

CHAPTER II ☐☐ MISDEMEANORS

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CHAPTER II MISDEMEANORS

ARTICLE I - MISDEMEANORS

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

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

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

SECTION 2-102: DISTURBING THE PEACE

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

Source: Neb. Rev. Stat. §28-801 through 28-803

SECTION 2-103: EXCESSIVE NOISE

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

SECTION 2-104: DISORDERLY CONDUCT

It shall be unlawful for any person to engage in any riotous or disorderly conduct, or to fight, strike or assault another person in a threatening manner, or to do or engage in any other disorderly act within said village.

Source: Neb. Rev. Stat. §17-129, 17-556

SECTION 2-105: MALICIOUS MISCHIEF

It shall be deemed a misdemeanor for any person to willfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, structure or thing of value which is located upon any government property, cemetery or property of historic value. Any such offender shall be liable in an action for trespass in the name of the beneficial holder of said property for all damages which arise from the commission of such unlawful act.

Source: Neb. Rev. Stat. §12-519

SECTION 2-106: TRESPASSING

It shall be unlawful for any person to trespass upon any private grounds within the Village, or to break, cut or injure any tree, shrub, plant, flower or grass growing thereon, or without the consent of the owner or occupant to enter upon an improved lot or grounds occupied for residence purposes and to loiter about the same.

SECTION 2-107: WINDOW PEEPING

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

SECTION 2-108: NON-LICENSED GAMBLING OPERATIONS

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

SECTION 2-109: GAMBLING

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

Source: Neb. Rev. Stat. §28-944, 29-947

SECTION 2-110: STALKING

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

SECTION 2-111: PANDERING, PROSTITUTION, AND ILLICIT SEXUAL INTERCOURSE

It shall be unlawful for any person to engage in or commit any act of pandering, prostitution or illicit sexual intercourse within said village.

Source: Neb. Rev. Stat. §28-91 0

SECTION 2-112: HOUSE OF PROSTITUTION; DISORDERLY HOUSE

It shall be unlawful for any person to keep, operate or maintain or to be an inmate of or visit a house of prostitution or a disorderly house within this village. A house of prostitution shall be construed to mean a house or other place which is kept, used or operated as a place for hire. A disorderly house shall be construed to mean any place kept in such a manner as to disturb, annoy or scandalize the public generally or persons within the particular neighborhood, or any place used as a public resort by drunkards, prostitutes or other idle or vicious persons, or any place of public resort where illegal practices are habitually carried on to the corruption of public morals.

Source: Neb. Rev. Stat. §28-907

SECTION 2-113: INDECENT EXPOSURE OF PERSON; PUBLIC URINATION; INDECENT BOOK, PICTURE, PLAY OR DESIGN

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

SECTION 2-114: RESISTING OR FAILING TO ASSIST OFFICER

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

SECTION 2-115: IMPERSONATING OFFICER

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

Source: Neb. Rev. Stat. §28-715.01

SECTION 2-116: LITTERING

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

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

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

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

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

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

Source: Neb. Rev. Stat. §39-683 and 17-123.01 R. Supp. 1975

SECTION 2-117: DISCHARGE OF FIREARMS

It shall be unlawful for any person, except an officer of the law in the discharge of his/her official duties, to fire or discharge any gun, pistol or other firearm within the Village; provided nothing herein shall be construed to apply to any licensed shooting

gallery or to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the chairman and Board of Trustees.

SECTION 2-118: DISCHARGE OF SLINGSHOTS, PAINTBALL GUNS, BLOW GUNS, AIR RIFLES OR SIMILAR INSTRUMENTS

It shall be unlawful for any person to discharge a slingshot, paint ball gun, blow gun, air rifle or

other like instruments capable of launching a dangerous projectile therefrom at any time or under any circumstances within the Village.

SECTION 2-119: PROHIBITED FENCES

It shall be unlawful for any person to erect or cause to be erected and maintain any electric fence within the corporate limits where such fence abuts a public sidewalk, street or alley.

SECTION 2-120: APPLIANCES IN YARD

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

ARTICLE II - CURFEW

SECTION 2-201: CURFEW HOURS

It shall be unlawful for any person under the age of 16 years to loiter, idle, wander, stroll, play or be in or upon the public streets, public places and public buildings, places of amusement and entertainment, vacant buildings or vacant lots or operate any bicycle or other vehicle, in, upon, over or through the streets of other public places of the Village between the hours of 12:00 midnight of any day until 6:00 A.M. of the following day, except that on Friday and Saturday nights, the curfew shall be set from 1 :00 A.M. to 6:00 A.M. the following morning, unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of said minor person or unless the minor person is upon an emergency errand or legitimate business directed by his/her parents, guardian or legal custodian, except as hereinafter provided.

SECTION 2-202: CURFEW HOURS EXTENDED

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

SECTION 2-203: VIOLATION; PARENTAL LIABILITY

It shall be unlawful for the parent, guardian or other adult person having the care and custody of minors under the age of 16 years to allow or permit said minor persons to do any of the acts or things prohibited by Section 2-201 or 2-202 of this article.

SECTION 2-204: ENFORCEMENT; POLICE AUTHORIZATION

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

SECTION 2-205: PENALTIES

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

ARTICLE III- DOGS AND/OR CATS

SECTION 2-301: OWNER DEFINED

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

SECTION 2-302: UNCOLLARED

It shall be the duty of every owner of any dog or cat to securely place upon the neck of such dog or cat a good and sufficient collar with a metallic plate thereon. The plate shall be plainly inscribed with the name of such owner. All dogs and cats found running at large upon the streets and public grounds of the Village without a collar or harness are hereby declared a public nuisance.

SECTION 2-303: STRAYS

No person shall allow any stray dog or cat to habitually remain or to be located or fed within his/her house, store, yard, enclosure or place, but shall turn such dog or cat over to the village police for observation for a period of 72 hours, after which time the animal shall be handled the same as an impounded dog or cat.

SECTION 2-304: RUNNING AT LARGE

"Running at large" shall mean any dog or cat found off the premises of the owner and not under the control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. It shall be unlawful for any person to suffer or permit any dog or cat to run at large within said village, and every dog or cat found running at large in violation hereof is declared to be a public nuisance and may be picked up and impounded as provided for in Section 2-320 of this article

SECTION 2-305: REMOVAL OF COLLAR AND/OR TAG

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

SECTION 2-306: BARKING AND OFFENSIVE DOGS AND/OR CATS PROHIBITED

It shall be unlawful for any person to own, keep or harbor any dog and/or cat which

by loud, continued or frequent barking, howling, meowing or yelping shall annoy or disturb any neighborhood or person, or which habitually barks or chases pedestrians, vehicles or riders of horses while they are on any public sidewalks, streets or alleys in the Village. Upon the written complaint of two or more affected persons from different households, filed within any 30 day period with the village clerk, that any dog and/or cat owned by the person named in the complaint is an annoyance or disturbance, or otherwise violates the provisions of this section, the village police shall investigate the complaint and, if in his/her opinion the situation warrants, shall notify the owner to silence and restrain such dog and/or cat. The provisions of this section shall not be construed to apply to the village animal shelter.

SECTION 2-307: DAMAGE BY DOG AND/OR CAT; LIABILITY OF OWNER

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

SECTION 2-308: FIGHTING DOGS

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

SECTION 2-309: KILLING AND POISONING

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

SECTION 2-310: DANGEROUS DOGS; DEFINITIONS

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

"Animal control officer" shall mean any individual employed, appointed or authorized by the Animal Control Authority for the purpose of aiding in the enforcement of this act or any other law

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

"Dangerous dog" shall mean any dog that, according to the records of the Animal Control Authority:

1. has killed or inflicted severe injury on a human being on public or private property;
2. has killed a domestic animal without provocation while the dog was off the owner's property;
or
3. has been previously determined to be a potentially dangerous dog by the Animal Control Authority and the owner has received notice of such determination, and such dog again aggressively bites, attacks or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if any threat, or any injury that is not a severe injury, or any damage was sustained by a person who, at the time, was committing a willful trespass or any other tort upon the property owner of the dog; who was tormenting, abusing or assaulting the dog; who has, in the past, been observed or reported to have tormented, abused or assaulted the dog; or who was committing or attempting to commit a crime.

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

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

"Potentially dangerous dog" shall mean:

any dog that, when unprovoked, inflicts a non-severe injury on a human or injures a domestic animal on public or private property, or chases or approaches a person upon streets, sidewalks or on any public ground in a menacing fashion or apparent attitude of attack, or

2. any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

"Severe injury" shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery, or one or more broken bones, or that creates a potential danger to the life or health of the victim.

SECTION 2-311: DANGEROUS DOGS ON OWNER'S PROPERTY; CONFINED

While unattended on the owner's property, a dangerous dog shall be securely confined in a humane manner indoor or in a securely enclosed and locked pen or

structure suitably designed to prevent the entry of young children and to prevent the dog from

escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, such sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements.

SECTION 2-312: DANGEROUS DOGS OFF OWNER'S PROPERTY; RESTRAINED

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

SECTION 2-313: DANGEROUS DOGS; FAILURE TO COMPLY

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

SECTION 2-314: DANGEROUS DOGS; IMPOUNDMENT, DESTRUCTION

In addition to any other penalty, the Animal Control Authority shall order the animal control officer to dispose of a dangerous dog in a humane manner. Notice of impoundment of all animals, including any significant marks or identification thereon, shall be posted at the office of the village clerk as public notification of such impoundment. Upon such notice, the Animal Control Authority shall schedule the matter to be heard at a special or regular meeting of the Animal Control Authority, at which time the owner must present clear and convincing evidence that the dog will not present a present nor future threat to the safety of the public or to public property. The Animal Control Authority shall not be bound by the Nebraska Rules of Evidence. Upon such proof to the satisfaction of the Animal Control Authority, the dog may be returned to the owner after he/she pays the sum of \$30.00 for each animal so redeemed, the cost of any notice in the newspaper, and the sum of \$10.00 per day for each and every day the dog remains impounded, along with evidence of current rabies vaccination or post a bond of \$50.00, refundable upon proof of current rabies vaccination being presented within 30 days. If the foregoing costs are not paid within 15 days of the hearing, the dog shall be destroyed.

SECTION 2-315: RABIES VACCINATION

Every dog and/or cat three months of age and older shall be vaccinated against

rabies pursuant to Nebraska law. Puppies and kittens shall be vaccinated within 30 days after having reached three months of age. Unvaccinated dogs and/or cats acquired or moved into the Village must be vaccinated within 30 days after purchase or arrival, unless under three months of age as specified above. The provisions of this ordinance with respect to vaccination shall not apply to any dogs and/or cats owned by a person temporarily residing within this village for less

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

SECTION 2-316: RABIES SUSPECTED; IMPOUNDMENT

Any dog and/or cat or other animal suspected of being afflicted with rabies or any dog and/or cat not vaccinated in accordance with the provisions set forth above which has bitten any person or has caused an abrasion of the skin of any person shall be seized by a police officer or animal control officer of this village and shall be impounded under the supervision of a licensed veterinarian or public health authority for not less than ten days. If, upon examination by a veterinarian, the dog and/or cat or other animal has no clinical signs of rabies at the end of such impoundment, it shall be released to the owner upon payment of the costs of said impoundment by said owner. Any animal which has bitten a person or caused an abrasion of the skin of a person and which is unowned or the ownership of which cannot be determined within 72 hours of the time of the bite or abrasion shall be immediately subject to any tests which the animal control officer believes are necessary to determine whether the animal is afflicted with rabies. The 72 hour period shall include holidays and weekends and shall not be extended for any reason. The tests required may include tests which require the animal to be destroyed.

SECTION 2-317: RABID ANIMALS; CAPTURE IMPOSSIBLE

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

SECTION 2-318: RABID DOGS AND/OR CATS; PROCLAMATION

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

SECTION 2-319: INTERFERENCE WITH POLICE

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

SECTION 2-320: IMPOUNDING

It shall be the duty of the animal control officer to capture, secure and remove in a humane manner to the designated village animal shelter any dog and/or cat violating any of the provisions of this article. The dogs and/or cats so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog and/or cat shall be kept and maintained at the pound for a period of not less than five days after the public notice has been given, unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the village clerk within 48 hours after impoundment as public notification of such impoundment.

Any dog and/or cat may be reclaimed by its owner during the period of impoundment by paying a pick up fee and, in addition thereto, all costs incurred in keeping an impounded animal at the shelter. The owner shall then be required to comply with the rabies vaccination requirements within 72 hours after release. If the dog and/or cat is not claimed at the end of the required waiting period after public notice has been given, the animal control officer shall dispose of the dog and/or cat in accordance with the applicable rules and regulations pertaining to the same; provided, if in the judgment of the animal control officer a suitable home can be found for any such dog and/or cat within the Village, the said dog and/or cat shall be turned over to that person; and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided in this article. The Village shall acquire legal title to any unlicensed dog and/or cat impounded in the animal shelter for a period longer than the required waiting period after giving notice. All dogs and/or cats shall be destroyed and buried in a humane manner, unless a suitable home can be found for such dog and/or cat.

SECTION 2-321: ANIMAL SHELTER

The animal shelter shall be safe, suitable and conveniently located for the impounding, keeping and destruction of dogs and/or cats. The said shelter shall be sanitary, ventilated and lighted.
Source: Neb. Rev. Stat. §17-548

SECTION 2-322: PENALTIES

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

SECTION 2-323: DOGS; LICENSE TAGS

Upon payment of the license fee, the Municipal Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until the first (1st) day of April following such licensing. 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 Municipal Clerk shall issue a duplicate or new tag for the balance

of the year for which the license tag has been paid and shall charge and collect a fee set by resolution of the Governing Body for each duplicate or new tags so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Municipal Clerk to issue tags of a suitable design that are different in appearance each year. (Ref. 17-526, 54-603 RS Neb.)

SECTION 2-324: DOGS; LICENSE

Any person who shall own, keep, or harbor a dog over the age of six (6) months within the Municipality shall within thirty (30) days after acquisition of the said dog acquire a license for each such dog annually by or before the first (1st) day of April each year. The said license fee shall be delinquent from and after April first (1st); Provided the possessor of any dog brought into or harbored within the corporate limits subsequent to April first (1st) of any year, shall be liable for the payment of the tax levied herein and such tax shall be delinquent if not paid within ten (10) days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee set by resolution of the Governing Body and on file in the office of the Municipal Clerk. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his name and address and the name, breed, color, and sex of each dog owned and kept by him. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (Ref. 17-526, 54-603, 71-4412 RS Neb.)

SECTION 2-325: DOGS; WRONGFUL LICENSE

It shall be unlawful for the owner, keeper, or harbor of any dog to permit or allow such dog to wear any license, metallic tag or other Municipal identification than that issued by the Municipal Clerk for dogs. (Ref. 17-526, 54-603 RS Neb.) (Ord. No. 118-84, 6/6/84)

SECTION 2-326: DOGS; UNLICENSED

All dogs found running at large on the street and public grounds of the Municipality without a license tag affixed as required in this Article are hereby declared a public nuisance. Unlicensed dogs found running at large shall be impounded in the Municipal Dog Shelter by the Municipal Police or by a person so designated by the Governing Body. (Ref. 17-526, 71-4408 RS Neb.)

SECTION 2-327: DOGS; PENALTY. ANIMAL CONTROL VIOLATIONS; CITATION

Whenever any person is alleged to have violated any of the provision of this Article, he may execute a waiver of appearance and plea of guilty by signing, completing and complying with the cited item or items on a waiver form provided by the Governing Body of the Municipality. At

the time of such waiver and plea of guilty, said person must pay the fine hereinafter set forth for the violation or violations charged, in order to avail themselves of the benefits herein provided. For each violation charged, a fine of \$100.00 shall be assessed. All fines shall be paid to the Municipal Clerk.

At the time of the commission of the alleged violation, the accused may be served with a printed notice allowing him to avail himself/herself of the provisions of this section within the period of time before the date specified thereon, and in the event that said accused chooses not to avail himself/herself of the benefits hereof, he/she shall be prosecuted for violation of a misdemeanor, and assessed a fine in accordance with the schedule as set forth in this section, and the court costs.

The Municipal Clerk shall retain as part of his/her records the copy of the notice given to the violator and presented at the time the benefits of this section are accepted, and he/she shall from said notices prepare a report showing the number of the notice, the name of violator, the date of the offense and the amount of the fine collected by said clerk. All fines shall become part of the General Fund of the Municipality.

(Ref. 17-526 RS Neb.)

ARTICLE IV - KENNELS

SECTION 2-401: KENNELS; 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 6 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 2-402: UNLICENSED KENNELS; NUISANCE

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

SECTION 2-403: KENNEL LICENSE

Any person or legal entity seeking a kennel license shall make written application to the Village Board. 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 Village Board. 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 Village Board 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 \$25.00 and the license shall not be issued until such fee is paid.

SECTION 2-404: KENNEL 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 V - ANIMALS AND FOWL

SECTION 2-501: ANIMALS; RUNNING AT LARGE

It shall be unlawful for the owner, keeper or harbinger of any animal, or any person having the charge, custody or control thereof, to permit a horse, mule, cow, sheep, goat, swine or other animal to be driven or run at large on any of the public ways and property, or upon the property of another, or to be tethered or staked out in such a manner so as to allow such animal to reach or pass into any public way.

SECTION 2-502: SNAKES AND FOWL; PROHIBITED

It shall be unlawful for any person, firm or corporation to keep, maintain or confine snakes or fowl within the corporate limits of the Village and maintenance or confinement of such snakes or fowl is hereby determined to be a nuisance.

"Snakes" is hereby defined as any poisonous snake or boa constrictor. "Fowl" is hereby defined as chickens, turkeys, guinea hens, ducks, swans, ostriches, emus, geese or any similar bird. Canaries, parrots and other birds normally kept in the house are specifically excluded from this definition.

SECTION 2-503: CRUELTY TO ANIMALS

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

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

1. Subjects any animal to cruel mistreatment, which consists of every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering;
2. Subjects any animal in his/her custody to cruel neglect, which consists of a failure to provide food, water, protection from the elements, opportunity to exercise, or other care normal, usual and proper for an animal's health and well being;

3. Abandons any animal, which means the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care;
 4. Kills or injures any animal belonging to another. No person shall kill or injure any animal by any manner unless the animal is vicious or dangerous and cannot be captured without danger to the persons attempting to effect a capture of the said animal.
- Source: Neb. Rev. Stat. §28-552, 28-553

SECTION 2-504: ENCLOSURES

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

SECTION 2-505: ANIMALS, PROHIBITED

It shall be unlawful for any person to keep, have or maintain any horse, cattle, goats, sheep, swine, rabbits, chickens, ducks, turkeys, geese, or similar animals or fowl(s) within the limits of the Village, except on property containing more than one acre, and only provided said property is zoned as a large lot residential property. Said animals or fowl shall be kept within an enclosure which shall be at least fifty (50) feet from any such lot line, or any street line, or neighboring residence and in no event shall more than five (5) head of said livestock or fowl be kept per single acre of property without a special use permit from the Village.

ARTICLE VI - NUISANCE REGULATIONS

SECTION 2-601: NUISANCE; GENERALLY DEFINED

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

1. Injures or endangers the comfort, repose, health or safety of others;
2. Offends decency;
3. Is offensive to the senses;
4. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the Village;
5. In any way renders other persons insecure in life or the use of property; or
6. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

SECTION 2-602: NUISANCES; SPECIFICALLY DEFINED

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

1. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter or the whole or any part of any dead animal, fish or fowl.
2. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats or which are foul or malodorous.
3. Filthy, littered or trash-covered cellars, houseyards, barnyards, stable yards, factory yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises; and all such sites having grass in excess of 12 inches in height or weeds growing thereon.
4. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the Village.
5. Liquid household waste, human excreta, garbage, butchers 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 Village, nor the dumping of non-putrefying waste in a place and manner approved by the health officer.
6. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, glass, or plaster, and all abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.
7. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.
8. Any unsightly building, billboard or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are a fire hazard or a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.
9. All places used and maintained as junk yards or dumping grounds, or for the wrecking and disassembly of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so

unsightly as to depreciate property values in the vicinity thereof.

10. Stagnant water permitted or maintained on any lot or piece of ground.

11. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens, or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter; or on which any animal or vegetable matter, including grain, is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul or noxious odors are permitted to emanate therefrom to the annoyance of the inhabitants of the Village, or are maintained and kept in such a manner as to be injurious to the public health.

12. All other things specifically designated as nuisances elsewhere in this Code.

SECTION 2-603: ABATEMENT

Whenever the Board of Trustees, by resolution, determines that any nuisance as defined in Sections 2-601 and 2-602 is being maintained, the village clerk shall cause written notice to abate to be served upon the owner of the property on which such nuisance is located, and further, upon the occupant thereof, by registered mail or by personal service. Such notice shall state that the Village Board has determined that a nuisance is being maintained on the property and must be removed or remedied within 15 days of receipt of notice. Such notice shall describe the property involved and shall define the nuisance that must be abated.

SECTION 2-604: FAILURE TO CORRECT

In the event that the owner or occupant of said premises fails to correct and eliminate said nuisance pursuant to the notice to correct delivered by the village clerk, he/she shall be guilty of a misdemeanor and fined in a sum not to exceed \$500.00. Each day's violation after the expiration of the 15 days' notice shall be a separate offense.

SECTION 2-605: COST OF REMOVAL

If the owner or occupant of the lot or piece of ground fails to comply with the order to abate and remove the nuisance within 15 days from receipt of the notice to abate, the Village may have such work done and the cost and expense of such work shall be paid by the owner of the property. If unpaid for two months after such work is done, the Village may either levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed, or recover in a civil action the costs and expenses of the work.

Source: Neb. Rev. Stat. § 17 -563.01, 18-1719

SECTION 2-606: JURISDICTION

The chairman and village police are directed to enforce this municipal code against all nuisances. The jurisdiction of the chairman, village police and court shall extend to, and the territorial application of this chapter shall include, all territory adjacent to the limits of the Village within one mile thereof and all territory within the corporate limits.

SECTION 2-607: UNSAFE BUILDINGS; SPECIAL ASSESSMENTS

If any owner of any building or structure fails, neglects or refuses to comply with

notice by or on behalf of the Village to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the Village may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Village Board. The Village Board may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (2) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.

Source: Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01, 77-1725

SECTION 2-608 NUISANCE, ABATEMENT.

It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate within the Village or its zoning jurisdiction to keep said real estate free of public nuisances. Upon joint determination by the Board of Health and Village Board that said owner, occupant, lessee, or mortgagee has failed to keep said real estate free from public nuisance, the Village Board shall cause notice to be served upon the owner, occupant, lessee, mortgagee, or agent thereof, by personal service, or by certified mail. Such notice shall describe the condition(s) deemed to constitute the nuisance and state that the condition shall be remedied at once. The individual or entity receiving the notice shall have five days following the receipt of said notice to file an appeal from said determination and to request a hearing before the Village Board.

Upon receipt of an appeal and request for hearing, the Village Board shall cause a hearing date to be fixed with five-day advance notice of the same by certified mail to the requesting party.

If after hearing, the Village Board still deems the condition to constitute a nuisance, or if within five days of receipt of the original notice, no appeal and request for hearing has been filed or the owner, occupant, mortgagee, or lessee fails to comply with the directive to abate and remove the nuisance, the Village may: (1) Proceed to have said nuisance abated. The cost and expenses of any such work shall be paid by the property owner. If unpaid for two months after such work is done, the Village may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special cases for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys; or (2) Proceed with an action to enjoin said nuisance in the appropriate court.

ARTICLE VII - PENAL PROVISION

SECTION 2-701: VIOLATION; PENALTY

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