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CHAPTER II

MISDEMEANORS

ARTICLE I - MISDEMEANORS

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

It shall be unlawful for any person to drink alcoholic liquor of any kind on the streets or alleys, or upon property used or owned by the government of the United States, the State of Nebraska, or any governmental subdivision thereof, or in theaters, dance halls or in any other place open to or frequented by the public within said city, unless such premises are licensed for such purposes by the State of Nebraska or unless a special permit has been granted for the same by the City Council.

Upon application for a special permit for the consumption of alcoholic liquor on public streets or other public places, the City Council may permit such consumption on such terms and conditions as it may determine. For such permit to be issued, written application must be made to the city clerk and the same must be acted upon at a special or regular meeting of the City Council. The terms and conditions for issuance of a special permit shall be set forth in the minutes of the meeting at which such application is considered.
(Ref. Neb. Rev. Stat. §53-186, 53-1,100)

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 city.

SECTION 2-103: EXCESSIVE NOISE CONTROL

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

SECTION 2-104: DISORDERLY CONDUCT

It shall be unlawful for any person to engage in conduct or behavior which disturbs the peace and good order of the City by clamor or noise, intoxication, drunkenness, fighting, using of obscene or profane language in the streets or

other public places, or by otherwise indecent or disorderly conduct or lascivious behavior. (Ref. Neb. Rev. Stat. §17-129, 17-556)

SECTION 2-105: 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 2-106: TRESPASSING

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

(Ref. Neb. Rev. Stat. §28-520, 28-521)

SECTION 2-107: DISTURBING AN ASSEMBLY

It shall be unlawful for any person to disturb, interrupt or interfere with any lawful assembly of people by loud and unnecessary noise, threatening behavior, or indecent and shocking behavior. Any person or persons so disturbing an assembly shall be deemed to be guilty of a misdemeanor and fined in accord with state statute.

SECTION 2-108: 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, an arrow from a bow, or other like instruments capable of launching a dangerous projectile therefrom at any time or under any circumstances within the City or within a one-half mile radius of the City where the projectile from the piece could reach the city limits of the City; provided nothing herein shall be construed to apply to officially sanctioned public celebrations if the person so discharging the firearm has written permission from the City Council nor shall such provision apply to the discharge of firearms at a cemetery to honor a military veteran.

SECTION 2-109: WINDOW PEEPING

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

window, door or other opening in any building thereon which is occupied as a place of abode.

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: GAMBLING PROHIBITED

It shall be unlawful for any person to participate in bingo games, lotteries or games of chance in this city unless authorized and licensed by state law. (Ref. Neb. Rev. Stat. §28-1101 through 28-1104)

SECTION 2-112: HOUSE OF PROSTITUTION; DISORDERLY HOUSE; PROHIBITED

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 city. 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 for prostitution purposes. 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.

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

It shall be unlawful for any person within this city to make an indecent exposure of his or her person (in the case of a male, such indecent exposure would consist of public exhibit of his genitals, and in the case of a female, indecent exposure would be public exposure of her nipples and/or genitals); to urinate or defecate in public view; to commit any indecent or lewd act; or 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: CARRYING CONCEALED WEAPONS;
DISCHARGING FIREARMS, ETC., PROHIBITED**

It shall be unlawful for any person, except a police officer in the performance of his/her duties, to carry any dangerous weapons concealed on or about his/her person, his/her automobile or elsewhere, or to discharge any firearms, airgun or slingshot loaded with rock or other dangerous missiles, within this city; provided, this section shall not apply to shooting galleries or other private shooting ranges within buildings or other structures approved by the mayor and City Council.
(Ref. Neb. Rev. Stat. §28-1202)

**SECTION 2-115: RESISTING OR FAILING TO ASSIST
AN OFFICER PROHIBITED**

It shall be unlawful for any person in this city 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.
(Ref. Neb. Rev. Stat. §28-903, 28-904)

SECTION 2-116: IMPERSONATING OFFICER PROHIBITED

It shall be unlawful for any person in said city, other than a regular policeman or other authorized officer or employee of the city, to wear a badge similar to or resembling the badges prescribed for or furnished the police force or any other officer or employee of the city, or to willfully impersonate, or endeavor to impersonate, any such policeman, officer or employee or seek to exercise authority as such.
(Ref. Neb. Rev. Stat. §28-610)

SECTION 2-117: OBSTRUCTING OFFICER PROHIBITED

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 or judge acting pursuant to his/her official authority.
(Ref. Neb. Rev. Stat. §28-906)

SECTION 2-118: LITTERING

Any person who deposits, throws, discards or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:

1. Such property is in 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.

The word "litter" as used in this section shall mean all waste material susceptible to 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.

"Waste material" as used in this section shall mean any material appearing in a place or in a context not associated with the material's function or origin.

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.

(Ref. Neb. Rev. Stat. §17-123.01, 28-523)

SECTION 2-119: TRASH

It shall be unlawful for any person to willfully, maliciously or negligently place or throw upon the premise of another any filth, garbage, leaves, papers or other matter to the annoyance of the owner or occupant thereon.

(Ref. Neb. Rev. Stat. §28-523)

SECTION 2-120: APPLIANCES IN YARD

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

(Ref. Neb. Rev. Stat. §18-1720)

SECTION 2-121: POSTING

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

SECTION 2-122: POSTED ADVERTISEMENTS

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 2-123: TOBACCO SALE PROHIBITED

It shall be unlawful for any person to sell or attempt to sell to any person under the age of 18 any tobacco, cigarettes or cigars of any kind. Upon conviction, the penalty for said offense shall not exceed a fine of \$50.00.

SECTION 2-124: TOBACCO; POSSESSION BY MINOR UNLAWFUL; EXCEPTIONS

Except as provided herein, it shall be unlawful for any person under the age of 18 years to possess any tobacco products.

It shall not be unlawful for any person under the age of 18 years to:

1. Possess tobacco products under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home; or
2. Sell or handle any unopened container of tobacco products in the course of his/her employment by a tobacco licensee; or
3. Possess or purchase tobacco products while under the direct supervision of a law enforcement officer for the purpose of testing or enforcing compliance with statutes, laws or ordinances governing the sale of tobacco products.

"Tobacco products" shall be defined to mean any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

SECTION 2-125: OBSTRUCTION OF PUBLIC WAYS

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

SECTION 2-126: 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 2-127 USE OF TOBACCO PRODUCTS IN PUBLIC AREAS PROHIBITED; PENALTY

It shall be unlawful for any person to smoke on any real property, or in any vehicle, owned by the City of Louisville, Nebraska. For purposes of this ordinance, smoking shall mean inhaling, exhaling, burning or carrying any lighted cigarette, cigar, pipe, smoking paraphernalia, tobacco, clover, weed, or plant, but

shall not include any nonorganic material used for decoration, illumination or insect repellent. This prohibition shall become effective on November 17, 2010.

(Section 2-127 was enacted by Ordinance #829 on 1/13/2010)

ARTICLE II - CURFEW

SECTION 2-201: CURFEW HOURS

It shall be unlawful for any person under the age of 17 years to loiter, idle, wander, stroll, play or be in or upon the public streets, public places and public buildings, places of amusement and entertainment, vacant buildings, vacant lots or otherwise operate any bicycle or other vehicle, in, upon, over or through the streets of other public places of the City during the designated times: Sunday through Thursday between the hours of 11:00 P.M. of any day until the hour of 5:00 A.M. the next day; and on Friday and Saturday between the hours of 12:00 midnight to 5:00 A.M. of the next day; 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 function 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 17 years to allow or permit said minor person to do any of the acts or things prohibited by Section 2-201 or 2-202.

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, a fine of \$10.00 for the second offense, and a third and any subsequent violation shall

constitute a violation of Section 2-203 and a complaint shall be filed against the parents of said child for violation of such section.

ARTICLE III – DOGS AND CATS

SECTION 2-301: OWNER DEFINED

Any person who shall harbor or permit any dog to be present for ten days or more in or about his/her house, store or enclosure, or allow to remain to be fed, shall be deemed liable for all penalties herein described.

(Ref. Neb. Rev. Stat. §54-606, 71-4401)

SECTION 2-302: LICENSING

Any person who shall own, keep or harbor a dog or cat over the age of four months within the City shall, within 10 days after acquisition of the said dog or cat, acquire a license for each such dog or cat. Such license shall be renewed annually by or before the first day of May of each year.

Effective July 15, 2010, the fee shall be \$5.00 plus an additional \$1.00 which shall be submitted to the State of Nebraska. The persons designated to collect and administer the license tax shall act as agents for the State of Nebraska in the collection of the additional \$1.00 on the fee. From each additional one dollar collected on the fee, such person shall retain three cents for the City's general fund and remit the balance to the State Treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund. The remittance to the State Treasurer shall be made at least annually at the conclusion of the licensing jurisdiction's fiscal year, except that if the City collects fifty dollars or less of such fees during the fiscal year may remit the fees when the cumulative amount of fees collected reaches fifty dollars.

Licenses for newly acquired dogs and cats not obtained within 10 days, and renewal licenses which are not obtained by the first day of May each year, are subject to a late fee of \$5.00 on the licenses subsequently obtained. Licenses shall be issued by the city clerk or humane officer upon the payment of a license fee in an amount set by ordinance or resolution of the City Council.

When issued, such license shall not be transferable and no refund will be allowed in case of death, sale or other disposition of the licensed dog or cat. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his/her name and address and the name, breed, color and sex of each dog or cat owned and kept by him/her. A certificate that the dog or cat 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.

Upon payment of the license fee, the city clerk shall issue to the owner of a dog or cat a license certificate and a metallic tag for each dog or cat so licensed. The

metallic tag shall be properly attached to the collar or harness of any dog or cat so licensed and shall entitle the owner to keep or harbor the said dog or cat until April 30th following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag issued in accordance with the provisions herein, the city clerk shall issue a duplicate or new tag for the balance of the year and may charge and collect a fee of \$0.25 for each such duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the city clerk to issue tags of a suitable design that are different in appearance each year.

(Ref. Neb. Rev. Stat. §17-526, 54-603, 71-4412)

(Section 2-302 was modified by Ordinance #837 on 6/9/2010)

SECTION 2-303: REMOVAL OF TAGS

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

(Ref. Neb. Rev. Stat. §17-526)

SECTION 2-304: WRONGFUL LICENSING

It shall be unlawful for the owner, keeper or harbinger of any dog or cat to allow such dog or cat to wear any license, metallic tag or other city identification than that issued by the city clerk for dogs or cats, nor shall the owner, keeper or harbinger wrongfully and knowingly license an unspayed female dog with a license prescribed for a male or spayed female dog.

SECTION 2-305: LICENSING EXEMPTIONS

The dog and cat licensing provisions of this article shall not apply to dogs or cats whose owners are non-residents temporarily within the City for less than 30 days, nor to dogs and cats brought into the City for the purpose of participating in any dog or cat show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by a blind person.

SECTION 2-306: UNCOLLARED DOGS OR CATS

All dogs or cats found running at large upon the streets and public grounds of the City without a collar or harness are hereby declared a public nuisance and shall be impounded by the city police as provided herein.

SECTION 2-307: 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 city police or humane officer for observation for a period of 72 hours, after which time they shall be handled the same as an impounded dog or cat.

SECTION 2-308: ABANDONMENT

It shall be unlawful for any person to abandon a dog or cat within the corporate limits of the City. "Abandon" shall mean 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.

SECTION 2-309: BARKING AND OFFENSIVE DOGS PROHIBITED

It shall be unlawful for any person to own, keep or harbor any dog which by loud, continued or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person, or which habitually barks or chases pedestrians, bicycles, motor vehicles, or riders of horses while they are on any public sidewalks, streets or alleys in the City. Upon the written complaint of any affected person that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, the Cass County Sheriff's Department is authorized to investigate the complaint, and, if in their opinion the situation warrants, shall notify the owner to silence and restrain such dog. The provisions of this section shall not be construed to apply to any city animal shelter.

SECTION 2-310: 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 city, and every dog or cat found running at large in violation hereof is declared to be a public nuisance and may be picked up by the animal control officer or city police officer.

SECTION 2-311: DANGEROUS DOGS; DEFINITIONS

"Animal Control Authority" shall mean the City Council of Louisville.

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

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

"Dangerous dog" shall mean any dog that:

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

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

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

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

"Severe injury" shall mean any physical injury that results in 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.
(Ref. Neb. Rev. Stat. §54-617)

SECTION 2-312: DANGEROUS DOGS; 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.
(Ref. Neb. Rev. Stat. §54-618)

SECTION 2-313: DANGEROUS DOGS ON OWNER'S PROPERTY; CONFINED

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

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

The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property.

(Ref. Neb. Rev. Stat. §54-619)

SECTION 2-314: 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.

(Ref. Neb. Rev. Stat. §54-620)

SECTION 2-315: RABIES VACCINATION

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

SECTION 2-316: RABIES SUSPECTED; IMPOUNDMENT

Any dog or cat or other animal suspected of being afflicted with rabies or any dog 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 city and shall be impounded under the supervision of a licensed veterinarian or public health authority for not less than ten days. If, upon examination by a veterinarian, the dog or cat or other animal has no clinical signs of rabies at the end of such impoundment, it shall be released to the owner upon said owner paying the costs of said impoundment, or, in the case of a stray, shall be disposed of in whatever manner deemed best by the city police officer.

(Ref. Neb. Rev. Stat. §71-4406)

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 2-313: RABID ANIMALS; PROCLAMATION

It shall be the duty of the City Council or mayor whenever, in their opinion, the danger to the public safety from rabid dogs or cats is great or imminent, to issue a proclamation ordering all persons owning, keeping or harboring any dog 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. The dogs 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 or cat to confine the same as herein provided.

SECTION 2-319: FIGHTING

It shall be unlawful for any person, by agreement or otherwise, to set dogs and/or cats to fighting, or by any gesture or word to encourage the same to fight.
(Ref. Neb. Rev. Stat. §17-526)

SECTION 2-320: KILLING AND POISONING

It shall be unlawful to kill, administer or cause to be administered poison of any sort to any domestic animal within the City, or in any manner to injure, maim, destroy, or in any manner attempt to injure, maim or destroy any domestic animal within the City, or to place any poison or poisoned food where the same is accessible to any domesticated animal; provided, this section shall not apply to the lawful performance of euthanasia administered by a duly licensed veterinarian.

SECTION 2-321: INTERFERENCE WITH POLICE

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

SECTION 2-322: DAMAGES; LIABILITY OF OWNER

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

SECTION 2-323: IMPOUNDING

It shall be the duty of the animal control officer to capture, secure and remove in a humane manner to the designated city animal shelter any animal violating any of the provisions of this article. 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, unless reclaimed earlier by the owner. No later than 48 hours after the impoundment of any animal, notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the city clerk as public notification of such impoundment. Any animal may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee and daily board fee as set by resolution of the City Council and on file at the office of the city clerk. The owner shall then be required to comply with the rabies vaccination requirements within 72 hours after release. If the animal is not claimed at the end of five days after public notice has been given, the animal control officer may dispose of the animal in accordance with the applicable rules and regulations pertaining to the same; provided, if the animal control officer can find a suitable home for the impounded animal, he/she may turn the it over to any person willing to provide the animal with a home. In this event the new owner shall be required to pay all fees and meet all licensing and vaccinating requirements provided in this article. The City shall acquire legal title to any unlicensed animal impounded in the animal shelter after three days. All animals not placed for adoption shall be destroyed and buried in a humane manner as prescribed by the Board of Health. (Ref. Neb. Rev. Stat. §17-548, 71-4408)

SECTION 2-324: ANIMAL SHELTER

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

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 four 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; provided, however, that this article shall not apply to animal shelters operated by licensed veterinarians.

SECTION 2-402: UNLICENSED KENNELS; NUISANCE

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

SECTION 2-403: KENNELS; LICENSE REQUIRED

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 therefore.

SECTION 2-404: KENNEL LICENSE; APPLICATION FOR

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 in an amount set from time to time by resolution of the City Council and the license shall not be issued until such fee is paid.

SECTION 2-405: 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 GENERALLY

SECTION 2-501: ANIMALS AND FOWLS BANNED FROM CITY

It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat or swine, including Chinese pot-bellied pigs. Certain fowls including turkeys, roosters and geese are also not allowed.

(Section 2-501 was modified by Ordinance #899 on 8/14/2013)

SECTION 2-501A: FOWL ALLOWED IN CITY

The following will be allowed within the corporate limits upon completion of an application to the city clerk: chickens and/or ducks limited to five total fowl per household. Demonstration of enclosure shall accompany application.

(Section 2-501A was enacted by Ordinance #899 on 8/14/2013)

SECTION 2-502: CRUELTY; DEFINITIONS

"Abandon" shall mean to leave any animal for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health.

"Animal" shall mean any vertebrate member of the animal kingdom except man. The term shall not include an uncaptured wild animal.

"Cruelly mistreat" shall mean to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald or otherwise set upon any animal.

"Cruelly neglect" shall mean to fail to provide any animal in one's care, whether as owner or custodian, with food, water or other care as is reasonably necessary for the animal's health.

"Humane killing" shall mean the destruction of an animal by a method which causes the animal a minimum of pain and suffering.

"Law enforcement officer" shall mean any member of the Nebraska State Patrol, county or deputy sheriff, any member of the city police force, or any other public official authorized by the City to enforce state or local animal control laws, rules, regulations and/or ordinances.

(Ref. Neb. Rev. Stat. §28-1008)

SECTION 2-503: CRUELTY TO ANIMALS

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; or
2. Subjects any animal in his/her custody to cruel neglect; or
3. Abandons any animal; or
4. Kills or injures any animal belonging to another.

(Ref. Neb. Rev. Stat. §28-1009)

SECTION 2-504: CRUELTY TO ANIMALS; LAW ENFORCEMENT OFFICER; POWERS, IMMUNITY

1. Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal.

2. Any law enforcement officer who has reason to believe than an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed by law.

3. Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence.

(Ref. Neb. Rev. Stat. §28-1012)

SECTION 2-505: ENCLOSURES

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

SECTION 2-506: 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 such animal to be ridden, driven or run at large upon any of the public ways or property, or to be tethered or staked out in such a manner so as to allow such animal to reach or pass into a public way or to be upon the property of another within the corporate limits of the City. (Ref. Neb. Rev. Stat. §16-235)

SECTION 2-507: FOWL; RUNNING AT LARGE

It shall be unlawful for any person to allow poultry, chickens, turkeys, geese or any other fowls to run at large within the corporate limits, except in enclosed places on private property. (Ref. Neb. Rev. Stat. §16-235)

SECTION 2-508: WILD ANIMALS

No person shall keep or permit to be kept on his/her property any wild animals except such animals kept for exhibition purposes by circuses and educational institutions.

SECTION 2-509: TRAPS

The use of any type of cyanide pellet traps or any similar type of trap containing a chemical noxious to humans is hereby prohibited within the corporate limits of the City, unless the use of such chemical traps is specifically deemed necessary by the city police, humane officer or Board of Health in and for the control of communicable disease. No person shall set up or allow to be set up on his/her property steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, or any type of a trap with a holding mechanism designed in such a fashion as to reasonably insure the cutting, slicing, tearing or otherwise traumatizing of the entrapped prey, for the purpose of ensnaring domestic or wild animals within the limits of the City, unless the use of such traps is specifically deemed necessary by the city police, humane officer or the Board of Health in and for the control of communicable disease. This section is not construed to include those traps designed to kill common rodents, i.e., rates, mice, gophers and groundhogs; provided that the owner is responsible for taking care that any of the above said rodent traps are not placed or used on or about his/her property in such a manner as to reasonably insure the trapping of any domesticated or wild animals or of a human.

ARTICLE VI - WEEDS, JUNK CARS, LITTER AND DANGEROUS BUILDINGS REGULATIONS

SECTION 2-601: DEFINITIONS

The terms "weeds, grasses or worthless vegetation" shall mean any weed or grass growth of more than 12 inches in height. Weeds shall include, but not be limited to, bindweed, puncture vine, leafy spurge, Canada thistle, perennial peppergrass, Russian knapweed, Johnson grass, nodding or musk thistle, quack grass, perennial sow thistle, horse nettle, bull thistle, buckthorn, hemp plant and ragweed.

The term "litter" shall include, but not be limited to:

1. Trash, rubbish, refuse, garbage, paper, rags and ashes;
2. Wood, plaster, cement, brick or stone building rubble;
3. Grass, leaves and worthless vegetation;
4. Offal and dead animals;
5. 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;
6. Any motor vehicle without a current license and not housed in a storage or other building;
7. Animal excreta.

The term "dangerous building" as used in this article is hereby defined to mean and include:

1. Any building, shed, fence or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of its occupants or those of neighboring structures;
2. Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard;
3. Any building, shed, fence or other man-made structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;
4. Any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows, readily admits birds and animals or is an attraction for children or other persons to enter.

(Section 2-601 was modified by Ordinance on 7/12/2007)

SECTION 2-602: PUBLIC NUISANCE; GRASSES OR WEEDS

It is hereby declared to be a public nuisance to permit grasses to grow in excess of 12 inches or to permit weeds of any height to be grown on any property within the corporate limits of the City.

SECTION 2-603: PUBLIC NUISANCE; LITTER OR DANGEROUS BUILDING

It is hereby declared to be a public nuisance to permit the accumulation of litter or to maintain a dangerous building on any property within the corporate limits of the City.

SECTION 2-604: ABATEMENT

Whenever the code enforcement officer or law enforcement officer determines that any grass in excess of 12 inches or weeds of any height are growing on property within the City, or litter is found on any property, or that any building or structure in the City is a dangerous building, the officer shall cause written notice to be served upon the owner of the property on which grass, weeds, litter or such dangerous building is located, and further upon the occupant thereof, by registered mail or by personal service. Such notice shall state that the premises have thereon grass in excess of 12 inches, weeds or litter or that the building situated thereon has been declared to be in a dangerous condition, and that the grass in excess of 12 inches, weeds, litter or dangerous building must be removed or remedied within five business days of receipt of notice.

SECTION 2-605: 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 code enforcement officer or law enforcement officer, he/she shall be guilty of a misdemeanor and fined in a sum of not more than \$500.00. Each day's violation after the expiration of the five business days' notice shall be a separate offense.

SECTION 2-606: 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 five business days from receipt of the notice to abate, the City 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 City 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.

SECTION 2-607: JURISDICTION

The code enforcement officer is directed to enforce this municipal code against all nuisances. Jurisdiction shall extend to, and the territorial application of this article shall include, all territory adjacent to the limits of the City within one mile and all territory within the corporate limits.

(Ref. Neb. Rev. Stat. §17-563, 18-1720)

SECTION 2-608: ADJOINING LANDOWNERS; 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.

(Ref. Neb. Rev. Stat. §197-710)

SECTION 2-609: AIR POLLUTION; PROHIBITED

It shall be unlawful for any person, firm or corporation to permit the emission of smoke from any source that is injurious or offensive to the residents of the City. Air shall be considered to be polluted when the discharge into the open air of dust, fumes, gases, mist, odors, smoke or any combination thereof is of such character and in a quantity which to any group of persons interferes with their health, repose or safety, or causes severe annoyance or discomfort or is offensive and objectionable to normal persons and causes injury to real and personal property of any kind. The standards for air pollution established or adopted by the State of Nebraska shall be presumptive evidence as to when the air is deemed to be polluted under this section. It is hereby unlawful for any such person, firm or corporation to permit or cause the escape of the aforesaid nuisances and the escape of the said dust, fumes, gases, mists, odors, and smoke is hereby declared to be a nuisance and shall be summarily abated upon written notice by the code enforcement officer or law enforcement officer to the violator. Such abatement may be in addition to the penalty for air pollution in the City. (Ref. 18-1720, 28-1321 RS Neb.)

SECTION 2-610: WATER POLLUTION; PROHIBITED

It shall be unlawful for any person, firm or corporation to obstruct or impede without legal authority any river or collection of water, or to corrupt and render unwholesome or impure any watercourse, stream or other water. The standards for water quality established or adopted by the State of Nebraska shall be presumptive evidence as to when the water is deemed to be polluted under this section. Such a corruption of the water in or about the City shall constitute a nuisance and shall be summarily abated upon written notice to the violator by the Board of Health. The said abatement may be in addition to the penalty for water pollution. (Ref. 18-1720, 28-1321 RS Neb.)

SECTION 2-611: RODENT AND INSECT CONTROL; DEFINITIONS

For the purpose of Sections 2-611 through 2-616, the following definitions shall apply:

"Business buildings" shall mean any structure, whether public or private, that is adapted for occupancy for the transaction of business, for rendering of professional service, for amusement, for display, sale or storage of goods, wares or merchandise, or for the performance of tenement houses, rooming houses, office buildings, public elevators, abattoirs, warehouses, workshops, factories, and all outhouses, sheds, barns and other structures on premises used for business purposes.

"Health officer" shall mean any duly authorized representative, and if no person is appointed by the mayor with the approval of the City Council, the chief of police shall be the health officer.

"Insect" shall mean any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class *insecta*, comprising six-legged, usually winged forms (for example, beetles, bugs, bees, flies) and other allied classes of arthropods whose members are wingless and usually have more than six legs (for example, spiders, mites, ticks, centipedes and wood lice).

"Occupant" shall mean the individual, partnership or corporation that uses or occupies any business building or part thereof, whether the actual owner or tenant. In the case of vacant business buildings or vacant portion thereof, the owner, agent or custodian shall have the responsibility as occupant.

"Owner" shall mean the actual owner, agent or custodian of the business building, whether individual, partnership or corporation. The lessee shall be construed as the "owner" for the purpose of this section when business building agreements hold the lessee responsible for maintenance and repairs.

"Rat eradication" shall mean the elimination or extermination of rats within buildings by any or all of the accepted measures such as: poisoning, fumigation, trapping or clubbing.

"Rat harborage" shall mean any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside of any structures.

"Ratproofing" applies to a form of construction to prevent the ingress of rats into business buildings from the exterior, or from one business building or establishment to another. It consists essentially of treatment with material

impervious to rat gnawing, all actual or potential openings in exterior walls, ground or first floors, basements, roofs and foundations that may be reached by rats from the ground by climbing or by burrowing.

"Rodent" shall mean the class of animals belonging or pertaining to the *rodentia*, the order of gnawing or nibbling mammals that includes, but is not limited to, mice, rats, squirrels and beavers.

SECTION 2-612: 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 premise. 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/her premise, the Board of Health shall issue notice for him/her to do so. If the said owner, lessee or occupant has not made a good faith effort to exterminate the said pests within five days, the premise shall be deemed to be a nuisance and a health hazard. (Ref. Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 2-613: RODENTS AND INSECTS; 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 premise when it is found by the Board of Health that only the occupant's dwelling is so infested. (Ref. Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 2-614: RODENTS AND INSECTS; 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 premise in such a manner as to make it reasonably resistant to the entrance and habitability of such pests. (Ref. Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 2-615: RODENTS AND INSECTS; RATPROOFING

All business buildings in the City are required to be ratproofed, free of rats, and maintained in a ratproof and rat-free condition.

It shall be unlawful for any person, firm or corporation hereunder to construct, repair or remodel any building, dwelling, stable or market, or other structure whatsoever, unless such construction, repair, remodeling or installation shall render the building or other structure ratproof.

SECTION 2-616: RODENTS AND INSECTS; STANDARDS

The owners of all ratproofed business buildings are required to maintain the premises in a ratproof condition and to repair all breaks or leaks that may occur in the ratproofing without a specific order from the Board of Health.

It shall be unlawful under the provisions of this section for the occupant, owner, contractor, public utility company, plumber or any other person to remove and fail to restore in like condition the ratproofing from any business building for any purpose. Further, it shall be unlawful for any person or agent to make any new openings that are not closed or sealed against the entrance of rats.

ARTICLE VII - PENAL PROVISION

SECTION 2-701: 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 of not more than \$500.00 for each offense, recoverable with costs, or by imprisonment in the county jail for a term not to exceed 30 days. Each day such violation continues may be considered a separate offense.

ARTICLE VIII – SEX OFFENDERS

SECTION 2-801: FINDINGS AND INTENT

A. Pursuant to *Neb. Rev. Stat. § 29-4002*, Sex Offenders are considered high risk to repeat offenses.

B. Sex Offenders who use physical violence and prey on children are Sexual Predators and present an extreme threat to public safety.

C. Sexual Predators repeat their offenses but are prosecuted for only a fraction of their crimes and impose an exorbitant cost on their victims and on society at large through their crimes.

D. Sexual Predators present an extreme threat to the safety of children who are unable to protect themselves from the crimes of such Sexual Predators.

E. Pursuant to the Sexual Predator Residency Restriction Act adopted by the Nebraska State Legislature and signed by the Governor on April 13, 2006 as Legislative Bill 1199, municipalities have been enabled to restrict such person's place of residency in relationship to geographical proximity to schools and child care facilities.

F. The Mayor and City Council find that it is consistent with the Sexual Predator Residency Restriction Act adopted by the Nebraska State Legislature and signed by the Governor on April 13, 2006 as Legislative Bill 1199, to restrict Sexual Predators in relationship to their use of public facilities utilized by children.

G. It is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by limiting and regulating where Sexual Predators reside and by regulating Sexual Predators' use of public facilities which are utilized by children.

SECTION 2-802: DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. *Sex Offender* shall be anyone defined in the Sex Offender Registration Act (*Neb. Rev. Stat. §§ 29-4001 to 29-4013*) as amended, or any person convicted under the law of another state if, at the time of conviction under the law of such state, the

offense for which the person was convicted would have required registration under the Nebraska Sex Offender Registration Act, if conviction had occurred in Nebraska.

B. *Sexual Predator* means an individual defined as such in the Sexual Predator Residency Restriction Act adopted by the Nebraska State Legislature and signed by the Governor on April 13, 2006 as Legislative Bill 1199.

C. *Residence* means a place where one regularly sleeps, where one has established a home, where one is habitually present, and to which when one departs and intends to return. A residence may include more than one location and may be mobile or transitory. Residency may be shown by, among other evidence, receipt of mail at the premises or identification of the premises as a residence on a driver's license, identification card, vehicle registration or other document.

D. *Child Care Facility* means a place with a license issued under the Nebraska Child Care Licensing Act, *Neb. Rev. Stat.* §§ 71-1908 to 71-1923, as amended.

E. *Loiter* for purposes of this Article means

(1) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around any of the premises described in this Article; or

(2) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around any of the premises described in this Article, for the purpose of committing or attempting to commit a sex offense; or

(3) Entering or remaining in a building in or around any of the premises described in this Article, other than the offender's residence.

F. *School* means a public, private, denominational, or parochial school which meets the requirements for accreditation or approval prescribed in Chapter 79.

SECTION 2-803: PRESENCE WITHIN SCHOOL ZONE BY A SEXUAL PREDATOR PROHIBITED; EXCEPTIONS

A. *Prohibited on School Grounds and Conveyances.* It is unlawful for a Sexual Predator to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance.

B. *Loitering Prohibited near school grounds.* It is unlawful for a Sexual Predator to knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds, unless the Sexual Predator is an invitee of a person who resides within

500 feet of a school building or real property comprising a school and is accompanied by such resident, provided such resident is not also a Sexual Predator.

C. Exception for Parents. A Sexual Predator does not commit a violation of subsection (A) of this section if that Sexual Predator is the parent or legal guardian of a child enrolled in the school and complies with the following circumstances and requirements:

(1) The parent or guardian is attending a conference at the school with school personnel to discuss his or her child academically, socially, or for other school or student related issues concerning his or her child.

(2) The parent or guardian is attending a function at the school in which his or her child is actively participating. Such functions include, but are not limited to, athletic contests, music concerts, theatrical performances and academic competitions.

(3) Prior to entering upon the school property during regular school hours, such parent or guardian shall contact the school principal (or his or her designee) and communicate his or her intent to be present upon such school property. Such communication shall include the purpose for such person's presence, the anticipated time of arrival and the anticipated time of departure. The principal shall communicate to the Sexual Predator any conditions to be imposed upon such person during such person's presence at the school, which conditions may include that the Sexual Predator be accompanied at all times by an individual approved by the principal or the principal's designee. Upon arrival at the school the Sexual Predator shall immediately check in at the school's office and shall inform the office of his or her departure.

(4) Prior to entering upon school property at times other than regular school hours, such parent or guardian shall contact the school principal (or his or her designee) and communicate to the principal of such person's intended presence. Such communication shall include the purpose of such person's presence, the anticipated time of arrival and the anticipated time of departure. The principal shall communicate to such person any conditions to be imposed upon such person during the person's presence at the school, which conditions shall include that such person be accompanied at all times by an appropriate individual approved by the principal or the principal's designee. In the event such person does not receive communication from the principal (or his or her designee) such lack of communication shall be deemed a refusal to authorize the presence of the Sexual Predator.

D. Exception for Non-Parents. A Sexual Predator does not commit a violation of subsection (A) of this section if that Sexual Predator:

(1) Is in the school or upon the school grounds for a legitimate business purpose as a representative of a commercial company supplying goods or services to the

school building; provided, however, that prior to entering upon the school grounds the Sexual Predator shall contact the principal (or his or her designee) and communicate to the principal the individual's intended presence. Such communication shall include the purpose of the Sexual Predator's presence, the company or business he or she is representing, the anticipated time of his or her arrival and the anticipated time of his or her departure. The principal shall communicate to the Sexual Predator any conditions to be imposed upon the individual during his or her presence at the school, which conditions shall include that the individual be accompanied at all times by an appropriate individual, approved by the principal or the principal's designee.

(2) Is a grandparent, aunt, uncle, first cousin, brother or sister of a child enrolled in the school and is attending a function at the school of which the child to which he or she is related is an active part; provided, however, that the related person shall at all times be accompanied by and in the presence of the parent or guardian of the enrolled child taking part in the function. Such functions include by way of illustration and not limitation, athletic contests, music concerts, theatrical performances and academic competitions. Provided, further, that prior to entering upon the school grounds the Sexual Predator shall contact the principal (or his or her designee) and communicate to the principal the individual's intended presence. Such communication shall include the purpose of the individual's presence, the anticipated time of his or her arrival and the anticipated time of his or her departure, and the identity of the parent who will accompany the Sexual Predator. The principal shall communicate to the individual any additional conditions to be imposed upon the individual during his or her presence at the school, with which the Sexual Predator must comply.

E. *Exception for Residence.* A Sexual Predator does not commit a violation of subsection (B) of this section if that person is a bona fide resident of residential property located within 500 feet of the school property and remains present on his or her residential property.

F. *Constitutional Exception.* Nothing in this Article shall be construed to infringe upon the constitutional right of a Sexual Predator to be present in a school building that is used as a polling place for the purpose of voting or for the purpose of exercising his or her constitutional First Amendment rights.

SECTION 2-804: APPROACHING, CONTACTING, OR COMMUNICATING WITH A CHILD WITHIN CERTAIN PLACES BY SEXUAL PREDATORS PROHIBITED

A. It is unlawful for a Sexual Predator to knowingly be present in any public park building or on real property comprising any public park or on the premises of a municipal swimming pool when persons under the age of 18 are present in the building, on the grounds or at the pool and to approach, contact, or communicate with a child under 18 years of age, unless the Sexual Predator is a parent or

guardian of a person under 18 years of age present in the building or on the grounds or unless the Sexual Predator is accompanied by a responsible adult who is not a Sexual Predator.

B. It is unlawful for a Sexual Predator to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park or while persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age within the 500 foot zone, unless the Sexual Predator is a parent or guardian of a person under 18 years of age present in the building or on the grounds or unless the Sexual Predator is accompanied by a responsible adult who is not a Sexual Predator.

C. It is unlawful for a Sexual Predator to knowingly loiter on a public way within 500 feet of a child care facility while persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age within the 500 foot zone, unless the Sexual Predator is a parent or guardian of a person under 18 years of age present in the building or on the grounds or unless the Sexual Predator is accompanied by a responsible adult who is not a Sexual Predator.

D. It is unlawful for a Sexual Predator to knowingly loiter on a public way within 500 feet of the premises of a municipal swimming pool, tennis court, baseball field, soccer field, or similar municipal property, while persons under the age of 18 are present in the building, on the grounds or at the property and to approach, contact, or communicate with a child under 18 years of age within the 500 foot zone, unless the Sexual Predator is a parent or guardian of a person under 18 years of age present in the building or on the grounds or unless the Sexual Predator is accompanied by a responsible adult who is not a Sexual Predator.

E. It is unlawful for a Sexual Predator to knowingly be present in any public library, or on real property comprising any public library, without immediately notifying the library director or the director's designee of his or her presence and to advise of his or her departure immediately before leaving the premises, unless he or she is accompanied by a responsible adult who is not a Sexual Predator. While present at a public library, it is unlawful for a Sexual Predator to approach, contact, or communicate with a child under 18 years of age unless the Sexual Predator is a parent or guardian of the person under 18 years of age or unless the Sexual Predator is accompanied by a responsible adult who is not a Sexual Predator.

F. *Exception for Residence.* A Sexual Predator does not commit a violation of subsection (B) of this section if that person is a bona fide resident of residential property located within 500 feet of the school property and remains present on his or her residential property.

SECTION 2-805: RESIDENCY RESTRICTIONS; EXCEPTIONS

A. It is unlawful for any Sexual Predator to reside within five hundred (500) feet from any school or child care facility.

B. 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. This provision shall not apply to a Sexual Predator who:

1. Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;
2. Established a residence before the passage of this ordinance and has not moved from that residence; and
3. Established a residence after the passage of this ordinance and the school or child care facility triggering the restriction was established after the initial date of the Sexual Predator's residence at that location.

SECTION 2-806: DISSEMINATION OF INFORMATION

The City, through its employees at City Hall and through its Police Department, shall provide a copy of this ordinance to any person subject to the Nebraska Sex Offender Registration Act, or who has been defined as a Sexual Predator, upon such person's request.

SECTION 2-807: SEVERABILITY

If any provision of this ordinance or its application to any person or circumstances shall be held invalid, the remainder of the ordinance, or the application of the provisions to other persons or circumstances, shall not be affected.

SECTION 2-808: VIOLATION; PENALTY

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be subject to fine of not more than \$500.00 dollars and/or imprisonment for up to 30 days for each offense.

(Article 8 was enacted by Ordinance in 2006)