat. §53-135.01; and (4) occupation taxes, if any, imposed by the City. See Sections 5-301 and 5-303 in this chapter.

(Neb. Rev. Stat. §§53-131, 53-132, 53-134)

SECTION 5-106: LICENSEE REQUIREMENTS

No liquor license shall be issued to any person unless he or she is a resident of Nebraska; is a person of good character and reputation in the community; is a U.S. citizen; has never been convicted of or pled guilty to a felony under the laws of this state, any other state, or the United States; has never been convicted of or pled guilty to any Class I misdemeanor pursuant to Neb. Rev. Stat. §53-125; has never had a liquor license revoked for cause; and meets other requirements as provided in Neb. Rev. Stat. §53-125. (Neb. Rev. Stat. §53-125)

SECTION 5-107: LOCATION

A. Except as otherwise provided in subsection (B) of this section, no license shall

be issued for the sale at retail of any alcoholic liquor within 150 feet of any church, school, hospital, or home for indigent persons or for veterans and their wives or children. This prohibition does not apply (1) to any location within such distance of 150 feet for which a license to sell alcoholic liquor at retail has been granted by the commission for two years continuously prior to making of application for license, or (2) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935.

B. If a proposed location for the sale at retail of any alcoholic liquor is within 150 feet of any church, a license may be issued if the Liquor Control Commission gives notice to the affected church and holds a hearing as prescribed in Neb. Rev. Stat. §53-133 if the affected church submits a written request for a hearing.
(Neb. Rev. Stat. §53-177)

SECTION 5-108: ACCESS TO DWELLINGS

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises having any access which leads from such premises to any other portion of the same building used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. Nothing herein shall prevent any connection with such premises and such other portion of the building that is used only by the licensee, his or her family, or personal guests. (Neb. Rev. Stat. §53-178)

SECTION 5-109: SANITARY CONDITIONS

It shall be unlawful to open for public use any retail liquor establishment that is not in a clean and sanitary condition. Toilet facilities shall be adequate and convenient for customers and patrons and said licensed premises shall be subject to any health inspections the City Council or the city police may make or cause to be made. All applications for liquor licenses shall be viewed in part from the standpoint of the sanitary conditions, and a report concerning the said sanitary conditions shall be made at all hearings concerning the application for or renewal of a liquor license. (Neb. Rev. Stat. §53-118)

SECTION 5-110: PREREQUISITES TO DELIVERY OF LICENSE

Any retail license issued or renewed by the Nebraska Liquor Control Commission for a licensee within this city shall be delivered to said licensee by the city clerk, but any such license shall not be delivered to a licensee who does not exhibit receipts showing payment of the occupation tax levied under Article 3 of this chapter, payment of the license fee, payment of the publication fee for giving notice of the hearing before the City Council on any application for license and, if a renewal, payment of the publication fee of the automatic renewal notice provided for in this code.

SECTION 5-111: DISPLAY OF LICENSE

Every licensee under the Nebraska Liquor Control Act shall cause his or her license to be framed and hung in plain public view in a conspicuous place on the licensed premises.
(Neb. Rev. Stat. §53-148)

SECTION 5-112: HOURS OF SALE

A. For the purposes of this section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

B. It shall be lawful for any licensed person or persons or their agents to sell any alcoholic beverages within the City only during the hours provided herein:

Alcoholic Liquors (including Beer and Wine)	
Daily, On and Off Sale	6:00 A.M. to 1:00 A.M.

C. No person(s) shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed herein for stopping the sale of alcoholic beverages on said premises.

D. Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

(Neb. Rev. Stat. §53-179) (Am. Ord. No. 09-05-01, 5/11/09)

SECTION 5-113: INSPECTIONS

The Liquor Control Commission and City Council shall cause frequent inspections to be made on the premises of all retail licensees and if it is found that any such licensee is violating any provision of the Nebraska Liquor Control Act or the rules and regulations of the commission adopted and promulgated under the act or is failing to observe in good faith the purposes of the act, the license may be suspended, canceled, or revoked after the licensee is given an opportunity to be heard in his or her defense. (Neb. Rev. Stat. §53-116.01)

SECTION 5-114: KEG SALES; REGISTRATION; KEG ID NUMBERS; PROHIBITED ACTS

A. When any person licensed to sell alcoholic liquor at retail sells beer for consumption off the premises in a container with a liquid capacity of five or more gallons or 18 and 92/100ths or more liters, the seller shall record (1) the date of sale, (2) the keg identification number, (3) the purchaser's name and address and (4) the number of the purchaser's motor vehicle operator's license, state identification card, or military identification, if such military identification contains a picture of the purchaser, together with (5) the purchaser's signature. Such record shall be on a form prescribed by the Liquor Control Commission and shall be kept by the licensee at the retail establishment where the purchase was made for not less than six months. Such records kept pursuant to this section shall be available for inspection by any law enforcement officer during normal business hours or at any other reasonable time. Any person violating this section shall be guilty of an offense.

B. Licensees shall place a label bearing a keg identification number on each keg at the time of retail sale. Any person who unlawfully tampers with, alters, or removes the keg identification number from a beer container after such container has been taken from the licensed premises pursuant to a retail sale and before its return to such licensed premises or other place where returned kegs are accepted shall be guilty of an offense.

(Neb. Rev. Stat. §53-167.02, 53-167.03)

SECTION 5-115: CATERING LICENSES

A. The holder of a Class C, Class D, or Class I license issued under Neb. Rev. Stat. §53-124(5) or a craft brewery license may obtain an annual catering license by filing an application and license fee with the Nebraska Liquor Control Commission. (Neb. Rev. Stat. §53-124.12[1])

B. Upon receipt from the commission of the notice and copy of the application as provided in Neb. Rev. Stat. §53-124.12, the City Council shall process the application in

the same manner as provided in Section 5-105 (City Powers and Duties). (Neb. Rev. Stat. §53-124.12)

SECTION 5-116: HIRING MINORS

It shall be unlawful for any person to hire minors under the age of 19 years to serve or dispense alcoholic liquors, including beer, in the course of their employment. (Neb. Rev. Stat. §53-168.06)

SECTION 5-117: MINORS AND INCOMPETENTS

A. No minor shall obtain, or attempt to obtain, alcoholic liquor by misrepresentation of age, or by any other method, in any tavern or other place where alcoholic liquor is sold.

B. Except as provided in Section 5-102 (Acquisition and Possession) herein, no minor may sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor in any tavern, inside any vehicle, or in any other place, including public streets, alleys, roads, or highways, upon property owned by the State or the City.

C. No person shall sell, furnish, give away, exchange, or deliver, or permit the sale, gift, or procuring of, any alcoholic liquors to or for any minor or to any person who is mentally incompetent.
(Neb. Rev. Stat. §§53-180, 53-180.01, 53-180.02)

SECTION 5-118: CREDIT SALES

No person shall sell or furnish alcoholic liquor at retail to any person on credit, on a pass-book, on an order on a store, in exchange for any goods, wares, or merchandise, or in payment for any services rendered. If any person extends credit for any such purpose, the debt thereby attempted to be created shall not be recoverable at law. Nothing in this section shall prevent any club holding a Class C license from permitting checks or statements for alcoholic liquor to be signed by members or guests of members and charged to the accounts of the said members or guests in accordance with the bylaws of any such club; and nothing in this section shall prevent (A) any hotel or restaurant holding a retail alcoholic beverage license from permitting checks or statements for liquor to be signed by regular guests residing in the said hotel and charged to the accounts of such guests, or (B) any licensed retailer engaged in the sale of wine or distilled spirits from issuing tasting cards to customers. (Neb. Rev. Stat. §53-183)

SECTION 5-119: ORIGINAL PACKAGE

It shall be unlawful for any person or persons who own, manage, or lease any premises in which the sale of alcoholic beverages is licensed to have in their possession for sale at retail any alcoholic liquors contained in bottles, casks, or other containers except in the original package. Nothing in this section shall prohibit the refilling of original packages of alcoholic liquor for strictly private use and not for resale. (Neb. Rev. Stat. §53-184)

SECTION 5-120: CONDUCT PROHIBITED ON LICENSED PREMISES

No licensee in this city shall engage in, allow, or suffer in or upon the licensed premises any disturbances, lewdness, immoral activities or displays, brawls, or unnecessary noise; or allow, permit or suffer the licensed premises to be used in such a manner as to create public censure or become a nuisance, public or private.

SECTION 5-121: GAMBLING

Unless sanctioned by Nebraska law, no licensee in this city holding a license covering any premises open to the public for the sale of intoxicating liquor or beer shall directly or

indirectly permit gambling on or in the licensed premises; nor shall he or she permit the operation or possession of any payoff gambling device, slot machine or punchboard, mechanical or otherwise, whether payoff is in cash or merchandise, in, on or about the licensed premises.

SECTION 5-122: SALE FOR RESALE

No retail licensee in this city shall engage, directly or indirectly, in any transaction including or conspiring as to the resale of any liquors owned by him or her as a licensee nor shall such licensee so permit the sale or delivery of any such liquors in such quantities as would place a reasonable-minded person on notice that such liquor might be intended for resale.

SECTION 5-123: TRANSPORTATION OF LIQUOR

No retail licensee in this city shall permit the transportation of alcoholic liquor from his or her licensed premises for storage purposes in any manner for any purpose or to any location other than has been expressly authorized in writing by the Commission.

SECTION 5-124: NO DELIVERY AFTER CLOSING HOURS

No retail licensee in this city operating any premises open to the public shall act as retailer or keeper of liquor for customers or other persons for the purpose of delivering or disposing of such liquor after closing hours as provided by state law, ordinance or resolution or on days when sales are prohibited.

SECTION 5-125: AUTOMATIC LICENSE RENEWAL; PROTESTS

A. An outstanding retail license issued by the commission may be automatically renewed by the commission without formal application upon payment of the renewal fee and license fee if payable to the commission prior to or within 30 days after the expiration of the license. The payment shall be an affirmative representation and certification by the licensee that all answers contained in an application, if submitted, would be the same in all material respects as the answers contained in the last previous application. The commission may at any time require a licensee to submit an application, and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the City Council. If a licensee files an application form in triplicate original upon seeking renewal of his or her license, the application shall be processed as set forth in Neb. Rev. Stat. §53-131.

B. Any licensed retail premises located in an area which is annexed by the City shall file a formal application for a license. While such application is pending, the licensee may continue all license privileges until the original license expires or is canceled or revoked. If such license expires within 60 days following the annexation date of such area, the license may be renewed by order of the commission for not more than one year.

C. The city clerk shall cause to be published in a legal newspaper in or of general circulation in the City one time between January 10 and January 30 each year individual notice of the right of automatic renewal of each retail liquor and beer license within the City in the form prescribed by law; provided, Class C license renewal notices shall be published between July 10 and July 30 each year. Upon the conclusion of any hearing required by this section, the City Council may request a licensee to submit an application as provided in Neb. Rev. Stat. §53-135.

D. Written protests to the issuance of automatic renewal of a license may be filed by any resident of the City on or before February 10, 20___, or August 10, 20___, in the office of the city clerk and that in the event protests are filed by three or more such

persons, hearing will be had to determine whether continuation of the license should be allowed.

(Neb. Rev. Stat. §§53-135, 53-135.01)

SECTION 5-126: CITIZENS' COMPLAINT

A. Any three residents of the City shall have the right to file a complaint with the City Council stating that any retail licensee subject to the jurisdiction of the council has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the act. Such complaint shall be in writing in the form prescribed by the council and shall be signed and sworn by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based.

B. If the City Council is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. The complaint must in all cases be disposed of by the council within 30 days from the date the complaint was filed by resolution thereof and said resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission as provided in Neb. Rev. Stat. §53-1,115.

(Neb. Rev. Stat. §53-134.04)

SECTION 5-127: COMPLAINT INITIATED BY COUNCIL

The City Council may on its own motion by resolution fix the time and place for a hearing on whether a licensee has violated any section of the Nebraska Liquor Control Act, the regulations of the Nebraska Liquor Control Commission, or this code, which resolution shall state the section or sections in question. Said resolution shall be served in the same manner and within the same time as the initial resolution mentioned in Section 5-126 (Citizens' Complaint), and insofar as possible the procedure shall be the same as is provided in that section. (Neb. Rev. Stat. §53-134)

SECTION 5-128: REVOCATION OF LICENSE

Whenever any licensee has been convicted by any court of a violation of the Nebraska Liquor Control Act, the licensee may, in addition to the penalties for such offense, incur a forfeiture of the license and all money that had been paid for the license. The City Council may conditionally revoke the license subject to a final order of the Liquor Control Commission or the commission may revoke the license in an original proceeding brought before it for that purpose. (Neb. Rev. Stat. §53-116.02)

SECTION 5-129: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY

A. City police, county sheriffs, officers of the Nebraska State Patrol, and any other such law enforcement officers with power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others or who is otherwise incapacitated from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated person to his or her home or to place such person in any hospital, clinic, alcoholism center, or with a medical doctor as may be necessary to preserve life or to prevent injury. Such effort at placement shall be deemed reasonable if the officer contacts those facilities or doctors which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If such efforts are unsuccessful or are not feasible, the officer may then

place such intoxicated person in civil protective custody, except that civil protective custody shall be used only so long as is necessary to preserve life or to prevent injury and under no circumstances for longer than 24 hours.

B. The placement of such person in civil protective custody shall be recorded at the facility or jail to which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to such person designated by the person taken into civil protective custody.

C. The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for such actions.

D. The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

E. For purposes of this section, "public property" shall mean any public right of way, street, highway, alley, park, or other state-, county-, or city-owned property. "Quasi-public property" shall mean and include private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.

(Neb. Rev. Stat. §53-1,121)

Article 2 – Solicitors

(Am. Ord. No. 12-09-02, 9/17/12)

SECTION 5-201: DEFINITIONS

"Solicitor" means any person who sells, attempts to sell or offers to sell or who shall trade, deal or traffic in any goods or services in the City of Imperial by going from house to house or by indiscriminately approaching individuals.

A. Sales by sample or for future delivery and executory contracts of sale by solicitors are included in this definition.

B. Notwithstanding the foregoing, the following are not included in the definition of solicitor and not subject to the licensing requirements for solicitors:

1. Individuals who regularly conduct sales in the City by personal contact with individual customers more than four times per year.
2. Individuals who solicit trade solely from wholesale or retail dealers or stores within the City.
3. Individuals who are enlisting or attempting to enlist support for or against a particular religion, philosophy, ideology, political party, political issue, political candidate, even if incidental to such purpose the individual accepts donation of money for or against such cause.
4. Individuals who distribute handbills or flyers advertising or promoting non-commercial events, services other noncommercial activities.
5. Individuals calling on or contacting residents who have made a specific appointment to meet with the individual by a prior appointment or invitation for the purpose of attempting to sell a service, goods or commercial event.

6. Individuals who operate from a stationary location and do not make any attempt to contact or attempt to sell to residents other than passers-by in a public forum.
7. Solicitation by individuals enrolled in public schools located in Chase County and soliciting for the benefit of an organization or entity recognized by the public school.
8. Newspaper carriers.
9. Persons selling fruits, vegetables, berries, eggs or other farm produce raised, gathered or manufactured by the person acting as solicitor.

C. The exemptions provided in this section apply only to the need for a solicitor's license from the City. Individuals must be in compliance with any other applicable city ordinances, Nebraska statutes or federal laws or other regulations.

SECTION 5-202: LICENSE REQUIRED

It shall be unlawful for any person to act as solicitor within the meaning and application of this article unless that person and his or her employer shall have first secured a license in the manner provided in this article. Any person soliciting without first obtaining a license shall be guilty of a misdemeanor and fined as provided in the penal provision at the end of this chapter. For the purposes of this section, each calendar day's violation shall constitute a separate offense. Any person soliciting without first obtaining a license shall not be issued a solicitor's license for a period of two years from the date of the offense. (Neb. Rev. Stat. §17-134)

SECTION 5-203: LICENSE FEES

The license fees for solicitors shall be as follows:

A. *Investigation Fee.* A new application for a solicitor's license shall be accompanied by a nonrefundable investigation fee. A separate fee must be posted for each person seeking to be licensed as a solicitor. Such investigation fee shall be tendered only with the initial application of any individual; provided, however, an applicant may only be charged an investigation fee one time in a 365-day period. Applicants who have paid the investigation fee and have been issued a solicitor's license in the past 365-day period shall not be required undergo an investigation or pay an investigation fee.

B. *Daily Solicitor's Fee.* Each solicitor's license shall be granted for a specific period of days. A fee amount shall be due each day that the permit is valid.

C. *Additional Solicitors.* In the event a solicitor desires to operate with more than one individual, the additional solicitor must pay a daily fee for an additional solicitor's license. Additional solicitors must be selling the same goods and/or services from the same source as the co-applicant to obtain the lower license fee.

D. All such fees as stated above shall be set by the City Council by resolution and kept on file in the office of the city clerk for public inspection.

SECTION 5-204: APPLICATION; INFORMATION REQUIRED

Any person desiring to secure a solicitor's license shall apply therefor in writing to the city clerk on forms provided by the City for that purpose. Such application shall set forth as to each solicitor the following information:

A. The name, address and telephone number of the firm, organization, individual or other entity which is to provide the goods or services being sold by the solicitor.

B. In the event the name and address of the individual or entity identified in the preceding subsection (A) has changed within the past two years, each name and address of the last two-year period preceding the most recent address.

C. The nature or character of the goods, wares, merchandise or services to be offered by the solicitor.

D. The name, address and telephone number of the individual seeking to be licensed as a solicitor.

E. A copy of an identification card, driver's license, United States passport or other state or federally issued identification bearing a photo of the person desiring to be licensed as a solicitor.

SECTION 5-205: INVESTIGATION OF APPLICANT

A. The city clerk shall review the application to ensure that all the information and the investigation fees required have been provided by the applicant for the solicitor's license. Upon determining that the application is complete, the clerk shall refer it to the chief of police.

B. The chief of police, upon receiving an application for a solicitor's license, shall make a criminal history background investigation of the applicant. The investigation shall be conducted within two business days of the chief of police's receiving the completed application. Business days do not include weekends or holidays recognized by the City. The chief of police shall determine the following:

1. The genuineness of the credentials presented by the applicant.
2. The truth of the facts set forth in the application.
3. If the applicant proposes to engage in lawful and legitimate commercial or professional enterprise.

C. The chief of police shall forward the results of the investigation to the city clerk. If the applicant for a solicitor's license is found not to have committed any of the acts requiring denial as listed in this subsection, the city clerk shall, upon payment of the prescribed fee, issue the solicitor's license to the applicant. The city clerk shall deny the applicant the solicitor's license if the applicant has:

1. Been convicted of any act in any jurisdiction, either felony or misdemeanor, within the seven years prior to the application being filed with the city clerk that directly related to the applicant's fitness to engage in the occupation of a solicitor. Convictions that shall make an applicant ineligible include but are not limited to the following:
 - a. Felony or misdemeanor involving burglary, theft or larceny.
 - b. Felony or misdemeanor involving fraud, misrepresentation or false pretenses.
 - c. Felony or misdemeanor involving wrongful entry into a residence;
2. Been charged with a misdemeanor or felony of the type defined in subsection I(1) of this section and the disposition of that charge is still pending; or
3. Made any false or misleading statements in the application for a solicitor's license.

D. Applicants who have paid the investigation fee and been issued a solicitor's license in the past 365-day period shall not be required undergo an investigation or pay an investigation fee. In instances where the applicant has passed the investigation required by his section in the previous year, the city clerk shall issue the solicitor's license to the applicant without requiring an investigation.

SECTION 5-206: LICENSE ISSUANCE

Upon determining that the applicant is eligible for a solicitor's license, the city clerk shall issue such license to the applicant. The license shall bear the following information:

- A. The name, address and phone number of the solicitor.
- B. The name, address and phone number of the entity that is to provide the service or goods in question.
- C. The expiration date of the license.
- D. The nature of the goods or services the solicitor stated on his or her application that the solicitor is attempting to sell.
- E. The following statement: "The City of Imperial, Nebraska has issued this solicitor's license. In issuance of this license, the City of Imperial makes no representations or assurances regarding the solicitor who was issued this license."

SECTION 5-207: RESTRICTIONS

All solicitor's licenses issued pursuant to this article shall be subject to the following time and location restrictions:

A. No solicitor shall engage in or attempt to engage in the business of soliciting or selling at any home, residence, apartment complex or business that prominently displays a "No Solicitors" or "No Solicitation" sign.

- 1. Signs must be visible and legible from a distance of 20 feet.
- 2. Signs must bear the "No Solicitors" or "No Solicitation" language. Signs that refer to "No Trespassing" or "No Visitors" or similar language shall not be considered notice to solicitors.

B. No solicitor shall engage in the business of solicitation or sales between the hours of 9:00 p.m. and 7:00 a.m. unless the solicitor has a specific appointment with a resident for the purpose of meeting with that resident for the purpose of soliciting business or sales from the resident.

C. Every solicitor shall carry his or her solicitor's license on his or her person while soliciting or attempting to sell the goods and services. The license shall be provided, upon request, to any police officer or any person solicited.

D. For all orders taken by an individual with a solicitor's license to be executed or filled at a later time, the following shall be required of all orders:

- 1. The order must be in writing and shall describe the name of the solicitor; the goods and services to be provided pursuant to the order; the amount paid in advance; and the amount to be paid at the time of delivery of the goods and/or services, if any.

2. At least one copy of the order described in subsection (D)(1) shall be left with the resident after the solicitation is complete.

SECTION 5-208: APPEAL PROCEDURE

A. Whenever the city clerk determines there is cause for denying any solicitor's license application or for revoking any license issued pursuant to this article, the clerk shall notify the person holding the license, using at least one of the following methods:

1. Registered or certified mail to the address provided on the solicitor's application. Notice shall be presumed to be obtained three days after service by mail to the address provided by the solicitor on the application.
2. Personal service on the individual who holds or sought to hold a solicitor's license.

B. The applicant or licensee may appeal the decision of the city clerk to deny or revoke a license by filing a written notice of appeal with the clerk. Notice of appeal must be filed or postmarked within five business days of the notice of the city clerk's notice of revocation or denial.

C. Upon timely receipt of the notice of appeal, the city clerk shall set a date for hearing the appeal. Appeals shall be heard at the next regular meeting of the City Council which can properly consider the matter in compliance with the requirements of the Nebraska Open Meetings Act. Notice of the date of hearing shall be provided to the person requesting a hearing within one business day of the filing of the notice of appeal.

D. The hearing shall be *de novo*. The City Council may affirm, reverse or modify the city clerk's decision. The applicant licensee shall have the right to present testimony and evidence at the hearing. The hearing shall not be subject to the Nebraska Rules of Evidence. The city clerk may provide testimony and evidence regarding the matter being appealed.

E. The decision of the City Council is final. Any person desiring to appeal the decision of the council must file an appropriate action in Chase County District Court within 14 days of the council's decision.

SECTION 5-209: PENALTIES

In addition to the general penalty provided at the end of this chapter, the following shall apply to violators of this article:

A. Any solicitor's license issued may be revoked by the City for the violation by any solicitor of any of city ordinances.

B. Any solicitor found to be in violation of the requirements of this article shall not be issued a solicitor's license for a period of three years following the violation in addition to any other penalties prescribed by this article.

Article 3 – Occupation Taxes

SECTION 5-301: PURPOSE

For the purpose of raising revenue, there is hereby levied an occupation tax upon such occupations and businesses carried on within the corporate limits of this city and in such

amounts as set by ordinance and kept on file with the city clerk; and every person, firm, association or corporation carrying on the occupation or business specified within the limits of said city shall pay to the city treasury the sum named as a tax upon such occupation or business. All money so collected shall be credited to the general fund, except as provided in Section 5-302(B) as to fire insurance companies. The said money shall be and remain under the control of the City Council for such use and purpose as other monies belonging to the general fund.

SECTION 5-302: LEVY AUTHORIZED

A. The City shall have power to raise revenue by levying and collecting a license tax on any occupation or business within the limits of the City and regulate the same by ordinance. Any occupation tax imposed pursuant to this section shall make a reasonable classification of businesses, users of space, or kinds of transactions for purposes of imposing such tax, except that no occupation tax shall be imposed on any transaction which is subject to tax under Neb. Rev. Stat. §§53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under Neb. Rev. Stat. §77-2704.24. The occupation tax shall be imposed in the manner provided in Neb. Rev. Stat. §18-1208, except that Neb. Rev. Stat. §18-1208 does not apply to an occupation tax subject to Neb. Rev. Stat. §86-704. All such taxes shall be uniform in respect to the classes upon which they are imposed. All scientific and literary lectures and entertainments shall be exempt from such taxation, as well as concerts and other musical entertainments given exclusively by the citizens of the City.

B. The City Council shall have authority, by ordinance, to impose an occupation tax of not more than \$5.00 per annum on each fire insurance corporation, company or association doing business in the City for the use, support and benefit of the volunteer Fire Department. The city clerk shall collect with diligence the occupation tax so imposed. Upon the receipt of the tax, the clerk shall pay over the proceeds thereof to the city treasurer, who shall credit the same to a fund to be known as "special occupation tax fund" for the benefit of the Fire Department. Upon proper claim filed by the fire chief and allowed by the City Council, the treasurer shall pay over the proceeds of the tax in the fund from time to time for the use of the Fire Department as hereinbefore provided. (Neb. Rev. Stat. §§17-525, 35-106)

SECTION 5-303: LIQUOR REGULATIONS

A. Notwithstanding any ordinance or charter power to the contrary, the City shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the City in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license.

B. Occupation taxes for retail establishments in the City shall be an amount payable each year equal to the amount of the annual state license fee, except that the occupation tax for a Class I and Class D license combined is the same as the occupation tax for a Class C license.

C. The amount of such liquor license fee and occupation tax set forth above shall be paid to the city treasurer at the time the license is issued. The occupation tax year shall commence on May 1 of each year and shall end on April 30 the next succeeding year, except that the license year for a Class C license shall commence on November 1 of each year and shall end on the following October 31; provided, during any license year no license shall be issued unless the occupation tax for the full license year has been deposited with the city treasurer as herein above provided, regardless of the time when the application for license shall be made; and no reduction shall be made in the amount of the occupation tax, regardless of the time when the application for license shall have

been made and regardless of the time when such license is issued. The city treasurer shall credit such occupation tax fees to the general fund of the City.
(Neb. Rev Stat §§17-525, 53-132) (Am. Ord. No. 10-04-03, 4/26/10)

SECTION 5-304: NATURAL GAS PIPELINE; BASIS; AMOUNT; GOVERNMENTAL BODIES EXEMPT

All natural gas companies operating a natural gas pipeline distribution system in the City are required to collect and pay an occupation tax to the City based on the terms of use for the residential (commonly known as domestic) and commercial customers within the City. The amount of the occupation tax shall be set by resolution by the City Council and kept on file in the office of the city clerk for public inspection. The City shall advise the natural gas companies of the amount of the occupation tax set or changed by ordinance annually, prior to October 1, with the change to be effective with the first billing after the following January 1. Natural gas consumption by governmental agencies, departments, or other bodies whether they are federal, state or local shall be excepted from the provisions of this article.

SECTION 5-305: NATURAL GAS PIPELINE; PAYMENT PERIOD; DUE DATE

The payment of the occupation tax levied pursuant to this article shall be in quarterly payments, using the calendar quarter year as a basis for determining and computing the amount of tax payable. Each quarterly payment shall be due 30 days after the termination of each calendar quarter year.

SECTION 5-306: NATURAL GAS PIPELINE; QUARTERLY REPORT OF USAGE; RIGHT TO INSPECT RECORDS

A. At the time that each natural gas company makes its quarterly payments of the occupation tax levied pursuant to this article, it shall file with the city clerk a full, complete and detailed statement of the natural gas usage subject to such occupation tax. Such statement shall be duly verified and sworn to by the local manager in charge of the business of such company in the City or by a higher managerial employee of such company.

B. Upon request and during business hours, through its officers, agents or representatives, the City shall have the right to inspect the books and records of any natural gas company for the purpose of verifying any report submitted pursuant to the requirements of this section.

SECTION 5-307: NATURAL GAS PIPELINE; ADJUSTMENTS

Each succeeding quarterly payment of the occupation tax levied pursuant to this article may include any adjustment shown on the report provided for by Section 5-306, which may be necessary for the consideration of uncollectables or any other matters which may have resulted in either an excess or a deficiency in the amount of tax paid in any previous quarter.

SECTION 5-308: NATURAL GAS PIPELINE; INTEREST AND PENALTY

All payments of the occupation tax levied pursuant to this article which are made after the due date thereof shall draw interest at the rate of 1% per month and, after payment thereof has been in default for six months, a penalty of 5% shall be added thereto in addition to such interest charges, which shall be paid by any company subject to this occupation tax.

SECTION 5-309: NATURAL GAS PIPELINE; AMOUNT OF TAX WHEN REPORT NOT FILED OR INSPECTION REFUSED

In case any gas company shall refuse, fail, or neglect to furnish or file any report required by Section 5-306 at the time required for such filing or shall fail or refuse to permit the City to inspect the books and records of such company for the purpose of verifying such report, then the occupation tax for the preceding quarter shall be \$20,000.00. Such amount shall be paid within 30 days following the end of the calendar quarter as required by Section 5-305, and such amount shall draw interest and be subject to penalties as provided by Section 5-308.

SECTION 5-310: NATURAL GAS PIPELINE; CITY'S RIGHT TO SUE WHEN PAYMENT IN DEFAULT

In case any natural gas company shall fail to make payment of the occupation tax provided for by this article at the time specified for such payment, the City shall have the right to sue any such company in any court of competent jurisdiction for the amount of such occupation tax due and payable under the terms and provisions of this article. The City may recover judgment against any such company for such amount due, together with interest and penalties, and may have execution thereon.

SECTION 5-311: INTERSTATE OR GOVERNMENT BUSINESS

The license tax levied by this article is not levied upon any business or occupation which is interstate or which is done or conducted by any department of the government of the United States, the State of Nebraska, this city or the officers thereof, as such in the course of its or their official duties or by any county or subdivision of this state or its officers.

SECTION 5-312: COLLECTION DATE

All occupation taxes shall be due and payable on May 1 each year, except in the event that the said tax is levied quarterly or daily. Upon the payment thereof by any person, company or corporation, the city clerk shall give a receipt, dated and specifying the person paying the said tax and the amount paid; provided, occupation taxes collected from Class C liquor licensees shall be due and payable on November 1. All forms and receipts herein mentioned shall be issued in duplicate and one copy shall then be kept by each party in the transaction. It is hereby made the duty of each and every person, firm, association or corporation to pay the tax levied against him, her, them or it at the time the same becomes due.

SECTION 5-313: PAID TO TREASURER; NOT ASSIGNABLE

The tax herein levied shall be paid in cash to the city treasurer or other person designated by resolution of the mayor and City Council who, upon the payment thereof, shall issue receipt therefor to the person, persons, partnership, firm or corporation paying the same, properly dated and specifying on behalf of whom and for what the sum is paid. The city treasurer's receipt shall be the warrant and proper authority of any person to carry on and conduct the business specified in said receipt and for which the money has been paid. Said receipt shall not be assignable.

SECTION 5-314: CERTIFICATES

The receipt issued after the payment of any occupation tax shall be the occupation tax certificate, which shall specify the amount of the tax and the name of the person and business that paid the said tax. The occupation tax certificate shall then be displayed in a prominent place or carried in such a way as to be easily accessible while business is being conducted.

SECTION 5-315: FAILURE TO PAY

If any person, company, or corporation fails or neglects to pay the occupation taxes as provided herein on the day they become due and payable, the City shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of 1% per month until paid, unless a different rate has been set for specific businesses.

SECTION 5-316: NO REFUND

No person paying occupation tax shall be entitled to a refund of any part of the tax so paid.

Article 4 – Tobacco and Related Products

SECTION 5-401: LICENSE; APPLICATION; FEE

A. Every person, partnership, limited liability company, or corporation desiring a license to sell tobacco, cigarette materials, vapor products, or alternative nicotine products at retail shall:

1. File with the city clerk a written application on a form provided by the City, stating the name of the person, partnership, limited liability company, or corporation for whom the license is desired and the exact location of the place of business; and
2. Deposit with the application a license fee in the amount as set in state law and kept on file in the office of the city clerk.

B. If the applicant is an individual, the application shall include the applicant's social security number. All money collected as license fees under the provisions of this article shall be paid over by the city clerk to the treasurer of the school fund for the City. (Neb. Rev. Stat. §§28-1422, 28-1423, 28-1426)

SECTION 5-402: LICENSEE; RIGHTS

A. The license provided for herein shall authorize the sale of cigars, tobacco, cigarettes, cigarette materials, vapor products, or alternative nicotine products by the licensee and employees to persons over the age of 21 years at the place of business described in the license for the term therein authorized, unless the license is forfeited as a result of court action as provided in Neb. Rev. Stat. §28-1425.

B. If the license is revoked and forfeited pursuant to Neb. Rev. Stat. §28-1425, all rights under the license shall at once cease and terminate. (Neb. Rev. Stat. §§28-1424, 28-1425)

SECTION 5-403: MINORS; VENDORS

A. Any minor under the age of 21 years who shall smoke cigarettes or cigars, use vapor products or alternative nicotine products, or use tobacco in any form whatever shall be guilty of an offense. Any minor charged with a violation of this section may be free from prosecution if he or she furnishes evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, vapor products, alternative nicotine products, or tobacco.

B. Any person under the age of 21 years who shall obtain cigars, tobacco, cigarettes, or cigarette material, vapor products, or alternative nicotine products from a licensee by representing that he or she is of the age of 21 years or over is guilty of an offense.

C. Any person who shall sell, give, or furnish in any way any tobacco in any form

whatever or any cigarettes or cigarette paper, vapor products, or alternative nicotine products to any minor under 21 years of age is guilty of an offense. (Neb. Rev. Stat. §§28-1021, 28-1418, 28-1419; 28-1427)

SECTION 5-404: LICENSE; TRANSFER

In case of the sale of a business where the owner has a license hereunder, the city clerk may authorize such license to be transferred to the purchaser. In case of a change of location by any licensee hereunder, the city clerk may transfer such license to the new location. (Neb. Rev. Stat. §28-1428)

SECTION 5-405: LICENSE; REVOCATION; REISSUANCE

In the event that the license of a licensee hereunder shall be revoked and forfeited as provided in Neb. Rev. Stat. §28-1425, no new license shall be issued to such licensee until the expiration of one year from the date of such revocation and forfeiture. (Neb. Rev. Stat. §28-1429)

Article 5 – Railroads

SECTION 5-501: SAFE CROSSING

It shall be the duty of every railroad company doing business in or traveling through the City to keep in a suitable and safe condition the crossings and rights of way in the City. If any such crossing shall at any time fall into disrepair and become unsafe or inconvenient for public travel, the City Council may by resolution call upon the said company to make whatever repairs may be deemed necessary to correct the dangerous condition, specifying a time frame for such repairs. Notice of the said resolution shall be served upon the local agent of the said company. In the event that the railroad shall fail or neglect to repair and correct the said condition within the time specified by the City, neglect for each 24 hours thereafter shall be deemed and is hereby made a separate and distinct offense against the provisions herein. (Neb. Rev. Stat. §§17-551, 17-552)

SECTION 5-502: SPEED

It shall be unlawful for any railroad company, its employees or agents to operate a railroad engine, locomotive, or other vehicle on its tracks within or through the City at a speed in excess of 25 miles per hour. (Neb. Rev. Stat. §§17-551, 17-552)

SECTION 5-503: OBSTRUCTING TRAFFIC; STORAGE AND PARKING OF CARS

It shall be unlawful for any railroad company to obstruct or obscure the traveling public's view by storing or parking any railroad car on a railroad track within 50 feet of the crossing of any such railroad track and a public road within the corporate limits of the City; provided, however, in no instance shall any person who is authorized to control the movement of such railroad car or cars within such distance be prevented from reasonably conducting business. (Neb. Rev. Stat. §§17-551, 17-552)

Article 6 – Amusements

SECTION 5-601: PUBLIC DANCE; DEFINED

The term "public dance" as used herein shall include any dance, masquerade, music festival, concert or ball given or conducted for which a fee, contribution or collection for purposes of admission is charged. "Public dance" shall not be construed to include dances, music festivals, masquerades or balls to which admission is limited strictly to persons

expressly invited by the person, organization or society giving or holding such dance, masquerade or ball and which is not given or conducted specifically for profit or gain to such person, organization or society giving or conducting the same. The provisions herein shall not apply to any dance conducted under the supervision and direction of the administration of any college or school district within the City.

SECTION 5-602: PUBLIC DANCE; INSPECTION

The city police shall be permitted to enter any public dance for the purpose of inspection at any time.

SECTION 5-603: PUBLIC DANCE; RESPONSIBILITY OF SPONSOR

Any person or persons who sponsor or manage a public dance are hereby charged with the knowledge and notice of all the provisions herein as well as the responsibility of enforcing all municipal and state laws. Any person or persons who fail to manage and control a dance in a lawful and peaceful manner shall be guilty of a misdemeanor.

SECTION 5-604: PUBLIC DANCE; EXITS FROM PREMISES

It shall be unlawful to conduct a public dance in any hall or place which is not equipped with at least two sufficient and adequate exits.

Article 7 – Fair Housing

(Neb. Rev. Stat. §§20-301 through 20-344)

SECTION 5-701: PURPOSE

The purpose of this article is to promote the general welfare of city residents by endorsing the provisions of the Nebraska Fair Housing Act, Neb. Rev. Stat. §§20-301 through 20-344, to the effect that there shall be no discrimination in the City in the acquisition, ownership, possession, or enjoyment of housing in accordance with Article I, Section 25, of the Constitution of the State of Nebraska.

SECTION 5-702: DEFINITIONS

As used in this article, unless the context otherwise requires:

“Aggrieved person” shall include any person who:

- A. Claims to have been injured by a discriminatory housing practice; or
- B. Believes that he or she will be injured by a discriminatory housing practice that is about to occur.

“Commission” shall mean the Nebraska Equal Opportunity Commission.

“Dwelling” shall mean any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence for one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

“Familial status” shall mean one or more minors being domiciled with:

- A. A parent or another person having legal custody of such individual; or

- B. The designee of a parent or other person having legal custody, with written permission of the parent or other person.

“Handicap” shall mean, with respect to a person:

- A. A physical or mental impairment, excluding the current illegal use of or addiction to a controlled substance as defined in Neb. Rev. Stat. §28-401, which substantially limits one or more of such person's major life activities;
- B. A record of having such an impairment; or
- C. Being regarded as having such an impairment.

“Person” shall include one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

“Rent” shall include lease, sublease, let, and otherwise grant for consideration the right to occupy premises not owned by the occupant.

“Restrictive covenant” shall mean any specification limiting the transfer, rental, or lease of any housing because of race, creed, religion, color, national origin, sex, handicap, familial status, or ancestry.

SECTION 5-703: UNLAWFUL ACTS

A. Except as exempted by Section 5-707, it shall be unlawful to:

1. Refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, refuse to show, or refuse to receive and transmit an offer for a dwelling to any person because of race, color, religion, national origin, familial status, or sex;
2. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, national origin, familial status, or sex;
3. Make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, handicap, familial status, or sex or an intention to make any such preference, limitation, or discrimination;
4. Represent to any person because of race, color, religion, national origin, handicap, familial status, or sex that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
5. Cause to be made any written or oral inquiry or record concerning the race, color, religion, national origin, handicap, familial status, or sex of a person seeking to purchase, rent, or lease any housing;
6. Include in any transfer, sale, rental, or lease of housing any restrictive covenants or honor, exercise, or attempt to honor or exercise any restrictive covenant pertaining to housing;

7. Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's compliance with this article on the Nebraska Fair Housing Act; and
8. Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, handicap, familial status, or sex.

B. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any minor.

SECTION 5-704: HANDICAPPED PERSON; DISCRIMINATORY PRACTICES PROHIBITED; DESIGN AND CONSTRUCTION STANDARDS

A. Except as exempted by Section 5-707, it shall be unlawful to:

1. Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:
 - a. The buyer or renter;
 - b. Any person associated with the buyer or renter; or
 - c. A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available; or
2. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of:
 - a. Such person;
 - b. Any person associated with such person; or
 - c. A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available.

B. For purposes of this section, "discrimination" shall include:

1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that in the case of rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear expected;
2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use or enjoy a dwelling; and
3. In connection with the design and construction of covered multi-family dwellings, a failure to design and construct the dwellings in such manner that:
 - a. The public use and common use portions of the dwelling are readily accessible to and usable by handicapped persons;
 - b. All the doors designed to allow passage into and within all premises

within the dwellings are sufficiently wide to allow passage by handi-
capped persons in wheelchairs; and

- c. All premises within the dwellings contain the following features of adaptive design: (i) an accessible route into and through the dwelling; (ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (iii) reinforcements in bathroom walls to allow later installation of grab bars; and (iv) kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

C. Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of subdivision (B)(3)(c) of this section.

D. For purposes of this section, "covered multi-family dwellings" shall mean:

1. Buildings consisting of four or more units if such buildings have one or more elevators; and
2. Ground floor units in other buildings consisting of four or more units.

E. Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

SECTION 5-705: TRANSACTION RELATED TO RESIDENTIAL REAL ESTATE; DISCRIMINATORY PRACTICES PROHIBITED

A. It shall be unlawful for any person or other entity whose business includes engaging in transactions related to residential estate to discriminate against any person in making available such a transaction because of race, color, religion, sex, handicap, familial status, or national origin.

B. For purposes of this section, "transaction related to residential estate" shall mean any of the following:

1. The making or purchasing of loans or providing other financial assistance:
 - a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - b. Secured by residential real estate; or
2. The selling, brokering, or appraising of residential real property.

C. Nothing in this section shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, handicap, familial status, or sex.

SECTION 5-706: MULTIPLE LISTING SERVICE; OTHER SERVICE; DISCRIMINATORY PRACTICES PROHIBITED

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings or to discriminate against any person in the terms or conditions of such access, membership or participation on

account of race, color, religion, national origin, handicap, familial status, or sex.

SECTION 5-707: RELIGIOUS ORGANIZATION, PRIVATE HOME, PRIVATE CLUB, OR HOUSING FOR OLDER PERSONS; RESTRICTING USE NOT PROHIBITED

A. Nothing in this article shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of a dwelling which it owns or operates, for other than commercial purposes, to persons of the same religion or from giving preferences to such persons unless membership in such religion is restricted on account of race, color, national origin, handicap, familial status, or sex.

B. Nothing in this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

C. Nothing in this article shall prohibit or limit the right of any person or his or her authorized representative to refuse to rent a room or rooms in his or her own home for any reason or for no reason or to change tenants in his or her own home as often as desired, except that this exception shall not apply to any person who makes available for rental or occupancy more than four sleeping rooms to a person or family within his or her home.

D. Nothing in this article regarding familial status shall apply with respect to housing for older persons. For purposes of this subsection, "housing for older persons" shall mean housing:

1. Provided under any state program that the commission determines is specifically designed and operated to assist elderly persons or defined in the program;
2. Intended for and solely occupied by persons 62 years of age or older; or
3. Intended and operated for occupancy by at least one person 55 years of age or older per unit.

SECTION 5-708: INFORMATION

The city clerk, upon request, shall make available to an aggrieved person or any other person information regarding the Nebraska Fair Housing Act and the Nebraska Equal Opportunity Commission without cost to such individual.

Article 8 – Penal Provision

SECTION 5-801: 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 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.

CHAPTER 6 – PUBLIC WAYS AND PROPERTY

Article 1 – Municipal Property

SECTION 6-101: DEFINITIONS

The following definition shall be applied throughout this chapter. When no definition is specified, the normal dictionary usage of the word shall apply:

“Sidewalk space” as used herein shall mean that portion of a street between curb lines and adjacent property lines.

SECTION 6-102: GENERAL AUTHORITY

A. The City Council shall have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the City and shall cause the same to be kept open, in repair, and free from nuisances.

B. The City shall have the power to prevent and remove all encroachments, including snow, ice, and other similar obstructions upon all sidewalks, streets, and other city property.

C. The City shall have the power to remove all obstructions from the sidewalks, curbs, gutters, and crosswalks at the expense of the person placing them there or at the expense of the City and to require and regulate the planting and protection of shade trees in and along the streets and the trimming and removing of such trees.

D. The City shall have the power to regulate the building of bulkheads, cellar and basement ways, stairways, railways, windows, doorways, awnings, lampposts, awning posts, all other structures projecting upon or over and adjoining and all other excavations through and under the sidewalks in the City.

(Neb. Rev. Stat. §§17-555, 17-557, 17-557.01, 17-558, 17-567)

SECTION 6-103: OBSTRUCTIONS

A. It shall be unlawful for any person, persons, firm or corporation to obstruct or encumber by fences, gates, buildings, structures or otherwise any of the streets, alleys, sidewalks or other public property.

B. Trees and shrubs growing upon the lot line partially on public ground and partially upon the abutting property or wholly upon the abutting property but so close to the lot line as to interfere with the use or construction of any public improvement or so that the roots thereof interfere with any utility wires or pipe shall be deemed obstructions. It shall be the duty of owners and occupants to keep all such similar growth trimmed and pruned at all times.

C. The public ways and property shall be considered to be obstructed when the owner or occupant of the adjacent property shall permit or suffer to remain on any premises owned or controlled by him or her any hedge, shrubbery, bush, or similar growth closer than 18 inches to the sidewalk or within 2 feet adjacent to the lot line whether or not there is a sidewalk abutting or adjoining such premises. Shrubby located near a traffic intersection or pedestrian crosswalk must be trimmed and shall not exceed 30 inches in height as well as be located 20 feet back from said intersection or crosswalk.

D. Whenever any such growth is allowed contrary to the provisions of this section, the City Council may order the owner or occupant to remove such obstruction within five days after having been served with notice stating that the City will remove the obstruction

and charge the costs to the owner or occupant as a special assessment for improvements as herein provided or shall collect the same by civil suit brought in the name of the City against the said owner or occupant.

E. Said growth may be removed by the City at the expense of the owner of the property upon which the tree or shrub is located should the owner fail or neglect, after notice, to do so. In the event the property owner is a nonresident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §§17-555, 17-557.01)

SECTION 6-104: OBSTRUCTIONS; STREET SPACE; PERMIT

Persons engaged in the erection, construction, reconstruction, wrecking or repair of any building or the construction or repair of a sidewalk along any street may occupy the public street space with such building material and equipment as long as is necessary, if such person shall make written application to do so. However, no permit for the occupancy of the sidewalk space or more than one-third of the roadway of the public space adjacent to the real estate on which said building is to be constructed, erected, reconstructed, wrecked or repaired shall be granted, and a suitable passageway for pedestrians shall be maintained within the public space included in the permit, which shall be protected and lighted in the manner required by the City Council.

SECTION 6-105: OVERHANGING BRANCHES

A. The owner or occupant of any lot, piece or parcel of ground abutting or adjacent to any street or sidewalk over which the branches of trees extend shall at all times keep the branches or limbs thereof trimmed to a height of at least 8 feet above the surface of said walk and at least 12 feet above the surface of said street.

B. Whenever the limbs or branches of any tree or trees extend over streets or sidewalks contrary to the provisions herein so as to interfere with the lighting of the street from street lights or with the convenience of the public using said street or side-walk, the public works director may order the owner or occupant to cut or remove said obstructions within five days after having been served with notice stating that the City will remove said branches and charge the costs to the owner or occupant as a special assessment for improvements as herein provided if said notice is not complied with.

C. In the event the property owner is a nonresident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §17-557.01)

SECTION 6-106: DUTY TO REMOVE BRANCHES AND SHRUBBERY; PENALTY

It shall be the duty of the occupant of each lot or parcel of ground in said city to keep the sidewalk adjacent thereto free from overhanging branches and limbs to a height of 8 feet, and to keep such sidewalk free from encroaching hedges or shrubbery; and no tree, shrubbery or hedge shall be permitted closer than 18 inches to the sidewalk. It shall be the duty of the occupant of each lot or parcel of ground abutting on any intersection to trim and or remove any shrubbery or other obstacle which obstructs the view for a distance of 10 feet from such intersection. Any such occupant or owner who fails to remove

the overhanging branches and limbs or other encroachments within five days after receiving written notice to do so, upon conviction shall be fined in any sum not exceeding \$500.00 and shall pay the costs of prosecution and the costs of the removal of such encroachments. (Neb. Rev. Stat. §17-557.01)

SECTION 6-107: BARRICADES AND LIGHTS

Whenever any excavation on any public property, including without limitation parking sites, sidewalks, curbs and streets, occurs within the zoning jurisdiction of the City, the party responsible for the excavation shall provide adequate barricades around the excavation and shall install sufficient warning lights and signs around the excavation to protect the public. (Neb. Rev. Stat. §17-505)

SECTION 6-108: EAVE AND GUTTER SPOUTS

It is hereby declared unlawful for any person to erect or maintain any dwelling or business building within the limits of the City where the said dwelling or building abuts on any sidewalk or street without providing proper guttering and eave spouts to receive the wastewaters that collect on the said sidewalks and streets. All eave spouts erected on any dwelling or business building shall be constructed to drain into the alleys or shall be buried beneath the sidewalks and drain into the streets where it is found to be impossible to drain said eave spouts into the alley.

SECTION 6-109: DAMAGE

It shall be unlawful for any person to willfully, maliciously, or carelessly injure, change, deface, or destroy any street, sidewalk, building, ditch, drain, or grade within the corporate limits. No person shall cause or permit any offensive or corrosive material to be discharged or thrown out upon any street, sidewalk, alley, or public ground.

SECTION 6-110: CUTTING CURB; DRIVEWAY; PERMIT, DEPOSIT

A. No person shall (1) cut into any paving, curb, or sidewalk for the purpose of constructing a driveway or any other purpose or (2) construct a driveway where no curb cutting is required without having first obtained a permit following the procedures set out herein. All driveway applications shall contain the following information:

1. The addition, block and lot which the driveway is to serve;
2. The location of the proposed driveway with reference to adjacent lot lines;
3. The width of the driveway and type of street surface to which the driveway will connect.

B. Before any permit for curb cutting is issued:

1. The applicant for such permit shall deposit with the city treasurer a sum set by resolution of the City Council for all paving, curb, or sidewalk to be cut. Such sum shall be set on a per-square-foot cost of construction basis. The deposit shall be retained by the City for the purpose of replacing the paving, curb, or sidewalk in the event the work is done by the City. In the event the City elects to require the applicant to replace the paving, curb, or sidewalk, the deposit shall be retained by the City until the work is completed to the satisfaction of the public works director.
2. The applicant shall inform the city clerk of the place where such cutting is to be done and it shall be the public works director's duty to inspect the place of entry into the paving, sidewalk, or curb before the same is cut.

C. Upon approval of said permit by the City Council, the applicant shall be required to build said driveway and complete said curb cut to the City's specifications, including size and type of materials. When the applicant is ready to close the opening made, he or she shall inform the public works director, who shall supervise and inspect the materials used and work done in closing the opening.

D. It shall be discretionary with the City Council to order the public works director, under the supervision and inspection of the city engineer, to do the work of cutting and closing the paving and charge the costs thereof to the party who obtained such permit.
(Neb. Rev. Stat. §17-567)

SECTION 6-111: HEAVY EQUIPMENT

A. It shall hereafter be unlawful for any person or persons to move or operate heavy equipment across any curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing on any unpaved street without first having protected such structure with heavy plank sufficient in strength to warrant against the breakage or damage of the same. Hereafter, it shall be unlawful to drive, move, operate, or convey over or across any paved street a vehicle, machine, or implement with sharp discs or sharp wheels that bear upon said pavement; with wheels having cutting edges; or with wheels having lugs, protruding parts, or bolts thereon that extend beyond a plain tire so as to cut, mark, mar, indent, or otherwise injure or damage any pavement, gutter, or curb.

B. Where heavy vehicles, structures, and machines move along paved or unpaved streets, the public works director is hereby authorized and empowered to choose the route over which such moving will be permitted and allowed.

C. Nothing in this section shall be construed to apply to pneumatic tires with metal or metal-type studs not exceeding 5/16 inch in diameter, inclusive of the stud-casting, with an average protrusion beyond the tread surface of not more than 7/64 inch between November 1 and April 1; provided, it shall be permissible (1) for school buses and emergency vehicles to use metal or metal-type studs any time of the year; (2) to use farm machinery with tires having protuberances which will not damage the streets; and (3) to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to slide or skid.
(Neb. Rev. Stat. §60-6,250)

SECTION 6-112: REAL PROPERTY; ACQUISITION; AUTHORIZATION

When acquiring an interest in real property by purchase or eminent domain, the City shall do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing. (Neb. Rev. Stat. §18-1755)

SECTION 6-113: REAL PROPERTY; ACQUISITION; APPRAISAL

The City shall not purchase, lease-purchase or acquire for consideration real property having an estimated value of \$100,000.00 or more unless an appraisal of such property has been performed by a certified real estate appraiser. (Neb. Rev. Stat. §13-403)

SECTION 6-114: REAL PROPERTY; ACQUISITION; CONSTRUCTION; ELECTIONS, WHEN REQUIRED

A. The City is authorized and empowered to purchase, accept by gift or devise, purchase real estate upon which to erect, and erect a building or buildings for an auditorium, fire station, city building, or community house for housing city enterprises and social and recreation purposes and other public buildings and maintain, manage, and operate the same for the benefit of the inhabitants of the City.

B. Except as provided below, before any such purchase can be made or building erected, the question shall be submitted to the electors of the City at a general election or at an election duly called for that purpose, or as set forth in Neb. Rev. Stat. §17-954, and be adopted by a majority of the electors voting on such question.

C. If the funds to be used to finance the purchase or construction of a building pursuant to this section are available other than through a bond issue, then either:

1. Notice of the proposed purchase or construction shall be published in a newspaper of general circulation in the City and no election shall be required to approve the purchase or construction unless within 30 days after the publication of the notice a remonstrance against the purchase or construction is signed by electors of the City equal in number to 15% of the registered voters of the City voting at the last regular city election held therein and is filed with the City Council. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be considered timely if filed or postmarked on or before the next business day. If a remonstrance with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the City at a general city election or a special election duly called for that purpose. If the purchase or construction is not approved, the property involved shall not then nor within one year following the election be purchased or constructed; or
2. The City Council may proceed without providing the notice and right of remonstrance required in subdivision (1) of this subsection if the property can be purchased below the fair market value as determined by an appraisal, there is a willing seller, and the purchase price is less than \$25,000.00. The purchase shall be approved by the council after notice and public hearing as provided in Neb. Rev. Stat §18-1755.

(Neb. Rev. Stat. §§17-953, 17-953.01)

SECTION 6-115: REAL PROPERTY; SALE AND CONVEYANCE

A. Except as provided in Neb. Rev. Stat. §17-503.01, the power of the City to convey any real property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution directing the sale of such real property.

B. After the passage of the resolution directing the sale, notice of all proposed sales of property described in subsection (A) of this section and the terms thereof shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the City.

C. If within 30 days after the third publication of the notice a remonstrance against such sale is signed by registered voters of the City equal in number to 30 percent of the registered voters of the City voting at the last regular municipal election held therein and is filed with the City Council, such property shall not then nor within one year thereafter be sold. The procedure for determining the validity of the said remonstrance shall be as provided in Neb. Rev. Stat. §17-503(3).

D. Real property now owned or hereafter owned by the City may be conveyed without consideration to the State of Nebraska for state armory sites or, if acquired for state armory sites, shall be conveyed strictly in accordance with the conditions of Neb. Rev. Stat. §§18-1001 to 18-1006.

E. Following (1) passage of the resolution directing a sale, (2) publishing of the notice of the proposed sale, and (3) passing of the 30-day right-of-remonstrance period,

the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale.

F. Notwithstanding the procedures in subsections (A) through (E) of this section, real property owned by the City may be conveyed when such property:

1. Is sold in compliance with the requirements of federal or state grants or programs;
2. Is conveyed to another public agency; or
3. Consists of streets and alleys.

G. Subsections (A) to (F) of this section shall not apply to the sale of real property if the authorizing resolution directs the sale of an item or items of real property having a total fair market value of less than \$5,000.00. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. Confirmation of the sale by passage of an ordinance may be required.

(Neb. Rev. Stat. §§17-503, 17-503.01)

SECTION 6-116: PERSONAL PROPERTY; SALE AND CONVEYANCE

In order to sell personal property owned by the City, the City Council shall adopt a resolution directing the sale and the manner and terms of the sale. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale of the property. If the fair market value of the property is greater than \$5,000.00, notice of the sale shall also be published once in a legal newspaper in or of general circulation in such city at least seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. When such personal property is being sold in compliance with the requirements of federal or state grants or programs or conveyed to another public agency, the notice procedure set forth above may be dispensed with. (Neb. Rev. Stat. §17-503.02) (Ord. No. 07-12-01, 12/10/07)

SECTION 6-117: EMINENT DOMAIN

The City shall have the power:

A. To create, open, widen, or extend any street, avenue, alley, off-street parking area, or other public way or annul, vacate, or discontinue the same; to take private property for public use for the purpose of erecting or establishing market houses; market places; parks; swimming pools; airports; gas systems, including distribution facilities; water systems; power plants, including electrical distribution facilities; sewer systems; or for any other needed public purpose; and to exercise the power of eminent domain within or without the city limits for the purpose of establishing and operating power plants, including electrical distribution facilities, to supply such city with public utility service and for sewerage purposes, water supply systems, or airports.

B. The procedure to condemn property shall be exercised in the manner set forth in Neb. Rev. Stat. §§76-704 to 76-724, except as to property specifically excluded by Neb. Rev. Stat. §76-703 and as to which Neb. Rev. Stat. §§19-701 to 19-707 or the Municipal Natural Gas System Condemnation Act is applicable. For purposes of this section, electrical distribution facilities shall be located within the retail service area of such city as approved by and filed with the Nebraska Power Review Board, pursuant to Neb. Rev. Stat. Chapter 70, Article 10.

(Neb. Rev. Stat. §17-559)

SECTION 6-118: PUBLIC WORKS INVOLVING ARCHITECTURE OR ENGINEERING; REQUIREMENTS

A. Except as provided in subsection (B) of this section, the City shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications and estimates have been prepared and the construction has been observed by an architect, a professional engineer or a person under the direct supervision of an architect, professional engineer or those under the direct supervision of an architect or professional engineer.

B. Subsection (A) of this section shall not apply to the following activities:

1. Any public works project with contemplated expenditures for the completed project that do not exceed \$80,000. [Neb. Rev. Stat. §81-3445, 81-3449(3), and 81-3453(3)]
2. Any alteration, renovation or remodeling of a building if the alteration, renovation or remodeling does not affect architectural or engineering safety features of the building. [Neb. Rev. Stat. §81-3449(4) and 81-3453(4)]
3. Performance of professional services for itself if the City appoints a municipal engineer or employs a full-time person licensed under the Engineers and Architects Regulation Act who is in responsible charge of architectural or engineering work. [Neb. Rev. Stat. §81-3423, 81-3449(9), and 81-3453(6)]
4. The practice of any other certified trade or legally recognized profession. [Neb. Rev. Stat. §81-3449(11) and 81-3453(7)]
5. Earthmoving and related work associated with soil and water conservation practices performed on any land owned by the City that is not subject to a permit from the Department of Natural Resources. [Neb. Rev. Stat. §81-3449(13) and 81-3453(12)]
6. The work of employees and agents of the City performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs and land use regulations and their customary duties in utility and public works construction, operation and maintenance. [Neb. Rev. Stat. §81-3449(14) and 81-3453(13)]
7. Those services ordinarily performed by subordinates under direct supervision of a professional engineer or those commonly designated as locomotive, stationary, marine operating engineers, power plant operating engineers or manufacturers who supervise the operation of or operate machinery or equipment or who supervise construction within their own plant. [Neb. Rev. Stat. §81-3453(10)]
8. The construction of municipal water wells as defined in Neb. Rev. Stat. §46-1212, the installation of pumps and pumping equipment into municipal water wells and the decommissioning of municipal water wells, unless such construction, installation or decommissioning is required by the City to be designed or supervised by an engineer or unless legal requirements are imposed upon the City as a part of a public water supply. [Neb. Rev. Stat. §81-3453(15)]
9. Any other activities described in Neb. Rev. Stat. §81-3449 to 81-3453.

Article 2 – Streets

SECTION 6-201: DEDICATION TO PUBLIC USE

No street or alley which shall hereafter be dedicated to public use by the proprietor of ground in the City shall be deemed a public street or alley or be under the use or control of the City Council unless the dedication shall be accepted and confirmed by an ordinance especially passed for such purpose. (Neb. Rev. Stat. §17-567)

SECTION 6-202: NAMES AND NUMBERS

The City Council may at any time by ordinance rename any street or provide a name for a new street. Upon the erection of any new building, it shall be the duty of the public works director to assign the proper number to said building and give notice to the owner or occupant that such building has had a number assigned to it.

SECTION 6-203: CROSSINGS

The City Council may order and cause street, avenue, and alley crossings to be constructed under the supervision of the public works director and the same shall be constructed of such materials as he or she shall deem necessary. When a petition for the construction of any such crossing is filed by an interested resident in the office of the city clerk, he or she shall refer such application to the public works director, who shall investigate and recommend to the council allowance or rejection as final action by the council on such application.

SECTION 6-204: EXCAVATION

It shall be unlawful for any person to make an excavation in any street for any purpose whatsoever unless the public works director authorizes such excavation and issues written permission. Any excavations in streets and alleys shall be made in such a manner as to impede travel as little as possible. Warning lights or reflective signs shall be maintained on all unfinished work at night from dark until sunrise, and sufficient barricades shall be in place at all times until the work is completed in order to prevent any persons from injury. After completion of any job or work, all surplus material must be removed at once from the streets and alleys. (Neb. Rev. Stat. §17-567)

SECTION 6-205: SNOW, DEBRIS, ETC.

It shall be unlawful to place, push, or deposit snow, sleet, ice, mud, dirt, or any lawn debris, including leaves, grass, or branches, from private property onto the streets of the City. (Neb. Rev. Stat. §17-557)

SECTION 6-206: DRIVING STAKES

It shall be unlawful for any person to drive any peg or stake of any kind into the pavement in any street or alley without first procuring the written consent of the public works director. (Neb. Rev. Stat. §17-567)

SECTION 6-207: MIXING CONCRETE

It shall be unlawful for any person to mix any concrete or plastering material directly on the street pavement for any reason whatsoever. (Neb. Rev. Stat. §17-567)

SECTION 6-208: HARMFUL LIQUIDS

It shall be unlawful for any person to place or permit to leak in the gutter of any street any

waste gasoline, kerosene, or high lubricating oils, which damage or act as a solvent upon said streets. (Neb. Rev. Stat. §17-567)

SECTION 6-209: UTILITY POLES, WIRES, MAINS

A. Poles, wires, gas mains, pipelines, and other appurtenances of public service companies shall be located or erected over, upon, or under the streets, alleys, and common grounds after a proper written application has been made to the city clerk and permission in writing given by the City Council. When requested by the council, public service companies heretofore or hereafter granted right of way for the erection and maintenance of appurtenances for the purpose of transacting their business upon, under, or over the streets, alleys, and public grounds shall at all times erect, locate, or relocate their said appurtenances to such places and in such manner as shall be designated by said council.

B. Such poles, wires, gas mains, pipelines, and other appurtenances shall be removed or relocated by said companies at their own expense when requested to do so by the City Council. Whenever it becomes necessary for the council to request such relocation for public safety and convenience, it shall order said relocation by resolution and the city clerk shall notify any company or companies affected. Said companies shall, within a reasonable period of time after receiving notice, at their own expense cause the said appurtenances to be removed or relocated. The City Council shall designate another location where said appurtenances may be reset or placed. All appurtenances shall be reset, placed, or erected in such manner that they will not interfere with the water system, sewer system, poles, wires, or mains of any public utility located on the same street or alley or with travel or buildings constructed or hereafter to be constructed. Whenever possible, all said appurtenances shall be confined to the alleys of the City.

C. No water pipe, underground electric line, telephone or fiberoptic cable shall be laid in the same trench with sewer pipe in any street, alley or public grounds in the City or nearer than three feet to any sewer pipe. No underground electric line shall be laid in the same trench with any water pipe, sewer pipe, telephone or fiberoptic cable in any street, alley or public grounds or nearer than 3 feet to any such pipes or conduit.

SECTION 6-210: POWER TO IMPROVE, VACATE, ETC.; IMPROVEMENT DISTRICTS; SPECIAL ASSESSMENTS

A. The City Council may grade, partially or to an established grade, change grade, curb, recurb, gutter, regutter, pave, gravel, regravels, widen or narrow streets or roadways, resurface or relay existing pavement, or otherwise improve any streets, alleys, public grounds, or public ways, entirely or partially, and streets which divide the city corporate area and the area adjoining the City; construct or reconstruct pedestrian walks, plazas, malls, landscaping, outdoor sprinkler systems, fountains, decorative water ponds, lighting systems, and permanent facilities; and construct sidewalks and improve the sidewalk space. These projects may be funded at public cost or by the levy of special assessments on the property especially benefited in proportion to such benefits, except as provided in Neb. Rev. Stat. §§19-2428 to 19-2431.

B. The City Council may by ordinance create paving, repaving, grading, curbing, recurbing, resurfacing, graveling, or improvement districts, to be consecutively numbered, which may include two or more connecting or intersecting streets, alleys, or public ways, and may include two or more of the improvements in one proceeding. All of the improvements which are to be funded by a levy of special assessment on the property especially benefited shall be ordered as provided in Neb. Rev. Stat. §§17-510 to 17-512 unless the council improves a street which divides the city corporate area and the area adjoining the City.

(Neb. Rev. Stat. §17-509)

SECTION 6-211: SPECIAL ASSESSMENTS; NOTICE

A. Before the City may impose any special assessment for public works or public improvements, a copy of any notice required to be published by law shall be mailed to the last known addresses of all nonresident property owners as shown on the current tax rolls at the time such notice is first published.

B. The city clerk or any other person upon whom the duty is imposed by law to publish notice required by law in regard to the formation of a special taxing district for public works or public improvements shall mail by certified mail with return receipt requested a copy of the published notice in regard to the formation of any special taxing district within the City to the last known address as shown on the current tax rolls of each nonresident property owner.

C. The city clerk or any other person upon whom the duty is imposed by law to publish notice required by law in regard to any special assessment by a special taxing district shall mail by certified mail with return receipt requested a copy of such notice to be published to the last known address as shown on the current tax rolls of each nonresident property owner.

D. The failure of the city clerk or any other person upon whom the duty is imposed by law to mail a copy of a published notice as provided in this section shall invalidate the assessment against the property involved while permitting all other assessments and procedures to be lawful.

E. "Nonresident property owner" shall mean any person or corporation whose residence and mailing address as shown on the current tax rolls is outside the boundaries of the county and who is a record owner of property within the boundaries of the City, special assessment district, or taxing district involved.

(Neb. Rev. Stat. §§13-310 through 13-314)

SECTION 6-212: PETITION FOR IMPROVEMENTS

Whenever a petition signed by the owners of record title representing more than 60% of the front footage of the property directly abutting upon the street, streets, alley, alleys, public way, or the public grounds proposed to be improved shall be presented and filed with the city clerk, petitioning therefor, the City Council shall by ordinance create a paving, graveling, or other improvement district or districts and shall cause such work to be done or such improvement to be made. The council shall contract therefor and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street, streets, alley, or alleys especially benefited thereby in such district in proportion to such benefits, except as provided in Neb. Rev. Stat. §§19-2428 to 19-2431, to pay the cost of such improvement. The council shall have the discretion to deny the formation of the proposed district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the council should deny a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties. (Neb. Rev. Stat. §17-510)

SECTION 6-213: IMPROVEMENT DISTRICTS; OBJECTIONS

A. Whenever the City Council deems it necessary to make any improvements as provided in Section 6-210 (Power to Improve, Etc.) allowed by statute which are to be funded by a levy of special assessment on the property especially benefited, the council shall by ordinance create a paving, graveling, or other improvement district and after the passage, approval, and publication or posting of such ordinance shall publish notice of the creation of any such district for six days in a legal newspaper of the City, if a daily newspaper, or for two consecutive weeks if a weekly newspaper. If no legal newspaper

is published in the City, the publication shall be in a legal newspaper of general circulation in the City.

B. If the owners of the record title representing more than 50% of the front footage of the property directly abutting on the street or alley to be improved file with the city clerk within 20 days after the first publication of such notice written objections to the creation of such district, such improvement shall not be made as provided in such ordinance but the ordinance shall be repealed. If objections are not filed against the district in the time and manner prescribed in this section, the City Council shall immediately cause such work to be done or such improvement to be made, shall contract for the work or improvement, and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street or alley especially benefited in such district in proportion to such benefits to pay the cost of such improvement.

(Neb. Rev. Stat. §17-511)

SECTION 6-214: IMPROVEMENT; STREETS ON CORPORATE LIMITS

A. Whenever the City Council improves any street which divides the city corporate area and the area adjoining the City, the council shall determine the sufficiency of petition as set forth in Section 6-212 (Petition for Improvements) by the owners of the record title representing more than 60% of the front footage of the property directly abutting upon the street to be improved, rather than 60% of the resident owners.

B. Whenever the council shall deem it necessary to make any of the improvements allowed by statute on a street which divides the city corporate area and the area adjoining the City, the City Council shall by ordinance create the improvement district pursuant to Section 6-213 (Improvement Districts) and the right of remonstrance shall be limited to owners of record title, rather than resident owners.

(Neb. Rev. Stat. §17-509)

SECTION 6-215: IMPROVEMENT; MAIN THOROUGHFARES

The City Council shall have power by a three-fourths vote to enact an ordinance creating a paving, graveling or other improvement district and to order such work to be done without petition upon any federal or state highways in the City or upon a street or route designated by the council as a main thoroughfare, connecting to either a federal or state highway or a county road. The council shall contract therefor and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street, alley or alleys especially benefited thereby in such district in proportion to such benefits to pay the cost of such improvement. (Neb. Rev. Stat. §17-512)

SECTION 6-216: IMPROVEMENT; PROTESTS OR PETITIONS

Before proceeding with any improvement under Section 6-210, the sufficiency of protests or petitions or of the existence of the required facts and conditions shall be determined by the City Council at a hearing of which notice shall be given to all persons who may become liable for assessments by one publication in each of two successive weeks in a legal newspaper in or of general circulation in the City. Appeal from the action of the council may be made to the District Court. The sufficiency of the protests or petitions referred to in Sections 6-212 and 6-213 as to the ownership of the property shall be determined by the record in the office of the county clerk or register of deeds at the time of the adoption of such ordinance. In determining the sufficiency of the petitions or objections, intersections shall be disregarded, and any lot or ground owned by the City shall not be counted for or against such improvement. (Neb. Rev. Stat. §17-513)

SECTION 6-217: IMPROVEMENT DISTRICT; LAND ADJACENT

Supplemental to any existing law on the subject, a City may include land adjacent to such city when creating an improvement district, such as a sewer, paving, water, water extension or sanitary sewer extension district. The City Council shall have the power to assess, to the extent of special benefits, the costs of such improvements upon the properties found especially benefited thereby, except as provided in Neb. Rev. Stat. §19-2428 to 19-2431.

SECTION 6-218: IMPROVEMENTS; ASSESSMENT AND COLLECTION

Assessments for improvements made under the provisions herein shall be made and assessed in the following manner:

A. Such assessments shall be made by the City Council at a special meeting, by a resolution, taking into account the benefits derived or injuries sustained in consequence of such improvements, and the amount charged against the same, which, with the vote thereon by “yeas” and “nays,” shall be spread at length upon the minutes. Notice of the time of holding such meeting and the purpose for which it is to be held shall be published in a newspaper published or of general circulation in said city at least four weeks before the same shall be held or, in lieu thereof, personal service may be had upon persons owning or occupying property to be assessed.

B. All such assessments shall be known as “special assessments for improvements” and shall be levied and collected as a separate tax, in addition to the taxes for general revenue purposes, and shall be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other city taxes.

C. In the event the property owner is a non-resident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §17-524)

SECTION 6-219: IMPROVEMENTS; NO PETITION OR CREATION OF DISTRICT

A. The City may, without petition or creating a street improvement district, grade, curb, gutter, and pave:

1. Any portion of a street otherwise paved so as to make one continuous paved street, but the portion to be so improved shall not exceed two blocks, including intersections, or 1,325 feet, whichever is the lesser;
2. Any unpaved street or alley which intersects a paved street for a distance of not to exceed one block on either side of such paved street; and
3. Any side street or alley within its corporate limits connecting with a major traffic street for a distance not to exceed one block from such major traffic street.

B. Those improvements may be performed upon any portion of a street or alley or any unpaved street or alley not previously improved to meet or exceed the minimum standards for pavement set by the City for its paved streets.

C. In order to defray the costs and expenses of these improvements, the mayor and City Council may levy and collect special taxes and assessments or issue paving bonds as provided in Neb. Rev. Stat. §18-2003.

SECTION 6-220: DEFERRAL FROM SPECIAL ASSESSMENTS

A. Whenever the City Council creates an improvement district which includes land adjacent to the City within an agricultural use zone and is used exclusively for agricultural use, the owners of record of such adjacent land may apply for a deferral from special assessments. For purposes of this section, the terms "agricultural use" and "agricultural use zone" shall have the meaning specified in Neb. Rev. Stat. §77-1343.

B. Any owner of record eligible for the deferral granted by this section shall make application to the City Council within 90 days after creation of an improvement district. Any owner of record who makes application for the deferral provided by this section shall notify the county register of deeds of such application in writing prior to approval by the City Council. The council shall approve the application of any owner of record upon determination that the property (1) is within an agricultural use zone and is used exclusively for agricultural use, and (2) the owner has met the requirements of this section.

C. The deferral provided for in this section shall be terminated upon any of the following events:

1. Notification by the owner of record to the City Council to remove such deferral;
2. Sale or transfer to a new owner who does not make a new application within 60 days of the sale or transfer, except as provided in subdivision 3 of this section;
3. Transfer by reason of death of a former owner to a new owner who does not make application within 125 days of the transfer;
4. Use of land is no longer agricultural; or
5. Change of zoning to other than an agricultural zone.

D. Whenever property which has received a deferral pursuant to this section becomes disqualified for such deferral, the owner of record of such property shall pay to the City an amount equal to:

1. The total amount of special assessments which would have been assessed against such property, to the extent of special benefits, had such deferral not been granted; and
2. Interest upon the special assessments not paid each year at the rate of 6% from the dates at which such assessments would have been payable if no deferral had been granted.

E. In cases where the deferral provided by this section is terminated as the result of a sale or transfer described in subsection (B) or (C) of this section, the lien for assessments and interest shall attach as of the day preceding such sale or transfer.

(Neb. Rev. Stat. §§19-2428 through 19-2431)

SECTION 6-221: VACATING PUBLIC WAYS

The City shall have power to open, widen, or otherwise improve or vacate any street, avenue, alley, or lane within the limits of the City and to create, open, and improve any new street, avenue, alley, or lane. All damages sustained by the citizens or by the owners of the property therein shall be ascertained in such manner as shall be provided herein.

A. *Title; All of Street Vacated.* Whenever any street, avenue, alley, or lane is vacated, the same shall revert to the owners of the abutting real estate, one-half on each side thereof, and become a part of such property unless the City reserves title in the ordinance vacating such street or alley. If title is retained by the City, such property may

be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the City.

B. *Title; Portion of Street Vacated.* When a portion of a street, avenue, alley, or lane is vacated only on one side of the center thereof, the title to such land shall vest in the owner of the abutting property and become a part of such property unless the City reserves title in the ordinance vacating a portion of such street or alley. If title is retained by the City, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the City.

C. *Filing of Certified Copy.* When the City vacates all or any portion of a street, avenue, alley, or lane, the City shall, within 30 days after the effective date of the vacation, file a certified copy of the vacating ordinance with the county register of deeds to be indexed against all affected lots.

D. *Conditions.* The title to property vacated pursuant to this section shall be subject to the following:

1. There is reserved to the City the right to maintain, operate, repair, and renew public utilities existing at the time title to the property is vacated there; and
2. There is reserved to the City, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on, or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish such purposes at any and all reasonable times.

(Neb. Rev. Stat. §17-558)

Article 3 – Sidewalks

SECTION 6-301: DUTY TO KEEP CLEAN

It shall be unlawful for the occupant of any lot or the owner of any vacant lot within the corporate limits to allow snow, sleet, mud, ice or other substance to accumulate or remain upon the sidewalks. All sidewalks shall be cleaned within 24 hours after the cessation of a storm. In the event that the mayor, public works director or city administrator declares that emergency conditions exist and prohibits parking along snow emergency routes, property owners or occupants of lots abutting such snow emergency routes or within the business district may scoop the snow from the sidewalks under their control into the street. (Neb. Rev. Stat. §§17-557, 17-557.01)

SECTION 6-302: CONSTRUCTION OR REPAIR BY OWNER; APPLICATION, PERMIT

A. Any person desiring to construct or cause to be constructed any sidewalk shall do so only as provided herein. It shall be unlawful for any person to construct any sidewalk without first having made application with the city clerk and obtaining a permit. The public works director shall issue the desired permit unless good cause shall appear why said permit should be denied. The permit shall give a description of the lot or piece of land along which the sidewalk is to be constructed.

B. All sidewalks shall be built and constructed on the established grade or elevation, and if there is no established grade, then on the grade or elevation indicated by the

public works director. If it is desired to construct the sidewalk at any other than the regularly prescribed location, grade, elevation, and thickness, the public works director shall submit the application to the City Council, which shall determine whether the permit should be granted or denied.

SECTION 6-303: CONSTRUCTION OR REPAIR; ORDERED BY CITY

A. Every owner of any lot or piece of land within the corporate limits shall at all times keep and maintain the sidewalk along and contiguous to said lot, lots, or pieces of land in good and proper repair and in a condition reasonably safe for travel for all travelers thereon.

B. The mayor and council may construct and repair sidewalks or cause the construction and repair of sidewalks in such manner as they deem necessary and assess the expense of such construction or repairs on the property in front of which such construction or repairs are made, after having given notice:

1. By publication in one issue of a legal newspaper in or of general circulation in such city and
2. By either (a) causing a written notice to be served upon the occupant in possession of the property involved or (b) to be posted upon such premises ten days prior to the commencement of such construction or repair.

C. All sidewalks shall be constructed or repaired in conformity with such plans, specifications, and materials as may be approved by the City Council.

D. If any owner shall fail to construct or repair any sidewalk in front of his or her property within the time and in the manner as directed herein after having received due notice to do so, the mayor and council may cause the sidewalk to be constructed or repaired and may assess the cost thereof against the property. The owner shall be liable for all damages or injury occasioned by reason of the defective or dangerous condition of any sidewalk.

E. In the event the property owner is a nonresident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

F. The powers conferred under this section are in addition to those provided in Neb. Rev. Stat. §§17-509 to 17-521 and may be exercised without creating an improvement district.

(Neb. Rev. Stat. §17-522)

SECTION 6-304: CONSTRUCTION BY PETITION; IMPROVEMENT DISTRICT; SPECIAL ASSESSMENTS; ABUTTING OWNER

A. If the owners of the record title representing more than 60% of the front footage of the properties directly abutting upon the street proposed to be improved with a sidewalk shall sign a petition and present it to the city clerk for filing, petitioning therefor, the City Council shall by ordinance create a paving or other improvement district, cause such work to be done or such improvement to be made, contract therefor, and levy special assessments on the lots and parcels of land abutting on or adjacent to such streets or alleys specially benefited thereby in such district in proportion to such benefits, except as provided in Neb. Rev. Stat. §§19-2428 to 19-2431, to pay the cost of such improvement. The

City Council may deny the formation of the proposed district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the council denies a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties.

B. Upon the petition of any property owner who is an abutting owner in fee simple of property subject to assessment for sidewalk improvements, the City Council may order permanent sidewalks built in accordance with this article upon the owner making, executing, and delivering to the City an agreement to the effect that the petitioning freeholder will pay the engineering service fee and all other incidental construction costs which until paid shall be a perpetual lien upon the real estate along which the owner desires such sidewalk to be constructed and that the petitioner gives and grants to the City the right to assess and levy the costs of such construction against the owner's real estate abutting the sidewalk improvement and promises to pay such costs with interest. The total cost of such improvement shall be levied, allocated, financed, and specially assessed as provided by law.

C. In the event the property owner is a nonresident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.
(Neb. Rev. Stat. §17-510)

SECTION 6-305: IMPROVEMENTS; ASSESSMENT AND COLLECTION

Assessments for improvements made under the provisions herein shall be made and collected as provided in Section 6-218 (Improvements; Assessment and Collection). (Neb. Rev. Stat. §17-524)

Article 4 – Penal Provision

SECTION 6-401: 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.

CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: CITY POWERS; RATE SETTING

A. The City currently owns and operates a water supply and distribution system, a sanitary sewer disposal and treatment system, and an electricity distribution system. The City has the right and power to tax assets and collect payment from its residents for use of the water supplied to them by the water system, for use of the sewer system, and for use of the electricity supplied to them by the electric system. The City Council is authorized to establish by ordinance such rates for water, sewer, and electric service as may be deemed fair and reasonable. The City Council shall have the power and authority to make reasonable classifications for the purpose of billing sewer or electrical service customers; provided, the said difference in rates shall not be unreasonable or unduly discriminatory.

In no event shall flat rates be charged any classification of electrical customer.

B. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such rates, taxes, or rent shall be paid and collected and such lien enforced in such manner as the council shall by ordinance direct and provide. All such rates, taxes, or rent shall be on file in the office of the city clerk for public inspection.

(Neb. Rev. Stat. §§17-538, 17-542, 18-509)

SECTION 7-102: MANDATORY USE OF CITY SERVICES

All residents of the City shall be required to subscribe to city utility services. Such residents shall be subject to the assessment and payment of charges for such utility services as set from time to time by the City Council. Should any utility user be away for an extended time from his or her property served by Imperial utilities, he or she may request that the same be disconnected during such absence from the property, in which event said consumer shall be charged a reconnect fee upon returning, as set by resolution by the City Council and kept on file in the office of the city clerk. (Ord. No. 11-07-04, 11/12/07)

SECTION 7-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT

A. Every person or persons desiring utility services must make application therefor to the city clerk, who shall require the applicant to make a service deposit and tap fees for water and sewer service in such amounts as set by resolution by the City Council and kept on file at the city office. Utility services shall not be supplied to any house or private service pipe except upon the order of the public works director.

B. No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity in this city shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings.

C. All deposits shall be refunded to customers when electrical service is no longer desired or upon the passage of one year of service, if all utility payments have been made on a timely basis for the preceding year.

D. At the time any service deposit is returned to the consumer, the City will not pay any interest that may have accrued on such amount.

(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601)

SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and rates set forth in this chapter shall be considered a part of every application hereafter made for utility services and shall be considered a part of the contract between the City and every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use of city utilities by a new consumer thereof and the furnishing of utility services to said consumer shall constitute a contract between the consumer and the City, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the public works director may cut off or disconnect the water service from the building or premises of such violation. No further connection for service to said building or premises shall again be made save or except by order of said director.

C. Any person wishing to change from one location to another shall notify the city office of the date of the change. If any consumer shall sell, dispose of, or move from the premises where service is furnished or if the said premises are destroyed by fire or other

casualty, he or she shall at once inform the city clerk, who shall cause the utility services to be discontinued at the said premises. If the consumer should fail to give such notice, he or she shall be charged for utility services monthly until the City is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-537)

SECTION 7-105: SERVICE TO NONRESIDENTS

Any person whose premises are located outside the corporate limits of the City and who desires to connect to city water and sewer shall file a written application with the city clerk for a permit for such connections, setting forth the name of the owner, occupant or lessee of the premises, the use to which the premises are devoted, and such other information as the City Council may require. The entire cost of pipe and other installation charges shall be paid by such consumer. Nonresidents shall pay such fees as have been set by the council by resolution. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. Nothing herein shall be construed to obligate the City to provide water and sewer service to non-residents. (Neb. Rev. Stat. §§17-537, 18-508, 19-2701)

SECTION 7-106: BILLING AND COLLECTIONS; DELINQUENCY

Utility bills shall be a joint bill for all utilities and shall be due and payable monthly at the office of the city clerk. It shall be the duty of the city clerk to compute or cause to be computed a joint utility bill by the end of each month based on the current utility rates established by the City Council. Such joint bills shall be mailed as close to the first day of each month as possible. Bills shall be due upon receipt and shall be deemed delinquent if not paid by the 15th day of the month. If a bill is not paid by the 15th day of the month, a delinquent penalty charge of 10% of the bill, not to exceed \$50.00, shall be assessed in addition to the billed charge. (Neb. Rev. Stat. §17-537, 18-503, 19-1404)

SECTION 7-107: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

A. The City shall have the right to discontinue services and remove its meters and other appurtenances if the charges for such services are not paid within seven business days after the 15th of each month. The city clerk shall send a notice of disconnection of service to the utility user on the first business day after the 15th of the month by registered U.S. Mail. Service shall not be discontinued for at least seven days, weekends and holidays excluded, after such notice of disconnect is sent to the utility user. As to any subscriber who has previously been identified to the City as a client of the Nebraska Department of Social Services, such notice shall be by first class mail and notice of such proposed termination shall be given to Social Services.

B. The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the utility regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address, and telephone number of the utility's employee or department to whom the domestic subscriber may address any inquiry or complaint;

5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the utility may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection shall be postponed or prevented upon presentation of a duly licensed physician's, physician assistant's, or advanced practice registered nurse's certificate, which shall certify that a domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the utility within five days of receiving notice under this section, excluding holidays and weekends, and will prevent the disconnection of the utility's service for a period of at least 30 days from such filing. Only one postponement of disconnection shall be required under this subdivision for each incidence of non-payment of any past due account;
8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the utility for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the board of directors or administrative board of any utility.

C. Prior to the discontinuance of service to any domestic subscriber by a city utility, the subscriber upon request shall be provided a conference with the City Council, which has established procedures to resolve utility bills when a conference is requested. Such procedures, as provided in Neb. Rev. Stat. §§70-1603 through 70-1611 and which shall be on file in the office of the city clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full. A copy of such procedures shall be furnished upon the request of any domestic subscriber. The council shall notify the domestic subscriber of the time, place, and date scheduled for such conference.

D. The City shall charge a fee for reconnection of service, as set by resolution of the City Council and kept on file in the office of the city clerk.

E. This section shall not apply to any disconnections or interruptions of service made necessary by the City for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(Neb. Rev. Stat. §§70-1603, 70-1605 through 70-1608)

SECTION 7-108: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the City for utility services furnished, including charges in arrears, the said delinquent charges shall be declared to be a lien upon the real estate for which the same was used. The city clerk shall notify in writing, or cause to be notified in writing, all owners of

premises or their agents whenever their tenants or lessees are 30 days or more delinquent in the payment of utility charges. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503)

SECTION 7-109: PLUMBERS; STATE LICENSE; LIABILITY

A. It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the water or sewer systems owned by the City or to make any connection with or extension of the pipes of any water or sewer customer until such plumber or pipefitter shall have first procured a license from the State of Nebraska.

B. All work by plumbers shall be done in the manner required by the public works director and shall be at all times subject to his or her inspection and approval. Plumbers who connect with the public water or sewer systems shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the public works director. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work.

(Neb. Rev. Stat. §17-537)

SECTION 7-110: RIGHT OF ENTRY FOR INSPECTIONS

The public works director or his or her authorized agents shall have free access at any reasonable time to all parts of each premises and building where utilities are supplied to ascertain whether there is any disrepair, waste of water or violation of this article therein. In the event of an electrical emergency, such inspections may take place at any time.

SECTION 7-111: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure or deface any building, machinery, apparatus, fixture, attachment or appurtenance of the water, sewer, or electrical system. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without the written permission of the public works director.

SECTION 7-112: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

B. If water meters are not in use in the City, any person who connects any pipe or conduit supplying water without the knowledge and consent of the supplier of such product in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without the knowledge and consent of the supplier, and any person who knowingly uses or knowingly permits the use of water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

C. Any person who reconnects electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 or as set hereafter in this code shall be deemed guilty of an offense.

D. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it without the knowledge and consent of the supplier of the electricity, electric current, gas, or water passing or intended to pass through such meter shall be deemed guilty of an offense.

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

(Neb. Rev. Stat. §§25-21,275 through 25-21, 278, 28-515.02)

SECTION 7-113: DIVERSION OF SERVICES; PENALTY

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

B. In any civil action brought pursuant to this section, the City shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering, to recover as damages:

1. The amount of actual damage or loss if such amount may be reasonably calculated; or
2. Liquidation damages of \$750.00 if the amount of actual damage or loss cannot be reasonably calculated.

C. In addition to damage or loss under subdivision (B)(1) or (2), the City may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering, including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorney's fees in cases within the scope of Neb. Rev. Stat. §25-1801.

D. There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (2) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

E. There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.

F. The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws, and the remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies.

(Neb. Rev. Stat. §§25-21,276, 25-21,277)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

A. The City owns and operates the Water Department through the public works director. The mayor and City Council, for the purpose of defraying the cost of the care, management, and maintenance of the Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the water fund and shall remain in the custody of the city treasurer.

B. The public works director shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. The director shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the mayor and City Council. The council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection during office hours.

(Neb. Rev. Stat. §§17-531, 17-534, 19-1305)

SECTION 7-202: DEFINITIONS

The following definitions shall be applied throughout this section. Where no definition is specified, the normal dictionary usage of the word shall apply.

"Main" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to and dispersing the same in the City.

"Separate premises" is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building, or structure used for a separate business.

"Service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.

"Supply pipe" is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premises where the shut-off, stop box, or curb cock is located.

SECTION 7-203: CONNECTION TO WATER SYSTEM

A. The City through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons whose property is within 300 feet of a main shall be required, upon notice by the mayor and City Council, to hook up with the city water system.

B. The City may furnish water service to persons within its corporate limits whose premises are not within 300 feet of the said main; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the City to provide water service to persons whose property line is not within 300 feet of the said main.

C. Each building hereafter erected shall be connected with the water system at the time of its erection. In the event any owner, occupant, or lessee shall neglect, fail, or

refuse to make such connection within a period of ten days after the notice has been given to do so by regular mail or by publication in a newspaper in or of general circulation in the City, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the water bills in the manner provided for collection of other special taxes or assessments or to collect in the manner provided for the collection of water bills as provided herein.
(Neb. Rev. Stat. §17-532)

D. Private wells previously constructed and operating prior to the City's establishment of its water system shall be permitted to operate, providing that such wells comply with other existing, applicable ordinances and do not violate applicable state laws or regulations promulgated by the Nebraska Department of Health.
(Neb. Rev. Stat. §17-532)

SECTION 7-204: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders, or flux used in the installation or repair of any residential or nonresidential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301)

SECTION 7-205: WATER METERS REQUIRED; LAWFUL USE

All municipal water use shall be metered as provided in this article. Municipal water shall not be utilized to irrigate crops or other agricultural products; provided, watering of gardens and lawns with municipal water shall be allowed.

SECTION 7-206: INSTALLATION PROCEDURE

A. In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade and, at night, warning lights. After service pipes are laid, the streets, alleys and sidewalks shall be restored to good condition. If the excavation in any street, alley or sidewalk is left open or unfinished for a period of 24 hours or more, the public works director shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer.

B. All installations or repairs of pipes require two inspections by the public works director: (1) when connections or repairs are completed and before the pipes are covered and (2) after the dirt work is completed and the service is restored. It is the consumer's responsibility to notify the public works director at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications prescribed by the public works director, provided that said rules, regulations and specifications have been reviewed and approved by the City Council.
(Neb. Rev. Stat. §17-537)

SECTION 7-207: INSTALLATION EXPENSE

A. The expense of digging all trenches from the water main to the point of distribution shall be paid by the consumer. The City shall tap the main and charge the consumer a hookup charge according to the type and size of the pipe installed. Such fee shall be set by resolution of the City Council and kept on file at the office of the clerk. It shall be unlawful for any other person to tap a water main. The City shall then provide and install pipe to the meter pit. The City shall provide the meter at the customer's expense and shall require the consumer to pay a deposit which shall be credited to the water meter deposit

fund. Said fund shall be managed, invested and disbursed as a trust fund by the city treasurer. If a water meter becomes defective, the City will replace such meter at no cost to the consumer.

B. If commercial mains are not laid along the street abutting applicant's property, applicant at his or her own expense shall install pipe, trenching and attachments to bring water service from a point in the street where the commercial main is laid to and upon applicant's premises, subject to the 150' clause as set forth below. Commercial mains may be extended into unsupplied territory within the corporate limits by means of water extension districts. No permit shall be granted to any person to make connections with a water main of the City, other than a water main within a water district in which the property proposed to be connected is situated, until the owner or owners of said property shall have filed a written petition for such privilege with the City Council, platting and describing the piece of land for which such connection and water privilege is desired and designating the point in the water main at and with which such connection is desired. The council, by a two-thirds vote and with the approval of the mayor, may authorize such connection and fix the amount of money to be paid by said applicant to the city clerk for such privilege. Said fee shall be determined in each case by the council upon the basis of the probable cost and special assessment to be apportioned to and assessed against the real property described in the petition for the construction of a water main within the water district created to include and accommodate the said property.

C. The water main shall be on such lines and levels and have such capacity and equipment as may be found necessary to conform to the general plans and purposes of the water system. No connection with any of the mains or pipes within said tract shall be permitted with any property outside thereof without further application and further action of the City Council in the same manner as above described and set out; provided that any part of such real properties extending beyond 150' from the street line of the street in which such abutting water main is situated shall not be included in this exemption but shall be subject of the operation of the foregoing assessment provisions for water extension districts; and provided further, that water privileges extended under the foregoing provisions shall be exercised and enjoyed on payment of the same rates for water consumed and under the same rules and regulations as are provided generally for any consumer of water furnished by the City.

D. All new lines shall have check valves installed, and such installation shall be inspected and approved by the public works director, who shall have the authority to refuse to turn on the city water on any premises until the plumbing has been made to comply with all statutory sections.

E. The fee as determined by the City Council shall be paid into the city treasury to the credit and for the use of the water fund. The clerk shall issue a certificate therefor, describing the real property for which the same was issued, which said certificate shall thereafter be receivable at its face value by the city clerk for any special water district assessment which may be assessed against the real property described therein, for the payment of the cost of constructing any water main in any water district which may be created to include said real property. If the face value of said certificate shall exceed the amount of such special tax when so determined and levied against the property therein described, the City Council, on a proper showing of the facts, may allow and pay a properly verified claim for such excess to the party entitled to receive the same.

SECTION 7-208: REPAIRS AND MAINTENANCE

A. The City shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his or her own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersion. When leaks occur in service pipes, the public works director shall shut off water service

until the leak is repaired at the expense of the customer to the satisfaction of the director.

B. The public works director or designated agent shall have the exclusive power to repair and test all meters at the expense of the City. If a meter is beyond repair, the public works director shall replace said meter on the same terms and conditions as when the meter was first installed; provided, if the customer permits or allows a water meter to be damaged, injured, or destroyed through his or her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the public works director shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water use charges are collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. Upon the refusal of the owner to pay for any repairs or install a new meter, the water shall be shut off and not turned on again until all charges and penalties are paid. The consumer shall have the right to have his or her water meter tested by the public works director any reasonable number of times if the consumer has reason to believe that the meter is registering inaccurately.

C. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the city clerk and public works director.

(Neb. Rev. Stat. §17-537)

SECTION 7-209: WATER RATES

All property upon which any building has been or may be hereafter erected having a connection with any mains or pipes which are or may be hereafter constructed and used in connection with the city waterworks system shall pay such rates and service fees as the mayor and City Council may from time to time set by ordinance. (Neb. Rev. Stat. §§17-540, 17-542) (Am. Ord. No. 11-07-04, 11/12/07)

SECTION 7-210: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the City on the account of the Water Department, and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Section 7-106. (Neb. Rev. Stat. §17-540)

SECTION 7-211: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants and it shall be unlawful for any person other than (A) members of the Fire Department under the orders of the fire chief or the assistant chief or (B) employees of the Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants.

SECTION 7-212: FIRE MAINS; BUSINESSES

Proprietors of business establishments will be permitted to connect said places by larger pipes for firefighting or sprinkler systems, at their own expense, upon application to the public works director and under his or her supervision or that of designated agents and will be allowed to use the water in said mains or systems for fire purposes only.

SECTION 7-213: POLLUTION

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department. The standards for water quality established

or adopted by the State shall be presumptive evidence as to when the water is deemed to be polluted under this section. (Neb. Rev. Stat. §§17-536, 18-1720, 28-1321)

SECTION 7-214: SINGLE PREMISES

No consumer shall supply water to other families or allow them to take water from his premises, nor shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension or attachment after water is supplied into a building without the written permission of the public works director.

SECTION 7-215: RESTRICTED USE

The City Council or the public works director may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire or other good and sufficient cause. The City shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the City has no control. (Neb. Rev. Stat. §17-537)

SECTION 7-216: BACKFLOW REGULATIONS; DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations:

"Air gap separation" shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the receptacle and in no case less than one inch.

"Anti-siphon vacuum breaker" is a device which restricts the backflow of water into a potable water system by a simple check valve. The vacuum is broken by allowing air to enter upstream of the check valve.

"Approved" means that a backflow prevention device or method has been accepted by the public works director as suitable for the intended use.

"Auxiliary water system" means any water supply system available to the premises other than the public water supply system and includes the water supplied by such system. These auxiliary water systems may include water from another owner's public water supply system, polluted or contaminated water, process fluids, used water or other sources of water over which the City does not have sanitary control.

"Backflow" or "backsiphonage" means the flow of water or other liquids, mixtures or substances into the water distribution system from any other source than the intended source of the potable water supply.

"Backflow prevention device" means any device, method or type of construction intended to prevent backflow into a potable water system. Devices such as an approved air gap, double check valve assembly, anti-siphon vacuum breaker or a reduced pressure principle device can be used. These devices must have been approved by the public works director.

"Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water supply system.

"Consumer's water supply system" means any water supply system located on the

consumer's premises supplied by or in any manner connected to a public water supply system. A household plumbing system is considered to be a consumer's water supply system. A fire suppression system is also considered to be a consumer's water supply system.

"Contamination" means an impairment of water quality by sewage or waste to a degree which could cause an actual hazard to the public health through poisoning or through spread of disease by exposure.

"Cross-connection" means any arrangement whereby contamination due to backflow or backsiphonage can occur.

"Degree of hazard" is a term derived from an evaluation of the potential risk to health and the adverse effects upon the potable water system.

"Double check-valve assembly" means an assembly composed of two single, independently acting check valves including 100% closing shutoff ball valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.

"Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous uses of two sources of water.

"Owner" means the entity delivering water through the public water supply system. The owner is the City of Imperial operating through the public works director.

"Plumbing hazard" means a plumbing cross-connection in a consumer's potable water system that has not been properly protected by air gap separation or backflow prevention devices.

"Pollution" means the presence in water of any foreign substances (organic, inorganic, or biological) that degrade the quality of water to a degree which does not necessarily cause an actual hazard to the public health but which does adversely and unreasonably affect such waters for any desired use.

"Pollution hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or the consumer's water supply system.

"Public water supply system" means a water supply system designed and intended to provide potable water to a designated consumer. The water supply shall include the water supply source and distribution piping network. "Water supply source" is defined as any artificial or natural accumulation of water used to supply the potable water system. The distribution piping network includes all piping, pumping and treatment devices used to convey an adequate quality and quantity of potable water to the consumer.

"Reduced pressure zone backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include 100% closing shutoff ball valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service connection" means the terminal end of a service line from the public water

system. If a meter is installed at the end of the service line, then the service connection means the downstream end of the meter.

"System hazard" means a condition posing an actual or potential threat of damage to the physical properties of the public's or the consumer's water supply system.

"Used water" means any water supplied by the public water supply system to a consumer's water supply system after it has passed through the service connection and is no longer under the sanitary control of the water supplier.

SECTION 7-217: BACKFLOW REGULATIONS; RESPONSIBILITY

The consumer, if requested by the inspector, shall designate an individual or individuals who shall be responsible for contact and communications with the inspector in matters relating to system alteration and construction, monitoring and sampling, maintenance, operation, record keeping and reporting, as required by law and these regulations. Any change in assigned responsibilities or designated individuals shall be promptly reported to the inspector.

SECTION 7-218: BACKFLOW REGULATIONS; PROHIBITED ACTS

A. The purpose of these regulations is to protect the public water supply system of the City from the possibility of contamination by isolating real or potential sources of contamination or pollution which may backflow into the public water supply system. These regulations provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the potable water supply system.

B. The public works director shall be responsible for the implementation of the backflow prevention program as outlined within these regulations. If an approved backflow prevention device is required for the safety of the public water supply system, he or she shall give notice in writing to the consumer to install said device at each recommended location. Each device shall be inspected and tested to ensure proper operation prior to being charged and put into service. The costs for purchasing, installing and maintaining a backflow prevention device shall be the responsibility and sole expense of the consumer. Annual testing shall be performed by a certified backflow operator. All tests and inspections shall be given immediately to the public works director. If maintenance or repairs are necessary, the owner shall be contacted and given 30 days to complete all necessary repairs. If repairs are not completed, the owner shall be considered in violation of this article and will be subject to disconnection of water service as provided in this article.

C. No person shall install or maintain a water service connection containing such cross-connections to a public water supply system unless the cross-connections are abated or controlled in accordance with this article and as required by the laws and regulations of the Nebraska Department of Health.

SECTION 7-219: BACKFLOW REGULATIONS; SURVEYS AND INVESTIGATIONS; HEARING

A. It shall be the responsibility of the water consumer to conduct, or cause to be conducted, periodic surveys of water use practices on his or her premises as necessary to determine whether there are actual or potential cross-connections in the consumer's water supply system. The public works director shall have the authority, as often as determined by him or her, to conduct or cause to be conducted periodic surveys and investigations of water use practices within a consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water supply system through

which contaminants or pollutants could backflow into the public water supply system. The director may conduct these surveys to provide information in determining what level of protection will be necessary to protect the public health and safety.

B. On request by the public works director, the consumer shall furnish information on water use practices within his or her premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information, the director shall treat the premises as if no appropriate cross-connection survey has been completed and in such event, the consumer shall be required to install an approved backflow prevention device.

C. The director shall have the right to enter a premises served by the public water supply system at all reasonable times for the purpose of making surveys and investigations of water use practices within the premises. In order to inspect any premises, the director shall give notice setting forth a proposed date and time. In the event that such proposed date and time is inconvenient, the consumer shall contact the director and arrange for another date and time for the inspection. If the director and the consumer cannot agree on a date and time, the director shall treat the premises as if no appropriate cross-connection survey has been completed and in such event, the consumer shall be required to install an approved backflow prevention device as required by this article.

D. The City Council will act as a Hearing Board to hear differences between the director and the consumer on matters concerning interpretation and execution of the provisions of this ordinance by the director. Any consumer aggrieved by being required to pay the expense of installing, furnishing, and/or maintaining a backflow prevention device may request in writing a hearing to present those grievances to the Hearing Board within 14 days of the act or event causing the grievance. The Hearing Board shall schedule the matter for hearing within 30 days and provide written notice of the meeting by first class mail to the consumer. The notice shall be mailed to the consumer at least seven and not more than 21 days before the hearing. At the hearing, the consumer shall first state the nature of the grievance and the public works director shall be entitled to respond thereto, whereupon the Hearing Board shall render its decision, which will be binding upon the consumer and the director.

SECTION 7-220: BACKFLOW REGULATIONS; WHERE PROTECTION IS REQUIRED

A. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the public works director a health, plumbing, pollution or system hazard exists.

B. An approved backflow prevention device shall be installed when the following conditions are found by the public works director to exist:

1. Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the owner;
2. Premises having internal cross-connections that, in the judgment of the public works director, are not correctable, or there exist intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist;
3. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-

connection survey;

4. Premises having a repeated history of cross-connections being established or re-established;
5. Premises having more than one customer service connection, which could constitute a potential cross-connection.

C. An approved backflow prevention device shall be installed on each service line to a customer's water supply system serving the following types of facilities, unless the public works director determines that no health, pollution or system hazard to the public water supply system exists:

1. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings.
2. Testing laboratories, film laboratories, film development facilities.
3. Sewage treatment plants, sewage pumping stations, or storm water pumping stations.
4. Food or beverage processing plants.
5. Chemical plants.
6. Metal de-greasing, plating industries, machine tool plants, die and metal processing or productions.
7. Chemical and petroleum processing or storage plants.
8. Car washes, automobile servicing facilities.
9. Lawn irrigation systems and swimming pools.
10. Laundries and dry cleaners.
11. Packing houses.
12. Power plants.
13. Premises having radioactive materials such as laboratories, industries, hospitals.
14. Rendering plants.
15. Premises having a water recirculating system as used for boilers or cooling systems.
16. Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, pet grooming salons.
17. Beauty salons, barbershops, massage parlors, health clubs.
18. Fire suppression systems.
19. Multi-storied buildings greater than three stories in height.
20. Schools, universities, colleges.
21. Other commercial or industrial facilities which may have potential cross-connection sites.

SECTION 7-221: BACKFLOW REGULATIONS; TYPE OF PROTECTION REQUIRED

A. The type of protection required under this article shall depend on the degree of hazard that exists, as follows:

1. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where a public water supply system may be contaminated with any substance that could cause a system hazard or health hazard.
2. An approved double check valve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard.
3. An approved reduced pressure principle backflow prevention device shall be

installed at the service connection where a plumbing hazard exists.

4. In the case of any premises where, because of security requirements or other prohibitions, it is impossible or impractical to make a complete cross-connection survey of the consumer's potable water system, a reduced pressure principle backflow prevention device shall be installed at the service connection.

B. An approved anti-siphon vacuum breaker may be used as a backflow prevention device where it is not subjected to back pressures. This device shall not be used for applications where water flow is expected to be continuous for 12 or more hours. The device shall be installed ahead of the potential source of contamination on the discharge side of the last control valve. It shall be placed at the least 6" above the highest point reached by any water passing through the potential source of contamination. Typically this type of device is used for such equipment as lawn sprinklers, water-cooled compressors or other water-cooled equipment.

SECTION 7-222: BACKFLOW REGULATIONS; APPROVAL STANDARDS

A. Any backflow prevention device required herein shall be an "approved backflow prevention device," which shall mean a device that has been manufactured in full conformance with the most current edition of standards established by the American Water Works Association (AWWA) and by the American Society of Sanitary Engineers (ASSE), which are hereby incorporated by reference in addition to all amendments thereto.

B. The director shall require a strainer of approved type and size to be installed in conjunction with required backflow prevention devices. The installation of a strainer shall preclude the fouling of backflow device(s) due to foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains. These occurrences may cause debris such as scale deposits and sand to flush through the mains, causing fouling of backflow prevention devices.

C. Any approved backflow prevention device required by this article shall be installed at a location and in a manner approved by the public works director. The consumer, at his or her sole expense, shall obtain and install said approved backflow prevention device within 90 days of notice and as directed by the said public works director.

D. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with said standards and specifications.

E. The public works director shall keep a current list of all local certified backflow operators and an appropriate list of makes and models of backflow prevention devices which meet the requirements of this article.

SECTION 7-223: BACKFLOW REGULATIONS; EXISTING DEVICES

Existing backflow prevention devices approved by the public works director prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirements of this article but only if the director determines that the devices will satisfactorily protect the public water supply system. If deemed necessary for proper testing by the director, 100% closing shutoff ball valves for testing shall be provided on existing backflow prevention devices. If the director determines that an existing backflow prevention device requires replacement, it shall be replaced with an approved device.

SECTION 7-224: BACKFLOW REGULATIONS; BOOSTER PUMPS

No person shall install or maintain a water service connection to any premises where a booster pump has been installed on the service line to or within such premises unless such booster pump is equipped with a low pressure cutoff designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 pounds per square inch gauge or less. It shall be the duty of the water consumer to maintain the low pressure cutoff device in proper working order.

SECTION 7-225: BACKFLOW REGULATIONS; YARD HYDRANTS

Yard hydrants or hose bibs which might be used by any consumer to provide water to mix pesticides, fertilizer or other chemicals for direct use or aerial application to surface areas shall be equipped with an anti-siphon vacuum breaker.

SECTION 7-226: BACKFLOW REGULATIONS; FIRE SUPPRESSION SYSTEMS

A. All proposed installations of fire suppression systems shall be reviewed by the public works director to determine the appropriate type of backflow prevention device(s) required.

B. All proposed fire suppression systems requiring an antifreeze solution shall use a pharmaceutical-grade antifreeze. The consumer shall provide to the public works director a certification identifying the type of pharmaceutical-grade antifreeze which will be used. A double check valve backflow prevention device shall be installed in an approved manner.

C. A double check valve of an approved type shall be installed on all proposed fire suppression systems not utilizing antifreeze but this may be done only when there are no other cross-connections.

D. All existing fire suppression systems shall meet the requirements of subsections (B) and (C) above, whichever applies. An inspection by a certified fire suppression specialist shall be done to determine whether pharmaceutical-grade antifreeze has been utilized. This shall be done at the expense of the consumer. If it cannot be certified that only pharmaceutical-grade antifreeze has been used, then a reduced pressure principle backflow prevention device shall be installed as approved by the public works director. This also shall be done at the expense of the consumer.

E. In the event cross-connections, such as those found in using auxiliary water supply systems or in providing other water additives such as foaming agents, are necessary for the proper operation of the fire suppression system, then a reduced pressure zone backflow prevention device shall be installed in an approved manner.

SECTION 7-227: BACKFLOW REGULATIONS; VIOLATIONS

A. The public works director shall deny or discontinue the water service to any premises, after notice to the consumer thereof, wherein:

1. Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the public works director.
2. It is found that the backflow prevention device has been removed or bypassed.
3. An unprotected cross-connection exists on the premises.
4. A low pressure cutoff required by this article is not installed and maintained in working order.

5. The public works director is denied entry to determine compliance with these regulations.

B. The public works director shall, without notice to the consumer thereof, immediately deny or discontinue the water service to any premises wherein a severe cross-connection exists which constitutes an immediate threat to the safety of the public water system. The director shall notify the consumer within 24 hours of said denial or discontinuation of service.

C. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the public works director.

SECTION 7-228: BACKFLOW REGULATIONS; ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in these regulations, the City may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. Whenever in any action it is established that a nuisance exists, the court may enter an order of abatement as a part of the judgment in the case, together with the fine or penalty imposed.

SECTION 7-229: WELLHEAD PROTECTION AREA; DEFINITION; DESIGNATION

The City designates a Wellhead Protection Area for the purpose of protecting the public water supply system. "Wellhead Protection Area" means the surface and subsurface area surrounding a water well or wellfield supplying a public water system through which contaminants are reasonably likely to move toward and reach such water or wellfield. The territory within the Wellhead Protection Area is all the land described below, all in Chase County, Nebraska:

A. All of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17 and 18, Township 6 North, Range 38 West of the 6th P.M.;

B. All of Sections 1, 12 and 13, Township 6 North, Range 39 West of the 6th P.M.;

C. All of Sections 19, 20, 21, 28, 29, 30, 31, 32, and 33, Township 7 North, Range 38 West of the 6th P.M.;

D. All of Sections 24, 25, and 36, Township 7 North, Range 39 West of the 6th P.M.

SECTION 7-230: WELLHEAD PROTECTION; DEFINITION

For purposes of this article, "water well" shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed for the purpose of exploring for or monitoring ground water, utilizing the geothermal properties of the ground or extracting water from or injecting water into the underground water reservoir. "Water well" shall not include any excavation made for obtaining or prospecting for oil, natural gas, minerals or products mined or quarried or inserting media to re-pressure oil- or natural gas-bearing formations.

SECTION 7-231: WELLHEAD PROTECTION; DISTANCE OF CERTAIN STRUCTURES AND ACTIVITIES FROM CITY WATER SOURCES

A. It shall be unlawful to cause pollution to or be in a position to cause pollution to the public water supply by willfully or carelessly allowing the following facilities, acts, or events within the specified footage of any city public water supply well. The following facilities, acts, or events shall be defined as nuisances for purposes of this section:

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

(Nebraska DHHS 4/4/10)

B. An application shall be first filed with the City showing the type of water well to be installed, the materials used, the operation of the proposed unit, and the person responsible for the actual installation of the well. Preference for approval will be given to installations that do not disturb any water-bearing strata.

C. The City shall refer the application to its engineer for evaluation and report. The estimated cost of the engineer's fees must be paid by the applicant at the time of filing the application. Any additional costs which are reasonably incurred by the engineer in making his examination and report shall also be paid by the applicant.

D. The City Council shall consider the engineer's report and any additional information including that submitted by the applicant. In reaching its decision on whether to allow the placement of the water well, the City Council must act to prevent all sources of possible or likely water contamination.

E. If the City Council approves the installation, it shall submit the application, together with the engineer's report, to the Nebraska Department of Health for final approval or denial. No installation shall be made without the approval of both the City Council and the Nebraska Department of Health.

SECTION 7-232: WELLHEAD PROTECTION; AUTHORITY IN RELATION TO OTHER REGULATIONS OR ORDINANCES

The provisions of these Wellhead Protection regulations shall supersede any land use regulation that allows the installation of a potential contaminant source on a parcel of land. Nothing in this section shall be construed to allow the installation of any category of contamination source that is restricted or prohibited by any federal, state or local law, statute, regulation or ordinance.

SECTION 7-233: WELLHEAD PROTECTION; EXISTING WELLS

Water wells in existence and use at the effective date of this article shall continue to be permitted unless such continued existence or use presents a hazard to the quality or quantity of the City's drinking water available for public use. The owner of any water well shall have the burden of establishing the existence and use of such well at the time of the original effective date of this ordinance.

SECTION 7-234: WELLHEAD PROTECTION; PENALTIES; ABATEMENT PROCEDURE

In the event any of the above-described facilities are installed or operated without first

having obtained a permit from the City and/or within the designated number of feet from any municipal water supply, then such facilities shall be deemed a nuisance and the City Council may abate such facility as a public nuisance. The City may request injunctive relief and sue for damages and remediation in the proper courts. In addition, any person violating any of the terms of this article may be charged with a Class III misdemeanor as the same is defined by Nebraska statute. The penalty for such violation shall be that as defined by Nebraska law for the violation of a Class III misdemeanor. The continuation of a violation shall be deemed an additional crime for every 24 hours of such continued violation.

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

A. The City owns and operates the sewer system through the public works director. The mayor and City Council, for the purpose of defraying the cost of the management and maintenance of the sewer system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the sewer maintenance fund.

B. The public works director shall have the direct management and control of the Sewer Department. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the mayor and City Council. The council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection during office hours.

(Neb. Rev. Stat. §17-925.01)

SECTION 7-302: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning 5 feet outside the inner face of the building wall.

"Building sewer" shall mean and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

"Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

"Public sewer" shall mean a sewer that is controlled by public authority.

"Sanitary sewer" shall mean a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Sewer system" shall mean and include all facilities for collecting, pumping, treating, and

disposing of sewage.

SECTION 7-303: CONNECTION TO SEWER SYSTEM

A. The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the City is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within ten days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

B. The City may furnish sewer service to persons within its corporate limits whose property line is not within 300 feet of the said public sewer with permission from the mayor and City Council, provided that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the City to provide sewer service to persons whose property line is not within 300 feet of the said public sewer.

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of ten days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the City, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.

(Neb. Rev. Stat. §§17-149.01, 18-503)

SECTION 7-304: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES; SEPTIC TANKS

A. It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage, or other objectionable waste in any unsanitary manner on public or private property within the City, within one mile of the corporate limits thereof, or in any area under the jurisdiction of the City.

B. It shall be unlawful to discharge to any natural outlet within the City, within one mile of the corporate limits thereof or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with Section 7-305 below.

C. Outhouses and cesspools are strictly forbidden within the corporate limits of the City. Septic tanks for the reception of sewage or waste from a drain from any building in this city shall be permitted or allowed only when the sewer system is not available to the premises on which said septic tank is located or serves. The city sewer system shall be considered available for the purposes of this section when said system abuts the premises on which said septic tank is located or serves. All septic tanks constructed on premises to which the city sewer system is not available shall be permitted or allowed only until after a written permit for the same is secured from the public works director; and all such septic tanks shall be constructed to conform with all rules and regulations for the placement of septic tanks issued by the State of Nebraska.

D. In case an available city sewer is provided later, the existing septic tank used on said premises must be abandoned forthwith when the city sewer is installed. The drain from any building shall be connected to the city sewer and the septic tank must then be

cleaned and filled with fresh earth tamped down properly.

E. Any person violating this section shall be guilty of a misdemeanor. In the case of a conviction, the court may order that every such nuisance be abated or removed and that any such septic tank be cleaned and filled up. In case any such person so convicted shall fail to abate such nuisance within five days after the entry of such order of abatement or removal, then (1) such person may be proceeded against by the court for contempt or (2) the court may direct the police chief and public works director to cause the abatement or removal of such nuisance. Upon the making of a return by the police chief showing the abatement or removal of such nuisance, the expense thereof shall be taxed as a cost of such prosecution and collected as other costs. This section is cumulative and shall not prevent or exclude the removal of any such nuisance by any other lawful means.

SECTION 7-305: POLLUTED AND UNPOLLUTED DRAINAGE; HAZARDOUS DISCHARGES

A. Storm water and all other unpolluted drainage including surface water, subsurface drainage, ground water, and roof runoff shall be discharged to specifically designated combined sewers or storm sewers or to a natural outlet approved by the public works director. On approval of the public works director, industrial cooling water or unpolluted process water may be discharged to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the City for such costs, which shall be as determined by the public works director. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any pump which pumps any of the above-identified kinds of water for any purpose whatsoever.

B Except as hereafter provided, no person shall discharge or cause to be discharged any of the following-described waters or wastes into the city sewer system:

1. Liquids or vapors having a temperature higher than 150° F.
2. Water or waste which may contain more than 100 parts per million by weight of fat, oil or grease.
3. Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
4. Garbage that has not been properly shredded, except food waste that has been properly run through a garbage disposal.
5. Sand, mud, metal, rags, paper or other solid or viscous substance capable of causing obstruction to the flow in the sewer system.
6. Toxic or poisonous substances in sufficient quantity to interfere with or injure the sewage treatment process, constitute a hazard to humans, animals or fish, or create any hazard in the receiving area of the sewage treatment plant.
7. Suspended solids of such character and quantity that unusual attention or expense is required to handle such materials.
8. Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive properties capable of causing damage to the structures, equipment and personnel of the Sewer Department.
9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

C. Further prohibitions in reference to hazardous discharges, options for handling the same, compliance procedures including pretreatment, and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.
(Neb. Rev. Stat. §17-145)

SECTION 7-306: INSTALLATION EXPENSE; TAP FEE

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The customer, upon approval of his or her application for sewer service, shall pay a tap fee to the City, which compensates it for the expense of processing the application and tapping the sewer main. The public works director in his discretion may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503)

SECTION 7-307: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

All installation or repair of any part of the sewerage system shall be done under the supervision of the public works director and strictly in accordance with the rules, regulations, and specifications on file with the city clerk and prescribed for such installation by the city engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. Where the material proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines, and service lines. (Neb. Rev. Stat. §18-503)

SECTION 7-308: SEWER RATES

Customers of the Sewer Department shall be charged an amount set from time to time by ordinance of the City Council for the use of sewer service. Rates shall be kept on file and available for public inspection at the office of the city clerk during office hours. All sewer customers shall be liable for the rate provided by ordinance.

SECTION 7-309: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the City on the account of the Sewer Department, and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Section 7-106. (Neb. Rev. Stat. §17-540)

SECTION 7-310: REPAIRS AND MAINTENANCE

A. The Sewer Department may require the owner of any property which is connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the public works director.

B. The city clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such

notice the property owner fails or neglects to cause such repairs or replacements to be made, the public works director shall complete the work and charge the cost of such repairs or replacement to the customer.

(Neb. Rev. Stat. §18-1748)

SECTION 7-311: AIR CONDITIONING, COOLING; DISCHARGE TO STORM SEWERS

No discharge from any air conditioning unit or cooling system shall be permitted or allowed to be made into the sanitary sewer system of the City. All such discharges must be made into the storm sewer system or upon the premises of the owner of such device, provided that such discharge does not prejudicially affect the public health and convenience.

SECTION 7-312: MANHOLES

Entrance into a manhole or opening for any purpose except by authorized persons is prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

Article 4 – Electric System

SECTION 7-401: OWNERSHIP

The City owns and operates the municipal electrical distribution system through the public works director, who shall have the direct management and control of such electrical system and shall have the authority to adopt rules and regulations for its safe and efficient management, subject to the supervision and review of the City Council. The council shall set the rates to be charged for services rendered by motion and shall file the same in the office of the city clerk for public inspection during office hours. (Neb. Rev. Stat. §17-902 through 17-904, 17-906, 17-909)

SECTION 7-402: ELECTRICIANS; STATE LICENSE; LIABILITY

Under no circumstances shall connections be made between the wires of the electrical distribution system of this city and the meter of the consumer except by an employee of the City or a licensed electrician authorized to do so by the public works director. The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution. No electrician shall be considered to be legally licensed unless he or she shall have first obtained a license from the State of Nebraska. All wiring, equipment and apparatus shall be installed according to the Electrical Code duly adopted by the City. All installation shall be done under the supervision of and strictly in accordance with the rules, regulations and specifications for such installation prescribed by the public works director. Electricians who connect with the electrical system shall be held responsible for any damage to the wires or other parts of the system. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-902)

SECTION 7-403: INSTALLATION EXPENSE

A. The cost and expenses of installation and equipment for any improvement, expansion, extension, or other modification to the electrical system which is required due to a requirement or request of any customer or user of the electrical system shall be paid by the customer which requires or requests new or improved service to the customer's premises. Such improvements include but are not limited to distribution lines, overhead lines, underground, lines, transformers, and any other extensions or upgrades to any of the

foregoing reasonably necessary to provide requested service to any electrical system user or customer. All such improvements, expansions, extensions, or modifications extending to the meter for the electrical service on the electrical system customer or user's property shall be property of the electrical system following installation and payment for such installation by the electrical system user or customer.

B. The expense of installation and wiring from the electrical meter to the house or other structure shall be the responsibility of the electrical system customer or user. All maintenance or replacement costs of the wiring from the electrical meter to the point of distribution shall be the responsibility of the city electrical user or customer.

C. Costs of regular maintenance of all improvements, expansions, extensions, or other modifications extending to an electrical meter which are paid for by any user or customer of the city electrical system shall be paid by the City as provided for the electrical system generally.

D. Customers may file an application with the City to share in the costs of any electrical system improvement, expansion, extension, or other modification. The City Council shall consider such request to share in the costs of any electrical system based upon information including but not limited to the nature of the improvements or modifications to the City's electrical system, the likely revenues resulting from the load of the electrical system user or customer, any benefits to the City or its residents, or other such criteria as the City Council may deem appropriate. Any agreement to share in the expense of any electrical system improvement or expansion shall be in the sole discretion of the council. No obligation regarding any costs of improvement or expansion requested by a customer or user shall be the responsibility of the City unless the City Council affirmatively votes to share in the cost following application
(Neb. Rev. Stat. §17-902) (Am. Ord. No. 22-04-01, 4/18/22)

SECTION 7-404: METERS

A. All electric current furnished to customers by the electrical distribution system shall be measured by meters provided and set by the City. Electrical meters shall be read at least one time each month between the 25th day during which electrical service is used and the first day of the succeeding month. In the event a meter is broken or otherwise fails to register accurately the use of electricity by any consumer, the charge for electrical current shall be based on the monthly consumption during the same month of the preceding year; provided, however, if no such basis for comparison exists or if circumstances have been materially altered, then the public works director and the city clerk shall set a reasonable charge. No person except when authorized shall be allowed to set meters or make connections to the electrical distribution system.

B. The City will keep all meters clean and in repair at its expense. The owner or tenant of a premises where a meter is located shall provide ready and convenient access to the meter so that it may easily be examined and read by authorized agents of the City. Any customer shall have the right to request the public works director to test, a reasonable number of times, a meter which the customer may have reason to believe is not registering the true amount of current. It shall be the duty of the City to test said meter as requested.

C. All meters now in use or hereafter installed shall be and remain the property of the City. When any meter is entirely worn out or a replacement is deemed necessary for other reasons, a new meter will be furnished and set by the City at its expense; provided, however, in cases where meter repair or meter replacements are made necessary because of willful neglect, recklessness, or tampering on the part of the customer, then the City shall (1) require the customer to pay for installing a new meter or (2) make the repairs and collect the same as for electrical service furnished.

SECTION 7-405: NO GUARANTEE OF SERVICE

The City does not guarantee the delivery of electric current over the lines of the distribution system at any time. The City has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The City shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers but shall not be liable for damages resulting from interruption of service due to causes over which the City has no control. The City expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Neb. Rev. Stat. §17-902)

SECTION 7-406: ELECTRICITY RATES

Customers of the electrical system shall be charged an amount set from time to time by ordinance of the City Council for the use of sewer service. Rates shall be kept on file and available for public inspection at the office of the city clerk. All electricity customers shall be liable for the rate provided by ordinance.

SECTION 7-407: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the City on the account of the electrical system, and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Section 7-106.

SECTION 7-408: SIGNS, ADS, ETC.

It shall be unlawful for any person to post, tack or fasten to the poles, structures, fixtures or equipment of the city electrical system any sign, poster, advertisement or banner without written permission from the public works director.

SECTION 7-409: TRIMMING TREES

Any person desiring to cut or remove trees or branches in close proximity to the lines of the city electrical system shall give reasonable written notice to the public works director before doing the said work and shall follow any and all rules and regulations which he or she may specify. It shall be unlawful for any person to fell any tree or remove branches without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the electrical system, the City Council shall have the power to order any overhanging branches or limbs of trees to be cut and removed. Also see Chapter 6, Section 6-105 (Overhanging Branches).

Article 5 – Solid Waste

SECTION 7-501: DEFINITIONS

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

A. "Landfill" shall mean a landfill which is licensed with the Nebraska Department of Environmental Quality and which the City has designated for dumping.

B. "Garbage," "refuse," "trash," and "rubbish" shall have their ordinary meanings except where specifically stated otherwise.
(Neb. Rev. Stat. §81-1502)

SECTION 7-502: ACCUMULATION PROHIBITED; RECEPTACLES; DISPOSAL FEE

It shall be unlawful for any person to keep in, on or about any dwelling, building or premises, or any other place in the City, garbage, refuse, rubbish, or waste of any kind that may be injurious to the public health or offensive to the residents of the City unless the same is kept in receptacles not exceeding a 90-gallon capacity and as nearly airtight as may be practical. Every location with a utility connection shall be required to pay a flat fee to offset costs of standard services provided to all residents. Such fee shall be as set by resolution by the City Council and kept on file in the office of the city clerk.

SECTION 7-503: COLLECTION AND DISPOSAL

The City shall provide or contract for the disposal of nonhazardous solid waste from residential, commercial, institutional, and governmental premises within its solid waste jurisdiction area. Such wastes shall be disposed of on a regularly scheduled basis and shall be disposed of only in a licensed landfill facility meeting all state and federal criteria and approved by the City Council. (Neb. Rev. Stat. §19-2106)

SECTION 7-504: COLLECTION SERVICE; LIABILITY FOR PAYMENT

A. The City has separately established charges to be paid by each person whose premises are served by the city solid waste collection system for the collection of garbage, rubbish, trash and waste on a city-wide basis. For purposes of such charges, every owner, lessee, tenant, occupant, manager or other person in possession of a residence, place of business, factory, medical facility or other institution, or other tract of land is deemed to be served by the city solid waste collection system and the owner or occupant of the premises shall be deemed served and therefore liable for the charges unless the utilities have been disconnected or owner or occupant proves to the City Council that:

1. The premises are unoccupied; or
2. The solid waste generated at the premises during the applicable billing period was lawfully collected and hauled to a permitted facility or was otherwise disposed of in conformance with all applicable laws, regulations, and ordinances.

B. Proof of proper disposal during the applicable billing period may be provided by means of any of the following:

1. A billing receipt or other statement from a duly permitted solid waste hauling service for collection of solid waste at the premises during the applicable billing period;
2. A billing receipt or register tab from a duly permitted transfer station, disposal facility or landfill for solid waste received during the applicable billing period; or
3. Such other documentation of proper disposal as may be acceptable to the City Council.

SECTION 7-505: CONTAINERS

A. No person shall dispose of any item or garbage, refuse or trash in the City except as provided in this article.

B. The City shall place containers at various locations inside the city limits for the collection of garbage, refuse and trash from those properties served which are located

inside the city limits.

C. It is permissible to place the following items in totes or other dumpsters used by the Municipal Sanitation Department for pickup of matter to be transported to the Southwest Solid Waste Agency Transfer Station Grounds:

1. Normal non-animal and non-vegetable household items.
2. Animal and vegetable items wrapped in paper or plastic. A sealed trash bag is considered wrapping.

D. It is not permissible to place the following items in totes or other dumpsters used by the Municipal Sanitation Department for pickup of matter to be transported to the Southwest Solid Waste Agency Transfer Station Grounds:

1. Grass clippings, leaves, garden vegetation or any other yard debris.
2. Construction materials, demolition or remodeling debris.
3. Concrete, dirt, sod, plaster or other heavy materials.
4. Flammable liquids, cleaning fluid, waste oil, gasoline, paint, and any cans containing paint that is still wet.
5. Tree limbs and large brush.
6. Furniture, carpet and large appliances.
7. Engines.
8. Wire or wire fencing.
9. Tires.
10. Hot ashes.

SECTION 7-506: ADDITIONAL CONTAINERS

The police chief shall have the authority to order the owner, operator or manager of any business enterprise which accumulates garbage in large quantities to furnish such additional number of receptacles as may be necessary to adequately contain such accumulations for the protection of the health and safety of the residents of the City.

SECTION 7-507: HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL HANDLING

Any person, firm, or corporation within the city solid waste jurisdiction area who or which generates or creates hazardous waste or waste requiring special handling or disposal shall be responsible for the transportation and disposal of the same. All such handling and disposal shall in all respects comply with state and federal laws and regulations pertaining to the specific type of waste generated. (Neb. Rev. Stat. §81-1516)

SECTION 7-508: WASTE DISPOSAL SITES

A. The City owns and operates a transfer station, tree disposal site and a yard waste compost site. It shall be unlawful for any person, partnership, corporation or association, except the City, to do any of the following things within the confines of the transfer station and adjacent grounds:

1. Set any fire or burn any trash or other materials.
2. Scavenge, salvage or remove any material.
3. Willfully fail to observe posted instructions.
4. Place therein any carcass of any animal.
5. Place therein any toxic or noxious chemical or other material.
6. Place trash or other material at the site that is not specifically designated for that site. Users shall obey all signage. Violators will be prosecuted if caught by the surveillance system.

B. Any person who shall violate any of the provisions of this section shall be fined as follows:

- | | |
|------------------------|----------|
| 1. First offense | \$150.00 |
| 2. Subsequent offenses | \$500.00 |

SECTION 7-509: ADDITIONAL REGULATIONS

The City Council may from time to time make and adopt by ordinance such additional rules and regulations governing the use, operation, and control of the solid waste collection and disposal system and the regulation of solid waste within the city solid waste jurisdiction area as it may deem necessary to promote the efficient operation and management of the system and to protect the environment and the health, safety, and welfare of all persons within the city solid waste area. (Neb. Rev. Stat. §19-2106)

Article 6 – Penal Provision

SECTION 7-601: PENALTY; VIOLATION

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.

CHAPTER 8 – PUBLIC SAFETY

Article 1 – Police Department

SECTION 8-101: POWERS, DUTIES, RESPONSIBILITIES

A. The city police, whether regular or special, shall have the power to arrest all offenders against the laws of the State or the City, by day or by night, and keep the said offenders in the city jail or some other place to prevent their escape until trial can be held before the proper official of the State or the City. They shall have full power and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine. Every city police officer shall be expected to be conversant and knowledgeable of the city and state laws and no law enforcement official shall have any interest in any establishment having a liquor license. City police shall have the duty to file such complaints and reports as may be required by the city ordinances and the laws of the State of Nebraska.

B. City police who shall purposely and willfully fail, neglect or refuse to make an arrest or purposely and willfully fail to make a complaint after an arrest is made shall be charged with the misdemeanor, and upon conviction of said misdemeanor, shall be fined. It shall be unlawful for the City Council to retain any city police officer in such position upon conviction of any Class I misdemeanor, Class W misdemeanor, or any felony violation of the United States, the State of Nebraska, or any other comparable offenses of any other jurisdiction.

C. It shall be the duty of every city police officer making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep, and produce to the proper judicial official upon the trial, everything found upon the person of such prisoners. All personal effects so taken from prisoners aforesaid shall be

restored to them upon their release.

D. Suitable uniforms and badges shall be furnished to the city police by the City. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the event that any member shall leave the force, he or she shall immediately deliver his badge to the city police chief. The City Council may from time to time provide the city police with such uniforms, equipment and transportation as may be essential in the performance of their official duties.

SECTION 8-102: ARREST JURISDICTION

A. The police chief or any other city police officer shall have the power and authority to enforce the laws of this state and the City or otherwise perform the functions of that office anywhere within his or her primary jurisdiction. Primary jurisdiction shall mean the geographic area within territorial limits of the City.

B. The police chief and any other city police officer who is within this state but beyond the territorial limits of his or her primary jurisdiction shall have the power and authority to enforce the laws of this state or any legal ordinance of the City or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of his or her primary jurisdiction in the following cases:

1. The police chief or any other city police officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the officer's primary jurisdiction;
2. The police chief or any other city police officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return such person to the officer's primary jurisdiction;
3. The police chief or any other city police officer shall have enforcement, arrest and detention authority when responding to a call in which a local, state or federal law enforcement officer is in need of assistance, which shall mean a law enforcement officer whose life is in danger or who needs assistance in making an arrest and the suspect (a) will not be apprehended unless immediately arrested, (b) may cause injury to himself/herself or others or damage to property unless immediately arrested, or (c) may destroy or conceal evidence of the commission of a crime; and
4. If the City, under the provisions of the Interlocal Cooperation Act, enters into a contract with any other municipality or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the City shall provide liability insurance coverage for its own law enforcement personnel as provided in Neb. Rev. Stat. §13-1802.

C. When probable cause exists to believe that a person is operating or is in the actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any drug or otherwise in violation of Neb. Rev. Stat. §28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6.211.01 or 60-6,211.02, a city law enforcement officer has the power and authority to do any of the following or any combination thereof:

1. Transport such person to a facility outside of the law enforcement officer's primary jurisdiction for appropriate chemical testing of the person;
2. Administer outside of the law enforcement officer's primary jurisdiction any post-arrest test advisement to the person; or
3. With respect to such person, perform other procedures or functions outside of the law enforcement officer's primary jurisdiction which are directly and solely related to enforcing the laws that concern a person operating or being in the actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any other drug or otherwise in violation of Neb. Rev. Stat. §28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01 or 60-6,211.02.

D. If city law enforcement personnel are rendering aid in their law enforcement capacity outside the limits of the City in the event of disaster, emergency or civil defense emergency or in connection with any program of practice or training for such disaster, emergency or civil defense emergency when such program is conducted or participated in by the Nebraska Emergency Management Agency or with any other related training program, such law enforcement personnel have the power and authority to enforce the laws of this state or any legal ordinances or resolutions of the local government where they are rendering aid or otherwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within their primary jurisdiction. The City shall self-insure or contract for insurance against any liability for personal injuries or property damage that may be incurred by it or by its personnel as the result of any movement made pursuant to this section.
(Neb. Rev. Stat. §29-215)

SECTION 8-103: DISCHARGE OR REMOVAL FROM DUTY; NOTICE AND HEARING; DETERMINATION

A. No police officer, including the chief of police, shall be disciplined, suspended, demoted, removed or discharged except upon written notice stating the reasons for such disciplinary action, suspension, demotion, removal or discharge. Such notice shall also contain a statement informing the police officer of his or her right to a hearing before the City Council.

B. Any police officer so disciplined, suspended, demoted, removed or discharged may, within ten days after being notified by of such disciplinary action, suspension, demotion, removal or discharge, file with the city clerk a written demand for a hearing before the City Council, who shall set the matter for hearing not less than ten nor more than 20 days after the filing of the written demand for a hearing. The council shall give the said police officer written notice of the hearing not less than seven nor more than 14 days prior to the hearing.

C. At the hearing, the police officer shall have the right to: (1) respond in person to the charges and present witnesses and documentary evidence; (2) confront and cross-examine available adverse witnesses; and (3) be represented by counsel.

D. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse or modify the disciplinary action, suspension, demotion, removal or discharge. The failure of the council to act within 30 days or the failure of a majority of the council members to vote to reverse or modify the disciplinary action, suspension, demotion, removal or discharge shall be construed as a vote to uphold the disciplinary action, suspension, demotion, removal or discharge. The decision of the City Council shall be based upon its determination that, under the facts

and evidence presented at the hearing, the challenged disciplinary action, suspension, demotion, removal or discharge was necessary for the proper management and effective operation of the Police Department in the performance of its duties under the state statutes.

E. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer in cases of gross misconduct, neglect of duty, or disobedience of orders, pending the hearing authorized by this section.
(Neb. Rev. Stat. §17-107)

Article 2 – Fire Department

SECTION 8-201: OPERATION AND FUNDING

The City operates the Fire Department through the fire chief. The City houses the Rural Fire District's equipment and it shall be the duty of the Fire District to maintain its own equipment. For the purpose of defraying the costs of the management, maintenance, and improvement of the Fire Department, the City Council shall levy a tax each year not exceeding the maximum limits prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the Fire Department fund and shall be in the possession of the city treasurer. The fire chief shall manage the Fire Department and it shall be his or her duty to inform the City Council when any of the fire engines, hose, ladders or other apparatus needs repair.

SECTION 8-202: MEMBERSHIP

A. The fire chief shall recommend for appointment no more than 35 members to each Fire Department company, subject to the review and approval of the City Council. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the City for the purpose of providing them with workers' compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least \$10,000.00 for death from any cause to age 70 and such policy shall, at the option of the individual person, be convertible to a permanent form of life insurance at age 65 provided that each person covered is actively performing the duties of his or her position. The members may organize themselves in any way they may decide, subject to the review of the City Council.

B. The secretary shall keep a record of all meetings and shall report to the City Council on all meetings and activities of the Fire Department. The council may compensate or reward any member for services rendered in an amount set by resolution. All members of the Fire Department shall be subject to such rules and regulations and perform such duties as may be required of them by the fire chief or the council. During the time of a fire or great public danger the members of the Fire Department shall have and exercise the powers and duties of police officers and shall have full power and authority to arrest all persons guilty of any violation of the Municipal Code or the laws of the State of Nebraska; provided, however, volunteer firefighters and rescue squad members testifying as witnesses in connection with their officially assigned duties in that capacity alone shall not be deemed employees of the State or of the City.

SECTION 8-203: OFFICES OF CHIEF, ASSISTANT CHIEF AND CAPTAINS CREATED; DUTIES

There are hereby created the offices of fire chief, first and second assistant fire chiefs and two lieutenants of the Fire Department. Said officers shall be elected by the active members and approved by the mayor and City Council; they shall hold their offices until their successors are elected by the membership. Such officers may be removed from office by

the mayor and council for misconduct, inefficiency or dereliction of duty, and when any vacancy occurs by removal or otherwise, the members shall immediately elect a successor, subject to the approval of the council. In the event of the failure of the members to elect a fire chief, assistant fire chief or captains, or in case of a vacancy in any of said offices for a period of five days, the City Council shall fill such vacancy by the appointment of any member of the Fire Department to said office.

SECTION 8-204: POWERS AND DUTIES OF CHIEF

A. The fire chief shall (1) have full control of the actions of the members of the Fire Department during the time said department is on duty at a fire or during the period of fire drills, and shall have full charge and control of all of the equipment of said Fire Department and of the movement thereof; (2) have and is hereby invested with the authority of a police officer in the performance of his or her duty as such fire chief; (3) preserve and maintain order at all times during a fire and shall have power and authority to call to his or her aid, either for the purpose of maintaining order or for the performance of any other act in connection with the fire, any and all bystanders whom he or she may select at the time; and it shall be the duty of all persons who are called upon by the fire chief for service at a fire to promptly obey all orders issued by him or her; (4) see that all fire equipment is in proper working order and report to the mayor whenever any repairs or new equipment are required; and (5) perform such other duties as are imposed upon him or her by law.

B. The fire chief shall keep or cause to be kept a record of all fires and shall make a full report of such records to the city clerk annually each year. The record of any fire shall include the cause, origin, circumstances, property involved and whether criminal conduct may have been involved.

SECTION 8-205: EQUIPMENT

A. It shall be unlawful for any person except the fire chief and the members of the Fire Department to molest, destroy, handle, or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the City.

B. Fire equipment may not be removed from the Fire Department without prior approval of department personnel. City employees shall not be involved in the fire or rescue actions other than as firemen or Rescue Squad members. Maintenance of the Fire Department building is the responsibility of the City Council. The temperature control of the building shall be administered to ensure that oxygen and other equipment of the Rescue Squad and other department companies are maintained at safe operating and administration temperatures.

(Neb. Rev. Stat. §28-519)

SECTION 8-206: COMMUNICATIONS EQUIPMENT

No unauthorized person shall operate any radio or communications equipment of the Fire Department. All persons authorized to operate said equipment shall do so only as authorized by the license granted to that particular piece of equipment and shall strictly comply with all of the rules and regulations established.

SECTION 8-207: LAWFUL BURNING OF PROPERTY FOR TRAINING AND SAFETY PROMOTION

Property may be lawfully destroyed by burning such structures as condemned by law, structures no longer having any value for habitation or business, or no longer serving any useful value in the area in which situated, and any other combustible material that will serve to be used for test fires to educate and train members the Fire Department and promote fire safety. Before any structure may be destroyed by fire for training and

educational purposes, it must be reported to the state fire marshal and a permit issued for that purpose. Any expense incurred in burning a structure shall be assumed by the department. (Neb. Rev. Stat. §28-506)

SECTION 8-208: IMPERSONATING FIREMAN

It shall be unlawful for any person to falsely personate a fireman by wearing a badge or other apparel usually worn by a fireman for the purpose of obtaining any benefit whatsoever. Nothing in this section shall be construed to prohibit the theatrical representation of a fireman for bona fide entertainment purposes when there is no intent to defraud. (Neb. Rev. Stat. §28-609)

Article 3 – Fires

SECTION 8-301: DUTY OF FIRE DEPARTMENT

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires; to protect property within the City; and to secure the observance of all ordinances, laws and other rules and regulations with respect to fires and fire prevention.

SECTION 8-302: INTERFERENCE

It shall be unlawful for any person or persons to hinder or obstruct the fire chief or the members of the Fire Department in the performance of their duties. A person commits the offense of interfering with a fireman if at any time and place where any fireman is discharging or attempting to discharge any official duties he or she willfully:

A. Resists or interferes with the lawful efforts of any fireman in the discharge or attempt to discharge an official duty; or

B. Disobeys the lawful orders given by any fireman while performing his duties; or

C. Engages in any disorderly conduct which delays or prevents a fire from being extinguished within a reasonable time; or

D. Forbids or prevents others from assisting or extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, not to assist in extinguishing a fire.

(Neb. Rev. Stat. §28-908)

SECTION 8-303: PRESERVATION OF PROPERTY

Any official of the Fire Department shall have the power during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The said officials may direct the removal of any building, erection, or fence for the purpose of checking the progress of any fire, and the official in charge of the firefighting effort shall have the power to blow up, or cause to be blown up, with powder or otherwise, any building or erection during the progress of a fire for the purpose of extinguishing or checking the same.

SECTION 8-304: OBSTRUCTION

It shall be unlawful for any person to obstruct the use of a fire hydrant or have or place any material within 15 feet of any hydrant. Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost and expense of the owner or claimant.

SECTION 8-305: ASSISTANCE

Any official of the Fire Department may command the assistance and services of any person present at a fire to help in extinguishing the fire or in the removal and protection of property. Any spectator who refuses, neglects, or fails to assist after a lawful order to do so shall be deemed guilty of a misdemeanor.

SECTION 8-306: DRIVING OVER HOSE

It shall be unlawful for any person, without the consent of the fire chief or assistant fire chief, to drive any vehicle over unprotected hose of the Fire Department.

SECTION 8-307: TRAFFIC

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus have stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 8-308: PEDESTRIANS

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm has sounded until the fire trucks have completely passed. (Neb. Rev. Stat. §28-908)

SECTION 8-309: FALSE ALARM

It shall be unlawful for any person to raise any false alarm of fire intentionally and without good and reasonable cause. (Neb. Rev. Stat. §§28-907, 35-520)

SECTION 8-310: DISTANT FIRES

In the discretion of the fire chief/mayor the fire equipment of the City may be used beyond the corporate limits to extinguish a reported fire; provided, some equipment shall remain in the City in case of need.

SECTION 8-311: FIRE INVESTIGATION

It shall be the duty of the Fire Department to investigate or cause to be investigated the cause, origin, and circumstances of every fire occurring in the City in which property has been destroyed or damaged. Any fire of unknown origin shall be reported and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be in compliance with the rules and regulations of the state fire marshal. The officer making the investigation of fires occurring within the City shall immediately notify the state fire marshal and shall, within one week of the occurrence of the fire, furnish him or her with a written statement of all the facts relating to the cause and origin of the fire and such further information as he or she may call for. (Neb. Rev. Stat. §81-506)

Article 4 – Fire Prevention

SECTION 8-401: FIRE CODE; ADOPTED BY REFERENCE

All of the provisions of the most recent edition of the Fire Code, as published by the National Fire Protection Association and recommended by the American Insurance Association, are hereby adopted by reference as part of this chapter. In the event that any of the

provisions of said code are in conflict with any of the provisions of the Municipal Code, the provisions of the Municipal Code shall prevail. (Neb. Rev. Stat. §§18-132, 19-902, 19-922, 81-502)

SECTION 8-402: LIFE SAFETY CODE; ADOPTED BY REFERENCE

Incorporated by reference into this Municipal Code are the standards recommended by the National Fire Protection Association known as the Life Safety Code, most recent edition and all subsequent amendments. This code shall have the same force and effect as if set out verbatim herein. (Neb. Rev. Stat. §§18-132, 19-902, 81-502)

SECTION 8-403: CODE ENFORCEMENT

It shall be the duty of all city officials to enforce the incorporated Fire Code provisions as provided in Sections 8-401 and 8-402, and all infractions shall be immediately brought to the attention of the fire chief.

SECTION 8-404: OPEN BURNING BAN; WAIVER; PERMIT

A. There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

B. The fire chief may waive an open burning ban under subsection (A) of this section for an area under the fire department's jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. Said person shall make application on a form provided by the state fire marshal. The permit shall be signed by the fire chief. He or she may adopt standards listing the conditions acceptable for issuing a permit to conduct open burning under this section.

C. The fire chief may waive an open burning ban under the local fire department's jurisdiction when conditions are acceptable to the chief. Anyone intending to burn in such jurisdiction when the open burning ban has been waived shall notify the fire chief beforehand of his or her intention to burn.

D. The Fire Department may set and charge a fee not exceeding \$10.00 for each such permit issued. Such fees shall be remitted to the City Council for inclusion in the general funds allocated to the Fire Department. Such funds shall not reduce the tax requirements for the Fire Department. No such fee shall be collected from any state or political subdivision to which such a permit is issued to conduct open burning under subsection (B) of this section in the course of such state's or political subdivision's official duties.

(Neb. Rev. Stat. §81-520.01)

SECTION 8-405: BURNING; APPLIANCES; VIOLATION

A. Except as otherwise set forth in this section, it shall be unlawful for any person to set fire to, burn or cause to be burned any animal matter or vegetable matter. Such prohibition shall include grass, leaves, wood, paper, cardboard, charcoal, fats or any other similar combustible materials, except as specifically provided in this article.

B. Burning of wood or charcoal is permitted for recreational purposes when such burning is conducted in a suitable burning appliance. All burning wood or charcoal permitted herein must occur in a burning appliance designed for such burning. To be a suitable burning appliance, the appliance must be a fire enclosure constructed of incombustible material that serves to keep the fire contained within the appliance to prevent the fire from spreading; all sides of the appliance must be solid or have screens with openings no larger than 3/8 of 1 inch; and the appliance must have a screened lid or top that has openings no larger than 3/8 of 1 inch for the purpose of catching any sparks or embers

rising from the burned material. Any burning of wood or charcoal not being conducted in a suitable burning appliance is prohibited.

C. Any burning appliance that does not consume wood or other combustible materials shall be exempt from the requirement that the appliance must have screened sides or lid as provided in subsection (B) of this section. Furthermore, burning appliances exempted from the requirement of having screened sides and lids must be of a type that are fueled exclusively by natural gas or propane and must not emit burning embers or sparks.

D. Any burning appliance that has a United Laboratories Certification (UL Certified) shall be deemed as a suitable burning appliance for the purposes of this section. All UL Certified burning appliances may be used for the burning of propane, natural gas, charcoal or wood without any modification thereto; provided, the burning being conducted in such UL Certified burning appliance must be as provided in the manual for such burning appliance.

E. Nothing in this section shall be construed as prohibiting any barbeque grill, smoker or other outdoor cooking appliance that contains any combustible material within an appliance with solid sides and a lid to contain any cooking fire.

F. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and fined in a sum of \$75.00.

(Neb. Rev. Stat. §§17-549, 17-556, 81-520.01) (Ord. Nos. 09-07-02, 7/13/09; 16-10-01, 10/3/16)

SECTION 8-406: STOVES, FURNACES AND CHIMNEYS

All furnaces, stoves and other heating devices shall be installed at a proper distance from combustible materials and portions of the building. Any combustible materials or portions of the building that are dangerously close to such heating devices shall be protected by noncombustible material. This section shall apply both to existing structures and those which may hereafter be erected.

SECTION 8-407: FIRE LIMITS; DEFINED; BUILDING MATERIALS

A. The following-described territory in the City shall embrace and constitute the fire limits of said city, to-wit:

That portion of the City designated as being within the "C-2" Central Business District of the Imperial Zoning Regulations, as said regulations may be changed from time to time.

B. All buildings moved into or constructed within the fire limits shall be constructed of incombustible material with a fireproof roof.

(Neb. Rev. Stat. §17-550) (Am. Ord. No. 12-02-02, 2/6/12)

SECTION 8-408: FIRE LIMITS; BUILDING PERMIT

A. Prior to the moving in or construction of any building in the fire limits, application for a building permit in the fire limits must be approved by the building inspector. This requirement shall be in addition to any other required permit processes required by Imperial City Code.

B. The term "construction" shall include the enlarging or alteration of any building in the fire limits.

C. Application for a building permit in the fire limits shall be furnished to applicants by the city clerk. Applications for building permit in the fire limits shall require such

information as the building inspector deems necessary to determine whether or not to grant a building permit. The building inspector may request additional information from the applicant in determining whether or not to issue a building permit in the fire limits. Applications for building permits in the fire limits shall state on the application that the material used for the proposed building is noncombustible and has been approved in writing by the fire chief.

D. Any applicant who is denied a building permit in the fire limits by the building inspector may appeal to the Board of Adjustment. Notice of appeal from a denial of building permit must be submitted by the applicant within 15 days of the denial. Notice of appeal must timely be submitted to the city clerk for consideration at the next available meeting of the Board of Adjustment. If applicant does not timely appeal, the decision of the building inspector is final.

(Neb. Rev. Stat. §17-550) (Am. Ord. No. 12-02-02, 2/6/12)

SECTION 8-409: FIRE LIMITS; PERMITTED REPAIRS

It shall be unlawful for any person to repair, alter or add to any building in the fire limits where the repair is less than 50% of the building unless the said person shall first submit an application with the city clerk to make such repairs, alterations or additions and shall state on the application that the material used will be non-combustible and approved by the fire chief. Repairs in the form of patching and other minor repairs shall not require a permit. In the event that the repairs, alterations or additions cost or involve more than 50% of the building, the owner shall be required to apply for a new building permit which shall state that the building, when completed, shall be fireproof and made of non-combustible materials. (Neb. Rev. Stat. §17-550)

SECTION 8-410: FIRE LIMITS; REMOVAL REQUIRED

In the event that any wooden or combustible building or structure or any non-combustible building which stands within the fire limits is damaged to the extent of 50% or more of its value, exclusive of the foundation, it shall not be repaired or rebuilt but shall be taken down and removed within 60 days from the date of such fire or casualty. (Neb. Rev. Stat. §17-550)

SECTION 8-411: FIRE LIMITS; REMOVAL OR REPAIR REQUIRED

In the event that a building within the fire limits becomes damaged to the extent of less than 50% of its value, exclusive of foundation, it shall be the duty of the owner, lessee or occupant to remove or repair the said building in accordance with the provisions of this article. It shall be unlawful for any person to allow a building to stand in such damaged and decayed condition. Any such building shall be removed or repaired within 30 days after receiving notice to do so by the City Council. (Neb. Rev. Stat. §17-550)

SECTION 8-412: INSPECTION; FIRE HAZARD

A. The fire chief, the building inspector or the code enforcement officer, upon the complaint of any person or when otherwise found necessary, shall inspect all buildings and premises within his or her jurisdiction. Whenever said officer shall find (1) any building or other structure which is especially liable to fire and so situated as to endanger other property or the occupants thereof for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition or from any other cause or (2) combustible or explosive matter or flammable conditions dangerous to the safety of any building or the occupants thereof, said chief or officer shall order such dangerous conditions or materials to be removed or remedied, as follows:

1. *Occupant.* The service order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally, by delivering the same to and leaving it with any person in charge of the premises or by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises.
2. *Owner.* Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the said person a copy of the order or, if such owner is absent from the jurisdiction of the officer making the order, by mailing a copy to the owner's last known post office address.

B. It shall be the duty of the owner, lessee, or occupant of any building or structure that was lawfully inspected as herein prescribed and who receives written or verbal notice of a violation of any of the provisions of the city ordinances to correct the condition within five days of the date of receipt of such notice.

SECTION 8-413: LAWFUL ENTRY

It shall be the duty of the owner, lessee, or occupant of any building or structure, except the interiors of private dwellings, to allow the fire chief to inspect the structure for purposes of ascertaining and enumerating all conditions therein that are likely to cause fire or any other violations of the provisions of the city ordinances affecting the hazard of fire.

Article 5 – Hazardous Materials

SECTION 8-501: EXPLOSIVES; STORAGE; REGISTRATION

A. Any person, firm, or corporation storing or keeping dynamite, gunpowder, nitroglycerine, or other high explosives within the City for any period of time shall register such information with the city clerk 24 hours prior to being brought into the City. The clerk shall forward such information to the fire chief and to the City Council. Transfer of explosives to another individual within the City shall require the recipient to register the transfer and the new location of the explosives with the clerk. Also, moving explosives to a new location by the owner shall require registration of that fact to the clerk.

B. Any high explosives including dynamite, gunpowder, and nitroglycerine shall be stored in a proper receptacle which shall be closed at all times except when actually in use. Such concrete, metal, or stone receptacle shall not be located in any room where there is a flame or flammable materials. The area surrounding the storage facility shall be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities.

(Neb. Rev. Stat. §§17-549, 17-556, 28-1213, 28-1229, 28-1233)

SECTION 8-502: EXPLOSIVES; BULLETS

Cartridges, shells, and percussion caps shall be kept in their original containers away from flame, flammable materials, and high explosives.

SECTION 8-503: EXPLOSIVES; BLASTING PERMITS

Any person wishing to discharge high explosives within the City must secure a permit from the City Council and shall discharge such explosives in conformance with its direction and under its supervision. In no case shall any person perform blasting operations unless operating under the direct supervision of a person in possession of a valid user's

SECTION 8-504: POISONOUS OR FLAMMABLE GASES

Any person, firm, or corporation desiring to store or keep in the City any form of poisonous or flammable gas or liquefied petroleum gas in excess of 100 gallons or to add to, enlarge, or replace any facility used for the storage of such gases must first get a permit from the City Council, which shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the council shall prescribe such rules, regulations, and precautionary actions as it may deem necessary. (Neb. Rev. Stat. §17-549)

Article 6 – Fireworks

SECTION 8-601: REGULATION OF USE, SALE, POSSESSION

The use, sale, offer for sale, and possession of permissible fireworks in the City as defined by Neb. Rev. Stat. §28-1241 shall be governed and regulated by Neb. Rev. Stat. §§28-1241 to 28-1252, including any and all amendments thereto, together with any rules and regulations adopted by the state fire marshal for the enforcement of said sections.

SECTION 8-602: DEFINITIONS

A. “1.3G explosives,” also known as display fireworks or Class B fireworks, means any items classified as 1.3G explosives by the U. S. Department of Transportation in Title 49 of the Code of Federal Regulations, as such regulations existed on January 1, 2021. 1.3G explosives shall be considered display fireworks, which shall be considered an explosive as defined in Neb. Rev. Stat. §28-1213 and shall be subject to Neb. Rev. Stat. §§28-1213 to 28-1239, except that display fireworks may be purchased, received, and discharged by the holder of an approved display permit issued pursuant to Neb. Rev. Stat. §28-1239.01.

B. “1.4G explosives,” also known as consumer fireworks or Class C fireworks, means any items classified as 1.4G explosives by the U. S. Department of Transportation in Title 49 of the Code of Federal Regulations, as such regulations existed on January 1, 2021.

C. “Consumer fireworks” means any device that meets the requirements set forth in 16 C.F.R. parts 1500 and 1507, as such regulations existed on January 1, 2021, and is tested and approved by a nationally recognized testing facility or by the state fire marshal. 1.4G explosives shall be considered consumer fireworks. Consumer fireworks does not include wire sparklers and fireworks that have been tested by the state fire marshal as a response to complaints and have been deemed to be unsafe.

D. “Display fireworks” means those materials manufactured exclusively for use in public exhibitions or displays of fireworks designed to produce visible or audible effects by combustion, deflagration, or detonation. Display fireworks includes but is not limited to firecrackers containing more than 130 milligrams of explosive composition, aerial shells containing more than 40 grams of explosive composition, and other display pieces which exceed the limits for classification as consumer fireworks.

E. “Fireworks” means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of consumer or special fireworks set forth by the U. S. Department of Transportation in Title 49 of the Code of Federal Regulations.
(Neb. Rev. Stat. §§17-556, 28-1241)

SECTION 8-603: UNLAWFUL ACTS; EXCEPTIONS

A. Except as provided in subsection (B), it shall be unlawful for any person to possess, sell, offer for sale, or discharge any fireworks other than consumer fireworks, as defined in Section 8-602.

B. Subsection (A) shall not apply to:

1. Any display fireworks purchased from a licensed distributor; or
2. Any display fireworks purchased by the holder of a display permit issued pursuant to Neb. Rev. Stat. §28-1239.01; or
3. Toy cap pistols or toy caps, each of which does not contain more than .25 of a grain of explosive material.

(Neb. Rev. Stat. §§17-556, 28-1244, 28-1245)

SECTION 8-604: RETAIL SALES; DISCHARGE; PERMIT FOR PUBLIC EXHIBITIONS

A. It shall be unlawful for any person to give, sell or offer for sale any fireworks or pyrotechnics in the City, except fireworks permitted by the state fire marshal, may be sold at retail beginning at:

1. 7:00 a.m. on June 24 and ending on July 4 at 11:59 p.m., and
2. 7:00 a.m. on December 28 and ending at 11:59 p.m. on December 31.

B. Fireworks may be discharged at the following times:

1. A person commits the offense of discharging fireworks if he or she discharges fireworks within the City except during the period beginning at 8:00 a.m. on June 24 and ending July 4 at 11:59 p.m.; also beginning at 5:00 p.m. December 31 and ending January 1 at 12:30 a.m. Fireworks can be discharged only during said periods of time between 8:00 a.m. and 10:00 p.m. on June 24, through and including July 3, and also between 5:00 p.m. on December 31 and 12:30 a.m. on January 1.
2. However, a person may discharge fireworks for public exhibition at times other than those designated herein upon obtaining a permit to do so. Said permit may be issued if approved by the City Council upon application.

C. It shall be further unlawful to discharge fireworks within 300 feet of a fireworks stand, gasoline station or any commercial area where flammable materials are stored, or in any public park.

D. Any person who shall be determined to have violated this section shall be deemed guilty of a misdemeanor and fined in the sum of \$25.00.

(Neb. Rev. Stat. §§17-556, 28-1246, 28-1249) (Am. Ord. No. 16-10-02, 10/17/16)

SECTION 8-605: UNLAWFUL THROWING OF FIREWORKS

A person commits the offense of unlawful throwing of fireworks if he or she throws any firework or any object which explodes upon contact with another object:

- A. From or into a motor vehicle;
- B. Onto any street, highway, or sidewalk;
- C. At or near any person;

D. Into any building; or

E. Into or at any group of persons.

(Neb. Rev. Stat. §§17-556, 28-1242)

Article 7 – Penal Provision

SECTION 8-701: 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 not more than for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Building Inspector/Zoning Administrator

SECTION 9-101: POWERS AND AUTHORITY

The City Council has the power and authority to appoint a building inspector, who shall be the city official having the duty of enforcing all building and housing regulations. The city engineer or another person experienced in building construction practices, the code enforcement officer designated in Chapter 1, Section 1-512, or another person may be appointed as building inspector. In the event such appointment is made, the building inspector shall:

A. Have the authority to carry out the duties as stated in the Dangerous Buildings Regulations in Chapter 3, Article 5 (Nuisances), especially Section 3-502.

B. Have the duty of enforcing all building and housing regulations as herein prescribed.

C. Inspect all buildings repaired, altered, built, moved or demolished in the City or its zoning jurisdiction as often as necessary to ensure compliance with all city ordinances.

D. Have the power and authority, at the direction of the City Council, to order all work stopped on any construction, alteration or relocation which violates any provisions prescribed herein.

E. At the direction of the City Council, issue permission to continue any construction, alteration or relocation when the council is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written order may be served by any peace officer.

SECTION 9-102: RIGHT OF ENTRY

It shall be unlawful for any person to refuse to allow the building inspector entry into any building or structure where the work of construction, alteration, repair, or relocation is taking place for the purpose of making official inspections, at any reasonable hour.

SECTION 9-103: TIME OF INSPECTION

A. The building inspector, upon notification from the permit holder or his or her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent that the work fails to comply with the requirements of the City Code:

1. Footing and foundation inspection shall be made after trenches are excavated and the necessary forms erected;
2. Frame inspection shall be made after the roof, framing, fire-blocking, and backing are in place and all pipes, chimneys, and vents are complete; and
3. Final inspection shall be made after the building is completed and ready for occupancy.

B. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the building inspector.

SECTION 9-104: BARRICADES AND LIGHTS

It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the City to have all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day and by warning lights at night during the time that such work is in progress. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this section and the building inspector shall stop all work until guards are erected and maintained as required.

Article 2 – Building Permits

SECTION 9-201: PERMITS REQUIRED; APPLICATION

It shall be unlawful to construct or alter any building or structure in the City or the area one mile beyond the corporate limits thereof without having first procured a written permit from the city building inspector. No structural construction shall commence before the building inspector issues a building permit when a permit is required by City Code. The applicant for the building permit shall obtain an application from the city clerk and present the completed application and building plans to the building inspector. The building inspector will issue the building permit only when satisfied that the building plans comply with the City's building codes. Except as required by the Building Code, an applicant is not required to seek approval from either Planning and Zoning or the City Council. (Neb. Stat. §18-1743)

SECTION 9-202: DUPLICATE TO COUNTY ASSESSOR

Whenever a building permit is issued for the erection, alteration or repair of any building within the City's jurisdiction and the improvement is \$1,000.00 or more, a duplicate of such permit shall be forwarded to the county assessor. (Neb. Rev. Stat. §18-1743)

SECTION 9-203: INSPECTION FEES; COLLECTION; SCHEDULE

The city clerk shall have the power and authority to collect payments of building inspection fees as set from time to time by the City Council and report the collection and the amount of the same to the council at its request.

SECTION 9-204: VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit to construct or repair a building within the corporate limits and zoning jurisdiction of the City is issued as provided in this article to vary in any manner from the plans and specifications submitted to the City Council in the construction or repair authorized so that such construction or repair does not conform to city ordinances.

SECTION 9-205: TIME OF INSPECTION

A. The building inspector, upon notification from the permit holder or agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent that the work fails to comply with the requirements of the City Code:

1. Foundation inspection shall be made after trenches are excavated and the necessary forms erected;
2. Frame inspection shall be made after the roof, framing, fire-blocking and backing is in place and all pipes, chimneys and vents are complete; and
3. Final inspection shall be made after the building is completed and ready for occupancy.

B. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the building inspector.

SECTION 9-206: PERMIT LIMITATION

If the work for which a permit has been issued has not begun within one year of the date thereof, if the construction was discontinued for a period of six months, or if work has not been completed within two years from date of issuance, the permit shall be void. Before such work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

SECTION 9-207: BOND REQUIREMENT

It shall be the duty of the owner, lessee or tenant intending the destruction of any building or improvement to post a \$1,000.00 cash bond with the city clerk prior to such destruction. This bond will be refunded upon payment of all damages to city property and any cleanup work occasioned by such destruction. In the event that a nuisance remains on the building permit site for more than six months after the issuance of the building permit, then the bond shall be forfeited and shall be applied to offset cleanup by the City.

SECTION 9-208: BUILDING WITHOUT PERMIT; NUISANCE

Every building or other structure hereafter erected, remodeled or moved into or within said city without a permit, as herein required, or which is not constructed, remodeled or located in accordance with the permit granted and issued therefor, shall be deemed and considered to be a public nuisance and may be abated or removed by the City at the expense of the owner.

Article 3 – Construction Codes

SECTION 9-301: UNIFORM CODES; ADOPTED BY REFERENCE

A. To provide certain minimum standards, provisions and requirements for safe and stable design, methods and construction, and uses of materials and buildings

hereafter erected, constructed, enlarged, altered, repaired, relocated and converted, the City adopts by reference the most recently duly adopted edition or version of the following codes:

1. The International Building Code (IBC) as published by the International Code Council, Inc.
2. The International Residential Code (IRC) as published by the International Code Council, Inc.
3. The International Property Maintenance Code as published by the International Code Council, Inc.
4. The International Plumbing Code as published by the International Code Council, Inc.
5. The Electrical Code.
6. The Uniform Code for Building Conservation.

B. These codes shall govern the issuance of all building permits and construction within the City and its zoning jurisdiction to the extent that they are not in conflict with state laws. All city officials shall be governed by the above codes and no building permit shall be issued nor construction approved unless such building permit and construction conform to such codes.

C. Not less than one copy of each code shall be kept on file at the office of the city clerk and made available for public inspection.

D. It shall be unlawful for any person, firm, corporation or other entity to erect, construct, enlarge, alter, repair, move, improve, remove, convert, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this article.

(Am. Ord. Nos. 08-07-01, 7/28/08; 21-01-03, 1/18/21)

Article 4 – Housing Code

(Am. Ord. No. 11-04-01, 4/11/11)

SECTION 9-401: APPLICATION

Every dwelling used in whole or in part as the residence of a single family or person and every building used in whole or in part as the residence of two or more persons or families living in separate apartments shall conform to the requirements of this article, irrespective of when such building was constructed. (Neb. Rev. Stat. §19-901)

SECTION 9-402: DEFINITIONS

A. "Owner" shall mean any person, firm or corporation who shall be in actual possession of or have control of any dwelling or dwelling unit as owner, employee or agent of the owner or as trustee or guardian of the estate or person of the owner; such person shall be deemed and taken to be the owner or owners of such property and shall be bound to comply with the provisions of this article to the same extent as the record owner. Notice to any such person of any order or decision of the enforcing official shall be deemed and taken to be a good and sufficient notice as if such person or persons were actually the record owner of such property.

B. "Dwelling" shall mean any building which is wholly or partly used for living or sleeping by human occupants; provided, any tent, trailer or other structure used for human shelter which is designed to be transported and which is not permanently attached to the ground, to another structure or to any utility system on the same premises for more than 30 consecutive days shall be specifically excluded from such definition.

C. "Dwelling unit" shall mean any room or group of rooms with facilities for regular cooking and occupied by a person or family as a home and where they sleep, except buildings used strictly for commercial purposes where the occupant is the custodian of the building.

D. "Enforcing official" for the purpose of this article means, collectively, the Board of Health, building inspector, city nuisance officer, police chief and officers and/or other duly authorized city officials.

E. "Habitable building" shall mean any structure or part thereof that may be used as a home or place of abode by one or more persons.

F. "Habitable room" shall mean a room in any building in which persons sleep, eat or carry on their usual domestic vocations but shall not include private laundry, bathroom, toilet rooms, dressing rooms, pantries, storerooms, corridors or other similar places not used by persons frequently or for extended periods.

G. "Basement" shall mean that portion of a building which is partly or wholly below grade, the ceiling of which is less than 4 feet, 6 inches above grade.

SECTION 9-403: OCCUPANT'S DUTIES

Every dwelling, including all yards, lawns and courts, shall be kept clean and free from any accumulation of dirt, filth, rubbish, garbage or similar matter and shall be kept free from vermin or rodent infestation. It shall be the duty of each occupant of a dwelling unit to (A) keep in clean condition that portion of the property which he or she occupies and over which he or she has exclusive control, (B) comply with the rules and regulations on the number of persons occupying a room, (C) place all garbage and refuse in proper containers, (D) eliminate all infestations by extermination methods, and (E) maintain the plumbing fixtures in a sanitary condition. If trash receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage, rubbish and ashes. It shall be unlawful for any person willfully and maliciously to deposit any material in any plumbing fixture which may result in the obstruction of any sanitary sewer. If the occupant shall fail to keep his or her portion of the property clean or shall violate any of the provisions of this article, the nuisance abatement officer shall send a written notice to the occupant to abate such nuisance within the time specified in the notice.

SECTION 9-404: DWELLING REGULATIONS

It shall be unlawful for any person to occupy or for any owner or person deemed to be the owner, as herein defined, to permit any dwelling or dwelling unit to be occupied as a place for human habitation unless the same complies with the following rules and regulations. Any such dwelling which shall fail to conform to the requirements set forth herein shall be deemed a nuisance.

A. *Basement.* The basement of any dwelling shall be dry and ventilated and shall be kept free from rubbish accumulation and rodent infestation.

B. *Heating.* Every dwelling and dwelling unit located therein shall contain permanent heating facilities which are properly installed, maintained in good working condition,

and capable of adequately heating all habitable rooms to a temperature of at least 68° F at a distance 3 feet above floor level under ordinary winter conditions.

C. *Dampness.* The floors, ceilings and walls of every dwelling and dwelling unit shall be kept free from excessive dampness.

D. *Ventilation.*

1. Every habitable room in a dwelling or dwelling unit shall contain a window or windows opening directly to the outside air and the total area of such window or windows shall be not less than 10% of the floor area of such room. All window sashes shall be glazed and provided with suitable hardware and shall be made to open to the extent of not less than 4% of the floor area of such room.
2. During that portion of each year when the enforcing official deems it necessary for protection against insects, every door opening directly from a dwelling unit to outdoor space shall be supplied with a screen and a self-closing device. All windows or other devices with openings to outdoor space shall likewise be supplied with screens; provided, such screens shall not be required during such period in rooms deemed by the enforcing official to be located high enough as to be free from such insects and in rooms located in areas which are deemed by the enforcing official to have so few of such insects as to render screens unnecessary. Every basement window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be covered with a screen or other such device that will effectively prevent their entrance.

E. *Electricity.* Every habitable room shall have a central electric outlet or at least two wall, floor or duplex outlets in the wall or floor.

F. *Basement Dwelling Units.* The use of basements for dwelling units is prohibited except where 50% or more of the unit is above grade level or where occupancy is permitted as provided in the Building Code.

G. *Sleeping Rooms.* No room shall be used for sleeping purposes unless the ceiling height is at least 7 feet and there are at least 400 cubic feet of air space for each occupant over six years of age. No room used for sleeping purposes shall have an area less than 60 square feet. In sleeping rooms with sloping ceilings, the ceiling height shall be at least 7 feet over at least 50% of the required 60 square feet floor area and only that portion of the room with a ceiling height of 5 feet or more shall be counted in computing the minimum floor area. No dwelling or dwelling unit containing two or more sleeping rooms shall have a room arrangement such that access to the bathroom or toilet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room. Nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom or toilet compartment.

H. *Overcrowding.* Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area.

I. *Kitchen Sink.* Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the enforcing official.

J. *Bathroom Facilities.*

1. Every dwelling unit except as otherwise permitted hereinafter shall contain within a room which affords privacy to a person within said room a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the enforcing official.
2. Every dwelling unit except as otherwise permitted hereinafter shall contain a room which affords privacy to a person within said room and which is equipped with a flush toilet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the enforcing official.
3. The occupants of not more than two dwelling units may share a single flush toilet, a single lavatory basin and a single bathtub or shower if:
 - a. Neither of the two dwelling units contains more than two rooms. For the purposes of this subsection, a kitchenette or a kitchen with not more than 60 square feet of floor area shall not be counted as a room.
 - b. The habitable area of each such dwelling unit shall equal not more than 250 square feet of floor area.
 - c. The toilet, lavatory basin, and bathtub or shower shall be in good working condition and properly connected to a water and sewer system approved by the enforcing official.
 - d. Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of subsections (I) and (J) shall be properly connected with both hot and cold water lines.

K. *Garbage Facilities.* Every dwelling unit shall be supplied with adequate storage and disposal facilities of the type approved by the enforcing official.

L. *Water Heating Facilities.* Every dwelling shall have water-heating facilities which are (1) in safe and good working condition with hot water lines required under the provisions of Subsection (J); and (2) capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required outlet at a temperature of not less than 120° F, independent of any other heating facility.

M. *Electricity and Ventilation of Bathrooms.* Every bathroom in a dwelling shall have at least one electric outlet in either the ceiling or wall and shall have adequate ventilation.

N. *Entrances.* Every dwelling unit shall have two safe, unobstructed exterior doors leading to open space at ground level.

O. *Drainage.* The premises of any dwelling shall be properly graded and drained.

P. *Plumbing.* Every plumbing fixture and pipe shall be properly installed in accordance with the requirements of the Plumbing Code and maintained in good sanitary working condition, free from defects, leaks and obstructions.

Q. *General.* Every dwelling moved into the City or built on a private lot shall meet minimum federal housing codes and shall have exterior walls of 2 x 4 construction with 16-inch centers, covered by an exterior sheathing which shall be covered with a conventional-type siding. Floor joists shall be at least 2 x 8s on 16-inch centers unless a

laminating system with the floor is used, then 2 x 6s are permissible. The roof shall be covered with shingles or tar and gravel. Minimum width of floor area structure shall be at least 22½ feet. Poured footings around the exterior of the structure and or block foundation shall be required. A masonry-type structure may have brick and block or block exterior walls or brick and frame exterior.

SECTION 9-405: MAINTENANCE

Every dwelling shall be maintained in good repair by the owner or agent and shall be fit for human habitation. The roof shall be maintained so as not to leak and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings or be a nuisance to adjacent buildings.

SECTION 9-406: NUISANCE

Any dwelling in violation of this code is hereby declared to be a nuisance and shall be abated in accordance with the orders of the enforcing official.

SECTION 9-407: VIOLATION

A. Whenever it shall be found by the enforcing official that a dwelling is unfit for human habitation or dangerous to life or health by reason of (1) want of repair, (2) deterioration or defects in the drainage, plumbing, lighting, ventilation or construction of the same, (3) existence on the premises of a nuisance likely to cause sickness or injury among the occupants of said dwelling, or (4) any other cause affecting the public health or safety, the enforcing official may issue an order to the party or parties responsible that the condition be abated as may be specified.

B. If any such order issued by the enforcing official is not complied with within the time specified, he or she may order the premises vacated by posting a notice on the front of the building. Such notice shall state that the order of the enforcing official was not complied with; that the building is hereby declared unfit for human occupancy; and that occupancy is prohibited after the date stated therein, which date shall be not less than five days nor more than 60 days from the date the notice is posted. A copy of such notice shall be sent to the record owner of the property or his or her agent and to the occupants of the dwelling.

C. A dwelling so ordered to be vacated shall not again be occupied until a written statement shall have been secured from the enforcing official that the dwelling has been made to comply with all applicable ordinances. It shall be unlawful for anyone to let, lease, occupy, or permit the occupancy of any dwelling so posted, whether for a consideration or not.

SECTION 9-408: EMERGENCY

Whenever the Board of Health finds that an emergency exists which requires immediate action to protect the public health it may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as it deems necessary to meet the emergency. Such order shall be effective immediately. All persons to whom such order is directed shall comply therewith immediately but upon petition to the city clerk shall be afforded a hearing in front of the City Council as soon as possible. After such hearing, depending upon the findings of the council as to whether the provisions of this code and of the rules and regulations adopted pursuant thereto have been complied with and as to whether an emergency exists, the council shall continue such order in effect or modify or revoke it.

SECTION 9-409: INSPECTIONS

The enforcing official may enter upon the premises of any habitable building for the purpose of making inspections and is authorized to make such inspections and surveys by blocks or areas. Entry into a dwelling is made after permission is granted by the owner or occupant or notice is given as stated in Section 9-410, or search warrant issued.

SECTION 9-410: NOTICE

Notice for this article is given when the Board of Health, enforcing official, city building inspector, Police Department or other duly authorized city official causes notice to be served on the owner or occupant by certified mail, personal service, or by posting on the main entrance of the dwelling door (as determined by the serving official) a notice that identifies this article three days prior to entrance.

SECTION 9-411: RULES AND REGULATIONS

The Board of Health or City Council may make such rules and regulations as may from time to time be necessary to carry out the purposes of this article. All such rules and regulations shall become effective when filed with the city clerk and approved by the council.

SECTION 9-412: ENFORCEMENT AND APPEALS

Enforcement and appeals for this article will follow the same process and procedures stated in Chapter 3, Article 5, Section 3-504 (Abatement) of the City Code. If language conflicts between this article and said section, the language in this article prevails for its enforcement.

Article 5 – Building Moving

SECTION 9-501: TERMS DEFINED

"Building" is a structure designated, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, industrial, institutional, assembly, educational or recreational purposes. A structure with the following dimensions or less shall not fall within this definition: 10 feet wide, 20 feet long, and, when in a position to move, 15 feet high.

SECTION 9-502: PERMIT REQUIRED

No person shall move any building over, along or across any highway, street or alley in the City without first obtaining a permit from the city clerk.

SECTION 9-503: APPLICATION

A. Any person seeking issuance of a permit hereunder shall make application in writing upon a form provided by the City and filed with the city clerk. Upon approval of the City Council, the building inspector/zoning administrator shall then issue the said permit. The application shall set forth:

1. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;
2. A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the City;

3. A legal description of the lot to which the building is to be moved, giving lot, block and tract number, if located in the City;
 4. The portion of the lot to be occupied by the building when moved;
 5. The highways, streets and alleys over, along or across which the building is proposed to be moved;
 6. Proposed moving date and hours;
 7. Any additional information which the City Council shall find necessary for a fair determination of whether a permit should be issued.
- B. The following documents shall accompany the said application:
1. *Tax Certificate*. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any encumbrances and that all taxes and any city charges against the same are paid in full.
 2. *Certificate of Ownership or Entitlement*. The applicant, if other than the owner, shall file with the application a written statement of bill of sale signed by the owner or other sufficient evidence that he or she is entitled to move the building.
 3. *Liability Policy*. The applicant shall file with the application a certificate of insurance providing coverage for both personal injury and property damage which might occur during the moving of said building. The minimum amount of coverage allowable shall be \$10,000.00 property damage coverage and \$10,000.00 personal injury coverage. The City Council may require coverage in greater amounts if deemed to be necessary.
 4. *Fee*. The application shall be accompanied by a permit fee as set by resolution by the City Council and kept on file in the office of the city clerk for public inspection.

SECTION 9-504: UTILITIES

A. In the event it will be necessary for any licensed building mover to interfere with poles, wires, gas mains, pipelines, and other appurtenances, the company or companies owning, using, or operating the said appurtenances shall, upon proper notice of at least 24 hours, be present and assist by disconnecting the said poles, wires, gas mains, pipelines, and other appurtenances relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise.

B. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the City, notice in writing of the time and route of the said building moving operation shall be given to the building inspector/zoning administrator, who shall proceed on behalf of the City and at the expense of the mover to make such disconnections and do such work as is necessary.

SECTION 9-505: DUTIES OF PERMITTEE

Every permittee under this ordinance shall:

A. Move a building only over streets designated for such use in the written permit.

B. Notify the city clerk in writing of a desired change in moving date and hours as proposed in the application.

C. Notify the city clerk in writing of any and all damage done to property belonging to the City within 24 hours after the damage or injury has occurred.

D. Comply with the Building Code, the fire zone and any zoning ordinances now existing or hereinafter adopted and all other applicable ordinances and laws, if any, upon relocating the building in the City.

E. Within ten days from the removal of the building, remove all rubbish and materials and fill all excavations to existing grade at the original site so that the premises is left in a safe and sanitary condition.

F. See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office. Permittee shall notify the gas and electric service companies to cancel their services.

SECTION 9-506: NO GENERAL LICENSE

There shall be no license issued or general permit given to anyone to move buildings at will or generally within the City.

SECTION 9-507: COMPLETION OF MOVE

At such time as the building moving has been completed, the building inspector/zoning administrator shall inspect the premises and report to the city clerk as to the extent of damages, if any, resulting from the said relocation and whether any city laws have been violated during the said operation. Upon a satisfactory report from the building inspector, the clerk shall return the corporate surety bond, cash, or check deposited by the applicant. In the event the basement, foundation, or portion thereof is not properly filled, covered or in a clean and sanitary condition, the City Council may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit, the council may recover such excess expense by civil suit or otherwise as prescribed by law.

Article 6 – Penal Provision

SECTION 9-601: 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 a misdemeanor 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.