

Chapter 6

§6-101

Chapter 6

§6-126

POLICE REGULATIONS

Article 1. Dogs

§6-101 DOGS; LICENSE. Any person who shall own, keep, or harbor a dog over the age of four (4) months within the Municipality shall within ten (10) days after acquisition of the said dog acquire a license for each such dog annually by or before the first (1st) day of January of each year. Licenses shall be issued by the Police Department upon the payment of a license fee of three dollars (\$3.00) for each male dog and spayed female dog and five dollars (\$5.00) for each unspayed female dog. 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, age, breed, color, and sex of each dog owned and kept by him and such other information as the Governing Body may require. 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. 16-206, 54-603, 71-4412 RS Neb.; 9-6-2 through 9-6-5 Code 1964) (Amended by Ord. No. 20-94, 4/5/94)

§6-102 CERTIFICATE OF RABIES VACCINATION. It shall be the duty of each veterinarian, at the time of vaccinating any dog, to complete a certificate of rabies vaccination which shall include, but not be limited to the following information:

- A. The owner's name and address;
- B. An adequate description of the dog including, but not limited to, such items as the dog's breed, sex, age, name, and distinctive markings;
- C. The date of vaccination;
- D. The rabies vaccination type number;
- E. The type of rabies vaccine administered; and
- F. The manufacturer's serial number of the vaccine used.

Such veterinarian shall issue a tag with the certificate of vaccination as required by State law but such shall not relieve the owner of obtaining a license from the City for any dog. The cost of rabies vaccination shall be borne by the owner of the dog. (Ref. 9-6-30 Code 1964)

§6-103 DOGS; LICENSE TAGS. Upon the payment of the license fee, the Police Department shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The tags shall have stamped thereon the license number, the words "SEWARD DOG TAG," and the year for which issued. 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 thirty-first (31st) day of December following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the Police Department shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee set by resolution of the Governing Body for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Police Department to issue tags of a suitable design that are different in appearance each year. (Ref. 54-603 RS Neb.; 9-62 through 9-6-5, 9-6-28 Code 1964) (Amended by Ord. No. 24-95, 5/2/95)

§6-104 DOG KENNELS. It shall be unlawful for any person to keep, or permit to be kept upon premises occupied by him or under his charge or control, any dog kennel, without having first obtained a "Kennel Permit" from the Council. Kennel Permits may be issued by the Council upon written application, setting forth a description of the premises, and location of the same and such other information as the Council may require. Kennel Permits shall be required for any person or persons who keep more than three (3) dogs over the age of six (6) months upon premises occupied by him or under his charge or control. No Kennel Permit shall be issued for any premises unless it complies with the City's Zoning Codes and until the Council, or their duly authorized personnel, shall first determine upon actual view and inspection that the operation of such kennel will not constitute a violation of the provisions of this Article. Kennel Permits issued under the provisions of this Article shall be effective from January first (1st) to December thirty-first (31st) of each year, and all permits shall expire on December thirty-first (31st) of the year for which issued. Provided, the City Clerk is hereby authorized to pro-rate Kennel Permits based upon the month in which they were applied for. The annual fee for Kennel Permits shall be thirty (\$30.00) dollars. The Council shall have power and authority to revoke any Kennel Permit at any time in its sole discretion by refunding the Kennel Permit fee to the holder thereof; Provided, however, the provisions of this Section shall not apply to the Animal Shelter or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska, keeping dogs for others for treatment or boarding. (Ref. 9-6-24 Code 1964) (Amended by Ord. No. 9-87, 4/7/87)

§6-105 DOGS; WRONGFUL LICENSING. It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to wear any license, metallic tag or other Municipal identification than that issued by the Municipal Clerk for dogs, 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. (Ref. 54-603 RS Neb.; 9-66 Code 1964)

§6-106 DOGS; TRANSIENT DOGS; LICENSE EXCEPTIONS. The provisions of this Article with respect to licensing and vaccination shall not apply to a dog owned by a person temporarily remaining within the City for less than thirty (30) days or to any dog brought into the City for field trial or show purposes. Such dog shall be kept under strict supervision of the owner. It shall be unlawful to bring any dog into the City which does

not comply with the animal health laws and import regulations of the State of Nebraska which are applicable to dogs. (Ref. 9-6-8 Code 1964)

§6-107 DOGS; OWNER DEFINED. Any person who shall harbor or permit any dog to be for ten (10) days or more in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed. (Ref. 54-606, 71-4401 RS Neb.; 9-6-1 Code 1964)

§6-108 DOGS; PROCLAMATION. It shall be the duty of the Governing Body whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog to muzzle the same, or to confine it for a period of not less than thirty (30) days or more than ninety (90) days from the date of such proclamation, or until such danger is passed. The dogs may be harbored by any good and sufficient means in a house, garage, or yard on the premise wherein the said owner may reside. Upon issuing the proclamation it shall be the duty of all persons owning, keeping, or harboring any dog to confine the same as herein provided.

§6-109 DOGS; UNCOLLARED. All dogs found running at large upon the streets and public grounds of the Municipality without a collar or harness are hereby declared a public nuisance. Uncollared dogs found running at large shall be killed or impounded in the Municipal Dog Shelter by the Pound Superintendent. (Ref. 54-605 RS Neb.)

§6-110 DOGS; RUNNING AT LARGE. It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the Municipality. It shall be the duty of the Municipal Pound Superintendent or Municipal Police to cause any dog found to be running at large within the Municipality to be taken up and impounded. "Running at Large" shall mean any dog found off the premise of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. (Ref. 16-206, RS Neb.; 9-6-9 Code 1964)

§6-111 DOGS; CAPTURE IMPOSSIBLE. The Municipal Pound Superintendent or Municipal Police shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved. (Ref. 16-206 -RS Neb.; 9-6-13 Code 1964)

§6-112 DOGS; VICIOUS. (Repealed by Ord. No. 17-86, 12/2/86)

§6-113 DOGS; INTERFERENCE WITH POLICE. It shall be unlawful for any person to hinder, delay, or interfere with any Municipal Policeman who is performing any duty enjoined upon him by the provisions of this Article, or to break open, or in any manner directly or indirectly aid, counsel, or advise the breaking open of the animal shelter, any ambulance wagon, or other vehicle used for the collecting or conveying of dogs to the shelter. (Ref. 28-906 RS Neb.; 9-6-23 Code 1964)

§6-114 DOGS; KILLING AND POISONING. It shall be unlawful to kill, or to administer, or cause to be administered, poison of any sort to a dog, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy any dog that is the property of another person, or to place any poison, or poisoned food where the same is accessible to a dog; provided, that this section shall not apply to Municipal Pound Superintendent or Municipal Policemen acting within their power and duty. (Ref. 28-1002 RS Neb.; 9-6-10 Code 1964)

§6-115 DOGS; BARKING AND OFFENSIVE. It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood, or person, or which habitually barks at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the Municipality. (Ref. 9-6-11 Code 1964)

§6-116 DOGS; FIGHTING. 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. (Ref. 17-526 RS Neb.)

§6-117 DOGS; LIABILITY OF OWNER. It shall be unlawful for any person to allow a dog owned, kept, or harbored by him, or under his charge or control, to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (Ref. 54-601, 54-602 RS Neb.)

§6-118 DOGS; REMOVAL OF TAGS. It shall be unlawful for any person to remove or cause to be removed, the collar, harness, or metallic tag from any licensed dog without the consent of the owner, keeper, or possessor thereof. (Ref. 17-526 RS Neb.; 9-6-7 Code 1964)

§6-119 DOGS; IMPOUNDING. It shall be the duty of the Municipal Police to capture, secure, and remove in a humane manner to the Municipal Animal Shelter any dog violating any of the provisions of this Article. The dogs 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 shall be kept and maintained at the pound for a period of not less than five (5) days after public notice has been given unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the Municipal Clerk within twenty-four (24) hours after impoundment as public notification of such impoundment. Any dog 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 Governing Body and on file in the office of the Municipal Clerk. The owner shall then be required to comply with the licensing and rabies vaccination requirements upon release. If the dog is not claimed at the end of required waiting period after public notice has been given, the Municipal Police may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same; provided, that if, in the judgment of the

Municipal Police, a suitable home can be found for any such dog within the Municipality, the said dog 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 Municipality shall acquire legal title to any unlicensed dog impounded in the Animal Shelter for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in the summary and humane manner as prescribed by the Board of Health unless a suitable home can be found for such dog. (Ref. 16-235, 16-236, 71-4408 RS Neb.) (Amended by Ord. Nos. 1125, 2/7/78; 40-81, 10/20/81; 8-94, 3/1/94)

§6-120 COUNCIL CONTRACT FOR SERVICE. The City Council shall have the authority to enter into a contract with any veterinarian, kennel, or any like institution for the purpose of carrying out the provisions for an animal shelter. The Superintendent of the Animal Shelter shall receive all orders from the Council and shall make all reports to the Council. (Ref. 9-6-15 Code 1964)

§6-121 ANIMAL SHELTER. The City shall provide an animal shelter wherein all dogs in violation of this Article shall be required to be impounded under the provisions of this Article. The Council may, when necessary, employ or appoint a Superintendent of the Animal Shelter and such other assistants with authority to arrest under the provisions of this Article, or when convenient, designate and detail a Police Officer to work in conjunction with said Superintendent with like authority. It shall be unlawful for any person, other than authorized personnel, to take up, detain or confine any dog not the property of such person. (Ref. 9-6-14 Code 1964)

§6-122 SUPERINTENDENT. The Council shall appoint the Superintendent of the Animal Shelter and fix his salary. The Superintendent shall hold his office at the pleasure of the Council and may be removed by the said Council at any time. The Council may in its discretion designate the Chief of Police as Superintendent of the Animal Shelter and fix his salary, if any, for such duties. (Ref. 9-6-26 Code 1964)

§6-123 SUPERINTENDENT; RECORDS AND REPORTS. The Superintendent shall keep accurate account of all dogs received by him at the shelter and released by him to the owner or purchaser, showing the date and from whom received, the description of the dog, the name and address of the person or persons releasing or purchasing. He shall keep a like accurate account and description of all dogs destroyed by him. On the last day of each month, the Superintendent shall forward to the Council an accurate and complete account of all moneys received by him during the month under the provisions of this Article, together with a statement of the number of dogs in the shelter at the first (1st) of the month, the number received, the number destroyed, the number released or sold, and the number on hand at the end of the month. (Ref. 9-6-20 Code 1964)

§6-124 REGISTRATION. The Superintendent shall not receive a dog into the shelter from any person unless such person shall give his full name and place of residence which shall be registered in a proper book kept by the Superintendent. It shall be

unlawful for any person delivering to or receiving any dog from said shelter, to give any false information concerning the same. (Ref. 9-6-22 Code 1964)

§6-125 DOGS; ANIMAL SHELTER. The Animal Shelter shall be safe, suitable, and conveniently located for the impounding, keeping, and destruction of dogs. The said shelter shall be sanitary, ventilated, and lighted.

§6-126 DOGS; RABIES; HOLDING FOR OBSERVATION. The Superintendent may take into custody for observation at the Animal Shelter any dog which has bitten any person or another animal, or any dog that manifests a disposition to bite, or any dog suspected of being afflicted with rabies, or any dog not vaccinated or re-vaccinated in accordance with this Article, or any dog that in the opinion of the Superintendent that needs observation; and may hold such dog for the period of time necessary, not exceeding ten (10) days, to observe and determine its condition. Should any dog so held for observation be found to be suffering from rabies or be of such a nature as to endanger the public generally, the Superintendent shall cause such dog after examination by a licensed veterinarian to be destroyed in a humane manner. The Superintendent and any Police Officer may enter upon any private premises for the above purposes. The Superintendent shall, upon the request of the City or County Board of Health, take into custody any dog for observation and shall hold such dog for the period of time necessary, not to exceed ten (10) days, and shall not release any such dog except upon examination by a veterinarian and upon the direction of the Seward Board of Health. Before any such dog shall be released, the person to whom it is released shall submit proof, in the form of a certificate issued and signed by a licensed veterinarian or other person, authorized by law to administer rabies vaccination, that such dog has been vaccinated for rabies as provided by this Article. (Ref. 9-6-17 Code 1964)

§6-201

Police Regulations

§6-213

Article 2. Animals Generally

§6-201 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. (Ref. 16-235 RS Neb.; 9-5-1 Code 1964)

§6-202 ANIMAL CRUELTY. No person shall cruelly or unnecessarily beat, overwork, or insufficiently shelter or feed any animal within the Municipality. (Ref. 16-210, 28-1001, 281002 RS Neb.; 9-1-2 Code 1964)

§6-203 ANIMALS; KILLING AND INJURING. No person shall kill or injure any animal by the use of firearms, stones, clubs, poisons, or any other 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. (Ref. 16-210, 28-1001, 28-1002 RS Neb.)

§6-204 ANIMALS; 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.

§6-205 FOWLS; 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. 16-235 RS Neb.; 9-5-2 Code 1964)

§6-206 DANGEROUS DOGS AND ANIMALS. No person shall own, keep or harbor, or allow to be in or upon any premises occupied by him, or under his charge or control, any dangerous dog or other dangerous animal without said dog or other animal being confined so as to protect the public from injury.

A dangerous dog or other dangerous animal is defined as one who meets one or more of the following conditions:

- a. Any dog or other animal which attacks a human being or other domestic animal one or more times, without provocation.
- b. Any dog or other animal with a history, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals.
- c. Any dog or other animal that snaps, bites, or manifests a disposition to snap or bite.

Any dangerous dog or animal may be immediately confiscated if the owner is in violation of this ordinance. If upon the conviction of an offense under this ordinance, it shall appear to the Court that said dog or other animal is still living, the Court may in addition to any other fine or judgment, order the appropriate authority to forthwith put the dog or other animal to death by removing the same to an animal shelter for such purpose. Any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the dog or other animal, boarding and veterinary expenses necessitated by the seizure of any dog or other animal for the protection of the public and such other expenses as may be required for the destruction of any such dog or other animal. (Ord. No. 17-86, 12/2/86) (Amended by Ord. No. 10-90, 2/6/90)

§6-207 IMPOUNDMENT DURING PROCEEDINGS. If there is reasonable cause shown that the offending dog or other animal may constitute a hazard to the safety of the public at large during the pendency of any action commenced thereunder, the court may order such dog or other animal impounded pending the outcome of such proceedings. Any person who owns, keeps, harbors, maintains or controls any dog or other animal involved in impoundment and found guilty of violating any of the Sections

of this Chapter shall pay all expenses including shelter, food, veterinary expenses, boarding or other expenses necessitated by the seizure of any dog or other animal for the protection of the public and such other expenses as may be required. (Ord. No. 17-86, 12/2/86)

§6-208 CONFINEMENT. No person owning or harboring or having the care of a dangerous dog or other dangerous animal shall permit such animal to go unconfined on the premises of such person. A dangerous dog or other dangerous animal is unconfined as the term is used in this section if such dog or other animal is not:

- a. Confined indoors; or
- b. Confined outdoors in an enclosed and locked pen or structure upon the premises of the person described above; provided the existence of such a pen or structure is permitted by zoning regulations. Maintenance of a dangerous dog or other dangerous animal is not permitted in areas where such structures or pens are not authorized by zoning regulations. If permitted, such pen or structure shall be at least two (2) lengths of the dog or animal wide, four (4) lengths of the dog or other animal long, and two (2) lengths of the dog or other animal high, and must be constructed with chain link fencing for all four (4) sides and top. If the pen or structure has not bottom secured to the side, the sides must be imbedded in the ground no less than one foot (1'), or have a concrete pad for the bottom. The pen or structure shall be set back at least ten feet (10') from the nearest property line. (Ord. No. 17-86, 12/2/86)

§6-209 LEASHING. No person, owning, harboring, or having the care of a dangerous dog or other dangerous animal shall permit such dog or other animal to be out of confinement (as defined in Section 6-208), on or off the premises of the person, unless such dog or other animal is securely leashed with a leash of a fixed length no longer than four (4) feet, and muzzled. "Muzzled" for the purposes of this section shall mean that the jaws of the dangerous dog or other animal are confined by a device that prevents it from biting.(Ord. No. 17-86, 12/2/86, Amended by Ord. 33-04, 11-16-2004)

§6-210 PROOF OF INSURANCE. Any person owning or harboring a dog or other animal within the City of Seward, that has been determined to be a dangerous dog or dangerous animal by a court determination must, within ten (10) days of said court determination, present written proof of public liability insurance, covering any damage or injury that may be caused by said dog or animal, of not less than one hundred thousand dollars (\$100,000.00), to the City Clerk. The policy shall contain a provision requiring the insurance company to provide written notice to the City not less than fifteen (15) days prior to any cancellation, termination, or expiration of said policy. (Ord. No. 17-86, 12/2/86 Amended by Ord. 34-04, 11-16-2004)

§6-211 DESTRUCTION OF DANGEROUS AT LARGE ANIMALS. In the event that a dog or other animal that has been determined to be dangerous as defined in section 6-206 is found at large and unattended upon public property, park property, public right-of-way, or upon the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the Public Safety Director of the City of Seward or the Chief of Police, or their designee, be destroyed if it cannot be confined or captured. The City of Seward shall be under no duty to attempt the confinement or capture of a dangerous dog or other dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction. (Ord. No. 17-86, 12/2/86)

§6-212 REGULATION OF ANIMALS WITHIN THE CORPORATE LIMITS.

A. Definitions. The following words and phrases when used in this Article, shall have the following meanings respectively ascribed to them:

ANIMAL shall mean any living creature, domestic or wild.

ANIMAL SHELTER shall mean any premises designated by City administrative authority for the purpose of impounding and caring for animals held under authority of this Article.

AT LARGE: Every animal shall be considered running at large when it is physically off the property of the owner and not under the immediate restraint of a competent person.

EXOTIC ANIMAL shall include:

- a. Canines, felines and other animals not customarily domesticated in the United States.
2. Marsupials, primates, bears, and birds of prey.
3. Any species prohibited and/or regulated by the State of Nebraska by statute, and
4. Any mix or breed of any of the species mentioned above.

FOWL shall mean any two legged, feathered, winged creature.

KENNEL shall mean any person engaged in the business of breeding, buying, selling or boarding dogs, cats and/or other domestic animals.

LIVESTOCK shall mean all cattle, swine, horses, mules, bison, sheep, goats and other grazing animals.

OWNER shall mean any person, group of persons, association of persons,

partnership or corporation who shall own, keep or harbor any animal or permit the same to habitually remain or be fed in or about such owner's premises.

RESTRAINT: An animal is under restraint only when controlled by a leash or when in the immediate company of a competent person and obedient to that person's command or when on or within a vehicle being driven or parked on the streets of the City.

WILD ANIMAL shall mean any live monkey or ape, raccoon, skunk, fox, opossum, coyote, wolf, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.

B. Livestock, Hoofed And Exotic And Wild Animals Prohibited; Permits Required.

1. It shall be unlawful for any person to keep, own or harbor any fowl, livestock, hoofed, exotic or wild animal within the City limits of the City of Seward unless a permit has been obtained. This section shall not apply to educational institutions, exhibitions sponsored by the Seward County Agricultural Society or Veterinary Clinics.
2. Permits authorizing the keeping of fowl, livestock, hoofed, exotic or wild animals within the City limits shall be issued by the City Administrator in his sound discretion, with right of appeal to the City Council. The following criteria shall be considered by the City Administrator when issuing such permits:
 - a. The applicant must comply with all city, state and federal statutes regarding the animal in question.
 - b. The applicant must provide proof that there are no objections from property owners or residents living within 200 feet in all directions from the property lines of the applicant.
 - c. The applicant must provide a description of the type of enclosure for confinement of the animal and the same must be suitable for the type of animal and approved by the City Administrator.
 - d. The applicant, after issuance of the permit, must continue to comply with all city, state and federal statutes or the permit can be revoked by the City Administrator subject to right of appeal to the city Council.
 - e. The applicant must provide a certificate from a licensed veterinarian verifying that the animal has no health problems that could adversely affect the health, safety and welfare of the citizens of the City of Seward.
3. No household or residence shall have more than three (3) animals requiring a permit. This section shall not apply to small caged birds or aquatic or amphibious animals kept solely as pets.

4. No venomous snakes shall be permitted in the City of Seward.
 5. Upon issuance of a permit authorized under this ordinance, the permit holder shall immediately post a notice provided by the City which states "Animal(s) Requiring City Permit Located on the Premises". Such notice shall be displayed in a conspicuous location visible to the public at the front entrance of the house.
- C. Proper Control to Prevent a Public Nuisance Required. It shall be unlawful for any owner to fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passers by, chasing vehicles, habitually attacking other domestic animals trespassing upon private property, noxious or offensive odors emanating from their living conditions or unsanitary living conditions shall be deemed a nuisance.
- D. Animals Running at Large Prohibited. It is unlawful for any animal to run at large within the city. Every animal shall be considered running at large when it is physically off the property of the owner of the animal, and not under immediate restraint of a competent person.
- E. Securing of Vicious Animals Required.
1. No person shall have, keep, harbor or allow to remain upon his premises any vicious or notoriously cross animal or an animal that may manifest a disposition to bite or attack any person without having the same properly secured and muzzled.
 2. Proof of the fact that the animal has bitten or attacked any person at any place where a person is legally entitled to be is evidence that the animal is vicious within the meaning of this section.
 3. If, after conviction under this section, it appears that the animal is still living, the County Judge may, in addition to any other penalties provided for in this section, order the Chief of Police or his designee to forthwith cause such animal to be destroyed and for that purpose, any such person in charge of such duty shall have the right to enter upon any premises within the City.
- F. Residences With Over Three Pets Deemed Kennels.
1. Any residence which shall keep over three (3) pets of the same species, over the age of three (3) months, shall be considered a kennel, and shall be subject to all ordinances covering kennels and all zoning ordinances in connection therewith.
 2. Subsection 1 shall not apply to small caged birds or aquatic or amphibian animals kept solely as pets.
- G. Penalty. Any person violating any portion of this section shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00)(Ord. No. 26-92, 11-17-92, Amended by Ord 17-09, 12-01-2009)

§ 6-213 REMOVAL OF ANIMAL EXCREMENT. No person owning or keeping any animal shall fail to prevent such animal from defecating upon any property other than the premises of the owner or keeper. It is a specific defense to the charge of violating this section that the defecation occurred on private property with the express permission of the owner or all tenants thereof. It is further a specific defense to a charge of violating this section that the owner or keeper immediately removed or cleaned up such deposit and disposed of it thereof by depositing it in a toilet or receptacle ordinarily used for garbage and covered by a lid or in an otherwise lawful and sanitary manner. Every person convicted of a violation of this section shall pay at least a minimum fine according to the following schedule: first conviction, ten (\$10) dollars; second conviction, twenty-five (\$25) dollars; third and each subsequent conviction, fifty (\$50) dollars. The record of the violator for two years prior to the date of the current violation will be considered. (Ord. 24-99, 8-3-1999)

§6-301

Police Regulations

§6-365

Article 3. Miscellaneous Offenses

§6-301 IMPERSONATING AN OFFICER. It shall be unlawful for any person other than a Municipal or State Police Officer to wear an official badge or uniform, or to falsely and willfully impersonate the said officials. (Ref. 28-610 RS Neb.; 9-1-25 Code 1964)

§6-302 REFUSING TO ASSIST OFFICER. It shall be unlawful for any person to refuse to assist a Municipal Police officer when lawfully requested to do so by him. (Ref. 28-903 RS Neb.; 1-11-3 Code 1964)

§6-303 RESISTING OFFICER. It shall be unlawful for any person to resist any Municipal Policeman when such officer is in the lawful performance of his duties. (Ref. 28-904, 28-906 RS Neb.; 9-1-52 Code 1964)

§6-304 ABUSING OFFICER. It shall be unlawful for any person to abuse a Police Officer or Municipal official in the execution of his office. (Ref. 28-729 RS Neb.)

§6-305 TRESPASSING. It shall be unlawful for any person to trespass upon any private grounds within the Municipality, 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. 28-520, 28-521 RS Neb.; 9-1-62 Code 1964)

§6-305.01 OCCUPYING BUSINESS PARKING LOT AFTER BUSINESS HOURS. It shall be unlawful for any person to intentionally or knowingly occupy, or be present in or upon, a business parking lot when the business establishment served by said parking lot is not open to the public, and when appropriate signs are posted in or upon said parking lot prohibiting such occupancy or presence, and bearing, at a minimum, the

words "NO TRESPASSING."

§6-306 DESTRUCTION OF PROPERTY. It shall be unlawful for any person within the corporate limits to purposely, or willfully injure in any manner, or destroy any real or personal property of any description belonging to another. (Ref. 9-1-38, 9-1-49 Code 1964)

§6-307 DAMAGING LIGHTS. Any person breaking, mutilating or obstructing any lamps, electroliers, or lights in the City shall be guilty of an offense. (Ref. 9-1-35 Code 1964)

§6-308 LARCENY. It shall be unlawful for any person within the corporate limits to steal any money, goods, or chattels of any kind whatever. Any person who shall steal property of any kind, whether the same be entirely in money or entirely property of the value of less than three hundred dollars (\$300.00) shall be deemed to be guilty of a violation of this section. (Ref. 28-512, 28-514 RS Neb.; 9-1-33, 9-1-45 Code 1964)

§6-309 ARSON. Any person who willfully or maliciously sets on fire any property when the injury or damage therefrom shall be of a less value than thirty-five dollars (\$35.00), shall be deemed to be guilty of a violation of this section. (Ref. 28-504 RS Neb.; 9-1-3 Code 1964)

§6-310 INJURY TO TREES. It shall be unlawful for any person to purposely or carelessly, and without lawful authority, cut down, carry away, injure, break down, or destroy, any fruit, ornamental, shade or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by them, shall make an application to the Governing Body to do so, and the written permit of the Governing Body in accordance with their decision to allow such an action shall constitute the only lawful authority on the part of the company to do so. (Ref. 28-565 through 28-567 RS Neb.; 9-1-61 Code 1964) (Amended by Ord. No. 1120, 1/17/78)

§6-311 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. 28-591 RS Neb.; 9-1-23 Code 1964)

§6-312 DRINKING IN PUBLIC. It shall be unlawful for any person to consume alcoholic liquors in the public streets, alleys, parking areas, roads, highways, or inside vehicles while upon public streets, alleys, parking areas, roads, or highways or upon any property owned by the Municipality or other governmental subdivision thereof, unless authorized by the City Council; provided, the provisions of this section shall not apply to liquor establishments licensed by the State of Nebraska. (Ref. 53-186 RS Neb.) (Amended by Ord. No. 25-93, 8/3/93)

§6-313 MISREPRESENTATION BY MINOR. It shall be unlawful for any minor to represent that he or she is of the age of twenty-one (21) years or older for the purpose of asking for, purchasing, or receiving any alcoholic beverages. (Ref. 53-103, 53-180.01 RS Neb.) (Amended by Ord. No. 2-81, 1/20/81, Amended by Ord. No 46-97, 9-15-97)

§6-314 MINOR IN POSSESSION. It shall be unlawful for any person under twenty-one (21) years of age to transport, knowingly possess, or have under his control in any motor vehicle, beer or other alcoholic liquor on any public street, alley, roadway, or property owned by the State of Nebraska or any subdivision thereof, or any other place within the Municipal limits. (Ref. 9-1-8 Code 1964, Amended by Ord. No. 1-81, 1/20/81, Ord No. 45-97, 9/97))

§6-315 POSSESSION OF TOBACCO BY MINORS. It shall be unlawful for any person under the age of 18 years to possess, smoke, use, purchase, or attempt to acquire tobacco products of any kind. 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. Upon conviction, the penalty for said offense shall not be less than \$15.00 nor more than \$100.00. (Amended by Ord No. 41-97 8/19/97)

§6-316 TOBACCO SALE PROHIBITED. It shall be unlawful for any person to sell or attempt to sell to any person under the age of eighteen (18) any tobacco, cigarettes, or cigars of any kind. Upon conviction, the penalty for said offense shall not exceed a fine of less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00). (Ref, 9-1-10 Code 1964)

§6-317 GAMBLING PREMISES. It shall be unlawful for any person to set up or keep a gambling house, table, room, place, or gambling device at which a game of chance may be played for money, property, or other valuable article representing money, property, or other valuable thing. It shall be further unlawful for any person to suffer, or permit such gambling device to be set up, kept, or used for the purpose of gambling in, or upon any premise or tenement belonging to, or under the control of any such person.

§6-318 GAMBLING. Any person, who shall play at any game whatever, except a licensed game of bingo, for any sum of money, or other property of value, or shall bet or wager any money or property of value upon any gambling table or device, or who shall be the keeper or operator of a punch board, gaming table, or gambling machine for the purpose of determining any chance upon which money is won or lost, shall be deemed to be guilty of a misdemeanor. (Ref. 9-1-26 Code 1964)

§6-319 LOTTERY.

- A. It shall be unlawful for any person to engage in any lottery for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property or portion of it, or for any share or interest in such property upon any agreement,

understanding or expectation that it is to be distributed or disposed of by lot or chance whether such scheme be called lottery, raffle or gift enterprise and no person shall contrive, prepare, set up or establish any such lottery.

- B. Traffic in Lottery Tickets: It shall be unlawful for any person to sell, give or in any manner whatsoever furnish or transfer to or for any person, any ticket understood to be or to represent any ticket, chance, share or interest in any property or thing involved, in any enterprise mentioned in the preceding subsection or depending upon the event of any such scheme, lottery or enterprise.
- C. Provided, this Section and Section 6-320 of the City Code shall not apply to persons or organizations authorized to conduct contests, lotteries, raffles or gift enterprise under Sections 28-1114, 28-1115 and 28-1116, Reissue Revised Statutes of Nebraska, 1943. (Ref. 9-1-36 Code 1964) (Amended by Ord. No. 4-83, 2/1/83)

§6-320 ASSISTING IN LOTTERY. It shall be unlawful for any person to aid or assist either by printing, writing, advertising, publishing or otherwise, in setting up, managing or drawing any lottery or scheme, or in selling or disposing of any ticket, chance or share therein or for any person to let or permit to be used, any building or premises for any said purpose. (Ref. 9-1-37 Code 1964)

§6-321 VISITING GAMBLING HOUSE. It shall be unlawful for any person, to visit, frequent, or loaf about any room or place where gambling or the playing of games of chance for money, or articles representing money or property, is conducted or permitted, knowing the same to be such a place.

§6-322 CONDUCTING PROSTITUTION. It shall be unlawful for any person to conduct, sponsor, or otherwise carry on for the purpose of profit, any lewdness, assignation, or prostitution in any house, room, or structure. (Ref. 28-910 RS Neb.)

§6-323 PARTICIPATION IN PROSTITUTION. It shall be unlawful for any person to become, or remain an inmate, guest, or employee in any bawdy house or house of prostitution, or to attend or visit any such house for the purpose of illicit sexual activity. (Ref. 28-907 et. seq. RS Neb.)

§6-324 MISDEMEANORS; PROSTITUTION. It shall be unlawful for any person to perform, offer or agree to perform any act of sexual penetration, as defined in Subdivision (5) of Section 28-318 RS Neb., with any person not his or her spouse in exchange for money or other things of value. (Ref. 28-801 RS Neb.)(Class 5 - citation in lieu of arrest) (Amended by Ord. No. 21-85, 10/15/85)

§6-325 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.

§6-326 POSTING. It shall be unlawful for any person to post, paste, or paint any sign, advertisement, or other writing of any nature upon a fence, pole, building, or other property without the written permission of the owner of the said property. (Ref. 9-1-55 Code 1964)

§6-327 STAKES AND CORNER MARKERS; REMOVING. It shall be unlawful for any person to break, remove or destroy any stone or stake, marking any street, block, lot or public ground, except by State or City authority. (Ref. 9-1-57 Code 1964)

§6-328 BILLBOARDS. No billboard, which is hereby designated as a nuisance, upon which any advertising matter or legend is or may be written shall be located nearer than twelve (12') feet to any street or highway in this City or so that it obstructs the view at a street or highway intersection; provided, nothing herein shall be construed to mean the flat surface of buildings, stores or offices. (Ref. 9-1-7 Code 1964)

§6-329 GASOLINE DISPENSERS. All pumps or mechanical devices used for the dispensing of gasoline on a retail basis shall be securely locked so that no liquid may be drawn, unless and until such devices are under the supervision of an attendant. A violation of this Section shall be opposed to the preservation of the public peace, health and safety.

§6-330 DISCHARGE OF FIREARMS. (Repealed by Ord. No. 1136, 7/5/78)

§6-330.01 DISCHARGE OF FIREARMS REGULATED; PROHIBITION. No persons except an officer of the law in the discharge of his duties, may discharge any gun, pistol or firearm in the City; provided, gun clubs, organizations, groups and persons approved by the Council upon application to the Council may use, fire and discharge firearms for the purpose of shooting blue rocks and practice and training targets or other purpose associated with such activity between the hours of seven-thirty (7:30) A.M. and eleven-thirty (11:30) P.M., of any day at such location approved by the Council, but are at any other time of the day prohibited from firing and discharging any gun or firearm or such apparatus for such purposes or activity including members, guests or persons of such club, organizations, groups or persons. (Ord. No. 1136, 7/5/78)

§6-331 CONCEALED WEAPONS. It shall be unlawful for any person or persons to carry about their person any concealed pistol, revolver, knife, billy club, slingshot, metal knuckles, or other dangerous weapon of any kind. Nothing herein shall be construed to apply to the Municipal Police. (Ref. 28-1202 RS Neb.; 9-1-12 Code 1964)

§6-332 SLINGSHOTS, AIR GUNS, BB GUNS. It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the Municipality. (Ref. 16-227 RS Neb.; 9-8-2 Code 1964)

§6-333 FIREWORKS DEFINED; PROHIBITED AND PERMITTED USES; EXEMPTION. Fireworks shall mean any composition or device designed for the

purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of common or special fireworks set forth by the United States Department of Transportation in Title 49, Code of Federal Regulations.

It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description, whatsoever, except sparklers, vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise, color wheels, lady fingers, not exceeding seven-eighths (7/8") inch in length or one-eighth (1/8") inch in diameter, and which does not contain more than fifty (50) milligrams each in weight of explosive material, and all other fireworks approved under the provisions of Nebraska Revised Statutes 28-1247, R.R. Supp., 1988.

The provisions of this Section shall not apply to any fireworks to be used for the purpose of public exhibitions or display under authorization of the Governing Body or to fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal. (Ref. 17-556, 28-1241, 28-1244, 28-1245, 28-1247 RS Neb. 1943; 8-4-1 Code 1964) (Amended by Ord. Nos. 22-88, 10/4/88; 21-89, 6/20/89)

§6-334 SKY ROCKETS AND BOTTLE ROCKETS. Sky rockets, bottle rockets or any other form of fireworks composed of a case containing a combustible material, fastened to a guiding stick which is designed and manufactured to be projected thru the air by the reaction resulting from the rearward discharge of gases liberated by combustion shall not be lawful fireworks within the City, notwithstanding any action by the State Fire Marshal to the contrary and it shall be unlawful for any person to sell at retail or otherwise barter, exchange, or offer for sale at retail, give away, or have in his or its possession, discharge, explode or use or bring into the City any said fireworks. (Ref. 8-4-2 Code 1964)

§6-335 FIREWORKS; HOURS OF SALE. Conditioned upon payment of the occupation tax required to be paid by Section 10-901 of the City Code, fireworks permitted within the Municipality may be sold at retail between June twenty-eighth (28th) and July fifth (5th) of each year, during the following times:

June 28 thru July 3 - 8:00 o'clock A.M. to 11:00 o'clock P.M.

July 4 - 8:00 o'clock A.M. to Midnight.

(Ref. 8-4-3 Code 1964) (Amended by Ord. No. 4-89, 2/7/89, Amended by Ord. No 51-99, 11-2-1999, Amended by Ord. No. 21-04, 9-7-2004)

§6-336 FIREWORKS; DISCHARGE. It shall be unlawful for any person to discharge, fire, launch or throw any fireworks or any object, which is lighted to explode or which explodes upon contact with another object:

- (1) From or onto any motor vehicle
- (2) Onto any street, highway or sidewalk
- (3) During any pyrotechnics display authorized by special permit under the

ordinances of the

Municipality and when the special permit authorized the display to be held at the Seward City Park. No lawfully permitted firework shall be exploded in the said City Park during the time of said pyrotechnics display except by personnel authorized by said special permit

- (4) At or near any persons
- (5) Into or upon any building
- (6) Into or at any group or of persons, or
- (7) In or upon the premises of another person
- (8) Within 200 feet of any fireworks stand
- (9) The discharge or exploding of fireworks within the Municipality shall be permitted only on the following dates and during the following hours:

June 28 through July 3 - 10:00 o'clock A.M. to 11:00 o'clock P.M.

July 4 - 8:00 o'clock A.M. to Midnight.

The discharge and exploding of fireworks within the Municipality on any dates or times other than set out in this section shall be unlawful. (Ref. 8-4-4 Code 1964) (Amended by Ord. No. 51-99, 11-2-1999, Amended by Ord. 10-01, 4-03-2001, Amended by Ord. No 21-04, 9-7-2004)

§ 6-336.1 FIREWORKS; VENDOR; REGULATION. Each vendor of fireworks within the City of Seward, in addition to obtaining the appropriate license from the State Fire Marshall, shall secure a license from the City by filling an application with the City Clerk upon forms supplied by the City. Upon the determination to grant the license by the City Clerk, the City Clerk shall collect the appropriate occupation tax and issue said license. Any license so issued may be revoked at any time by the Governing Body upon proper notice and hearing, if a hearing is requested by the licensee.

Each fireworks stand must meet the following requirements:

- 1) No stand shall be placed within one hundred (100) feet of gasoline storage or pumps;
- 2) No stand shall be placed within ten (10) feet of another building;
- 3) No stand shall be placed on a public right-of-way or on public property;
- 4) "No Smoking" signs shall be posted;
- 5) Each stand shall have one (1) of the following approved fire extinguishers:
Five (5) pound dry powder, C02 ABC Type, or two and one-half (2 1/2) pound water, either the pressure type or hand pump;

- 6) Fireworks shall be sold in a separate stand that is not part of a store building.
(Ord. No 5-01, 3-20-2001)

§ 6-336.2 FIREWORKS; DISCHARGE DURING PARADE AND PUBLIC EVENTS. It shall be unlawful for any person to discharge, fire, launch or throw any fireworks or any object, which is lighted to explode or which explodes upon contact with another object at the following times and places:

- (1) Within one (1) block of the 4th of July parade route for the period of time commencing one hour before the time for the start of the parade and ending one-half hour after the time said parade if finished.
- (2) In or into any park or onto any public property within the municipality for the period of time commencing two hours before and ending one-half hour after any public event such as, but not limited to, concerts and public fireworks displays. (Ord. No 22-01, 9-4-2001)

§ 6-336.3. Fireworks Sale; Liability Insurance. Persons or entities engaged in the seasonal sale of pyrotechnics commonly known as fireworks shall be required to acquire and maintain in full force and effect at all times while doing business in the City of Seward a policy of insurance, naming the City of Seward as an additional insured thereon, in the following minimum amounts:

General Liability Insurance Limits

Each Occurrence	\$1,000,000;
a. Damage to Rented Premises (each occurrence)	\$ 100,000;
b. Personal & Advertising Injury	\$1,000,000;
c. General Aggregate	\$1,000,000;
d. Products & Completed Operations Aggregate	\$1,000,000;
e. Medical Expense (any one person)	\$ 5,000 any one person.

Prior to being issued a fireworks permit the applicant shall provide the City of Seward and "Acord Form 25" or similar insurance industry "Certificate of Insurance" listing as an additional insured the:

City of Seward
P O Box 38
Seward NE 68434
(Ord 14-2009, 9-15-2009)

§6-337 ASSAULTS. It shall be unlawful for any person to assault or threaten any other person or persons. (Ref. 28-310 RS Neb.)

§6-338 PROVOKING ASSAULT. It shall be unlawful for any person or persons within

the Municipality to intentionally provoke or attempt to provoke an assault upon himself or another by the uttering of insulting words, cursing and swearing, or to use slander against any other person. Upon conviction a fine not to exceed ten (\$10.00) dollars shall be assessed. (Ref. 28-412 RS Neb.)

§6-339 MENACING THREATS. It is hereby declared unlawful for any person within the corporate limits of this Municipality to assault or threaten another in a menacing manner or strike or injure another. (Ref. 9-1-40 Code 1964)

§6-340 ASSAULT AND BATTERY. It shall be unlawful for any person to assault, threaten, strike or injure any other person or persons. (Ref. 28-310 RS Neb.; 9-1-4 Code 1964)

§6-341 DISTURBING THE PEACE. It shall be unlawful for any person or persons to assemble or gather within the Municipality with the intent to do an unlawful or disorderly act or acts, by force or violence against the Municipality, or residents therein, or who shall disturb the public peace, quiet, security, repose, or sense of morality. (Ref. 28-1322 RS Neb.; 9-1-18 Code 1964)

§6-341.1 EXCESSIVE NOISE. It shall be unlawful for any person within the city to operate any radio, tape player, compact disc player, stereophonic sound system, or similar device which reproduces or amplifies radio broadcasts, or musical recordings, in or upon any street or alley or public place in such a manner as to be audible to any person at any point or place more than fifty (50) feet from the source. The prohibition set forth herein shall not apply to such activity:

(1) when conducted in connection with an activity or event sponsored by a school, church, or governmental entity;

(2) when conducted in connection with an activity open to the public such as a carnival, circus, or athletic event; and

(3) if a permit for same has been issued by the Seward City Council, or its designee, which permit may include such conditions as the City Council, or its designee, shall deem necessary and appropriate; provided however, such conditions shall be reasonably related to preserving the public peace, and shall not infringe upon the applicant's right to free speech.

§6-342 DISORDERLY CONDUCT. Any person who shall knowingly start a fight, fight, commit assault or battery, make unnecessary noise, or otherwise conduct themselves in such a way as to breach the peace shall be deemed to be guilty of a violation of this Section. (Ref. 16-227, 16-228 RS Neb.; 9-1-16 Code 1964)

§6-343 MALICIOUS MISCHIEF. It shall be deemed a violation of this Section 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. Conviction of such violation shall be punishable by a fine not less than five (\$5.00) dollars, nor more than one hundred (\$100.00) dollars.

Any such offender shall also 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. (Ref. 28-519 RS Neb.; 9-1-39 Code 1964)

§6-344 DISTURBING AN ASSEMBLY. It shall be unlawful for any person or persons to disturb, interrupt, or interfere with any lawful assembly of people, whether religious or otherwise, by loud and unnecessary noise, threatening behavior, or indecent and shocking behavior. (Ref. 9-1-17 Code 1964)

§6-345 UNLAWFUL ASSEMBLY. It shall be unlawful for three (3) or more persons to assemble together upon any sidewalk or street thereof, in front of or adjacent to any store, shop, or other place of business, so as to obstruct the public right-of-way along said street or sidewalk, or entrance to said place of business, or so as to obstruct or injure the carrying on of any lawful business in any of the places aforesaid within the limits of the Municipality. (Ref. 9-1-5 Code 1964)

§6-346 INDECENT BEHAVIOR. It shall be unlawful for any person or persons over the age of fourteen (14) years to commit any indecent or immoral act, or to appear in any public place in improper clothing, or not decently garbed. It shall be unlawful for any person, or persons, to sell or convey any indecent and obscene books, pictures, or films, or to take part in any indecent, lascivious, or obscene show, play, theatrical exhibition, or other form of entertainment that is shocking to the public morals. (Ref. 28-920, 28-921, 28-926.09, 28-926.10 RS Neb.: 9-1-31 Code 1964)

§6-347 OFFENSES; LITTERING. (1) 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:

- (a) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or
- (b) The litter is placed in a receptacle or container installed on such property for such purpose.

(2) The word litter as used in this section shall mean all waste material susceptible of being dropped, deposited, discarded or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing. Waste material as used in this section shall mean any material appealing in a place or in a context not associated with that material's function or origin.

(3) 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. 28-523 RS Neb.) (Amended by Ord.

No. 19-95, 2/21/95)

§6-348 PROHIBITED FENCES. It shall be unlawful for any person to erect, or cause to be erected, and maintain any barbed wire or electric fence within the corporate limits, where such fence abuts a public sidewalk, street or alley. (Ref. 9-1-6 Code 1964)

§6-349 MERCHANDISE ON SIDEWALKS. It shall be unlawful for any person to place or cause to be placed for display or sale purposes, or for storage, any goods, wares, merchandise or other articles upon any sidewalk or in any street; provided, this shall not be construed as preventing the sale from vehicles outside of the Business District of farm or garden produce by the producer or grower thereof or his employee by going from house to house. (Ref. 9-1-41 Code 1964)

§6-350 OBSTRUCTIONS ON SIDEWALKS. It shall be unlawful for any person within the Corporate Limits to erect, maintain or suffer to remain on any street or public sidewalk or on any portion of the area between the lot line and the curb line of any street any stand, wagon, display, or merchandise, or any other obstruction injurious to, inconvenient, or inconsistent with the public use of the same; provided, seats and benches may be allowed in front of stores and buildings in the fire limits and shall not be construed as an obstruction in the sidewalk space until such time as the Mayor and Council shall order their removal by resolution. (Ref. 9-1-43 Code 1964)

§6-351 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 shall first remove all doors and make the same reasonably safe. (Ref. 18-1720 RS Neb.; 9-2-1 Code 1964)

§6-352 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.

§6-353 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.

§6-354 WATER FLOWING UPON STREETS. It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare. (Ref. 9-1-64 Code 1964)

§6-355 REMOVING DIRT. It is hereby declared unlawful for any person to remove, disturb, or take away from any street, alley, or public grounds any dirt, earth, stones, or other materials forming a part of such street, alley, or public grounds without first having obtained written permission to do so from the Governing Body. (Ref. 9-1-22 Code 1964)

§6-356 GENERAL OFFENSES; WEEDS, LITTER, STAGNANT WATER.

(A) Lots or pieces of ground within the city shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(B) The owner or occupant of any lot or piece of ground within the city shall keep the lot or piece of ground and the adjoining streets and alleys free of any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation.

(C) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the city is prohibited, except that grass, leaves, and worthless vegetation may be used as a ground mulch or in a compost pile.

(D) It is hereby declared to be a nuisance to permit or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(E) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.

(F) (1) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent or to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. An administrative fee shall be charged based on the time expended (1 hour) and material(s) for the notice. Within five days after receipt of such notice or publication or posting, whichever is applicable, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance, the city may have such work done. The cost and expenses of any such work shall be paid by the owner.

(2) If unpaid for two months after such work is done, the city may either:

- (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefitted in the same manner as other special taxes 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.

(G) For purposes of this section:

(1) LITTER includes, but is not limited to:

- (a) Trash, rubbish, refuse, garbage, paper, rags, and ashes;
- (b) Wood, plaster, cement, brick, or stone building rubble;
- (c) Grass, leaves, and worthless vegetation;
- (d) Offal and dead animals; and
- (e) Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility,

or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and

(2) WEEDS includes, but is not limited to, bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial pepper grass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (toun), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*). (Neb. RS 16-230, 18-1719RS Neb., 2-4-1, 2-4-2 Code 1964, Amended by Ord Nos 14-88, 6-21-88: 25-91, 9-3-91, Amended by Ord 20-05, 4-5-2005, Amended by Ord 26-06, 11-21-2006)

§6-356.01 REGULATING THE HEIGHT OF WEEDS AND GRASSES; It is hereby determined to be a public nuisance to permit or maintain any growth of 8 inches or more in height of weeds, grasses, or worthless vegetation on any lot or piece of ground located within the corporate limits during any calendar year, if, within the same calendar year, the city has previously acted to remove weeds, grasses, or worthless vegetation exceeding 12 inches in height on the same lot or piece of ground and had to seek recovery of the costs and expenses of such work from the owner. (Ord 12-10, 6-15-2010)

§6-357 DISEASED OR DYING TREES. (Repealed by Ord. No. 12-82, 6/1/82)

§6-358 RADIO INTERFERENCE. Any person operating or causing to be operated, any motor, sign, or other electrical apparatus that is connected with the light and power system shall equip the apparatus with proper filtering attachments to eliminate interference; provided, that the provisions herein shall not apply to the use of necessary medical equipment or apparatus where electrical interference cannot be reasonably and safely eliminated. Any person who so operates or causes to be operated, any such electrical apparatus that interferes habitually with radio and television reception shall be deemed to be guilty of a violation of this section. (Ref. 18-1720 RS Neb.)

§6-359 GENERAL OFFENSES; ABANDONED AUTOMOBILES.

- (A) (1) No person shall cause any vehicle to be an abandoned vehicle as described in division (B) (1), (2), (3), or (4) if this section. (Neb. RS 60-1907)
- (2) No person other than one authorized by the municipality or appropriate state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. (Neb. RS 60-1908)

(B) A motor vehicle is an abandoned vehicle:

- (1) If left unattended, with no license plates or valid In Transit decals issued pursuant to Neb. RS 60-320 affixed thereto, for more than six hours on any public property;
- (2) If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
- (3) If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
- (4) If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated; or
- (5) If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under division (E) of this section.
- (6) If removed from private property by the City pursuant to a municipal ordinance.

No motor vehicle subject to forfeiture under Neb. RS 28-431 shall be an abandoned vehicle under this division. (Neb. RS 60-1902)

C) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit decals issued pursuant to Neb. RS 60-320 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250 or less, title shall immediately vest in the municipality.
(Neb. RS 60-1902)

- (D) (1) Except for vehicles governed by division (C) of this section, the municipality shall make an inquiry concerning the last-registered owner of an abandoned vehicle as follows:
- (a) Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
 - (b) Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.
- (2) The municipality shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:
- (a) It will be sold or will be offered at public auction after five days from the date such notice was mailed; or
 - (b) Title will vest in the municipality 30 days after the date such notice was mailed.
- (3) If the municipality is notified that a lien or mortgage exists, the notice described in division (D) (2) of this section shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.
- (4) Title to an abandoned vehicle, if unclaimed, shall vest in the municipality:
- (a) Five days after the date the notice is mailed if the vehicle will be

sold or offered at public auction under division (D)(2)(a) if this section;
(b) Thirty days after the date the notice is mailed if the municipality will retain the vehicle; or

c) If the last-registered owner cannot be ascertained, when notice of such fact is received.

(5) After title to the abandoned vehicle vests pursuant to division (D)(4) of this section, the municipality may retain for use, sell, or auction the abandoned vehicle. If the municipality has determined that the vehicle should be retained for use, the municipality shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the municipality intends to retain the abandoned vehicle for its use and that title will vest in the municipality 30 days after publication. (Neb. RS 60-1903)

(E) (1) If the municipal law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, it shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle.

(2) This division shall not apply to motor vehicles subject to forfeiture under Neb. RS 28-431.

(3) No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this division unless the registered owner or the person in possession of the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. (Neb. RS 60-1903.01)

(F) Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the municipality, shall be held by the municipality without interest, for the benefit of the owner or lien holders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the municipality. (Neb. RS 60-1905)

(G) Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed, nor the municipality, shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the municipality or its contractual agent or as a result of any subsequent disposition. (Neb. RS 60-1906)

(H) The last-registered owner of an abandoned vehicle shall be liable to the municipality for the costs of removal and storage of such vehicle. (Neb. RS

60-1909)

- (I) For purposes of this section, PUBLIC PROPERTY means any public right-of-way, street, highway, alley or park or other state, county, or municipality owned property; PRIVATE PROPERTY means any privately owned property which is not included within the definition of public property. (Neb. RS 60-1901)
- (J) Any person who violates the provisions of this section is guilty of an offense. (Ref. 60-1901 through 60-1911 RS Neb.; 9-10-6 Code 1964, Amended by Ord. 46-00, 10-17-2000, Amended by Ord 13-10, 6-15-2010)

§6-360 WRECKED VEHICLES. Any nonoperating, wrecked, junked or partially dismantled vehicle or any vehicle or parts thereof which have lost their identity, character, utility or serviceability which is allowed to remain on any property within the City limits and its zoning jurisdiction longer than seven (7) calendar days is hereby declared a nuisance, and subject to removal as provided by this section. The lack of vehicle insurance and a current license or registration shall be presumptive evidence that such vehicle has lost its utility or serviceability.

It shall be unlawful for any owner or person in charge or control of any property within the City or its zoning jurisdiction to allow any motor vehicle or parts thereof, as described in the preceding paragraph, to remain on such property longer than seven (7) calendar days; provided, this section shall not apply to any motor vehicle or part thereof kept in an enclosed building; on the premises of any business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise, any vehicle which is shielded from the general public view by a cover that is manufactured for vehicle coverage so as to make it completely shielded from sight, or any vehicle which qualifies as a historic or special interest vehicle as defined in section 60-311.15 Revised Statutes of Nebraska, or complies with 60-311.18 of Revised Statutes of Nebraska. No vehicle cover with a tear of six (6) inches or greater or hole of six (6) inches in diameter or greater shall be deemed to be in compliance with this ordinance.

It shall be the duty of the Police Department to investigate all violations or complaints relating to this Ordinance and the Police Department is authorized to issue a citation to any person deemed to be in violation of this Ordinance.

As an additional remedy, the City Administrator or his/her authorized representative may investigate any complaints relating to the maintenance of a nuisance as defined in this Article.

Whenever the City Administrator shall determine that any motor vehicle or part thereof is a nuisance as defined in this Article, he/she may notify by certified mail the owner or person in charge or control of the property upon which the nuisance is being

maintained of his/her determination and issue an order commanding such person to remove the nuisance within seven (7) calendar days from the date the certified letter was received and signed for by the owner or the person in charge or control. Refusal or nondelivery of the certified mail shall not abate the seven (7) days.

If the owner or person in charge or control of said property fails or refuses to comply with the order to remove the nuisance in seven (7) calendar days of acceptance of the notice thereof, the City Administrator shall direct the appropriate City officials to remove the vehicles.

In the event the owner, agent, occupant or person in possession, charge or control of the real property shall fail to pay the costs of removal and storage, the City may assess the actual cost thereof against the real property in the same manner as other special taxes for improvements are levied and assessed. In amount as determined by the resolution of the City Council.

If such removed property is unclaimed after five (5) days from the date of removal it may be sold at public auction and the proceeds applied to the costs of removal. Any person claiming such property shall be required to pay all costs incurred including storage.(Amended by Ord. No. 18-92, 7/2192, Amended by Ord 18-06, 8-15-2006)

§6-361 UNLAWFUL USE OF BOX CARS. It shall be unlawful for any person to locate or place, use or occupy any "box car," railway coach or other structure or building formerly used as railway rolling stock or equipment upon any lot or plot of ground within the corporate limits for any purpose: provided, however, that any railroad company, having and maintaining a right-of-way into and within the City, may place such "cars," structures or buildings upon its own right-of-way for use in connection with its own business, but no such railroad company shall be permitted to rent the same or permit any of the structures to be used by others for any purpose not necessary to the furtherance of the business of the railroad company. (Ref. 9-1-9 Code 1964)

§6-362 CURFEW. It shall be unlawful for any minor under the age of sixteen (16) years to ride in or operate any vehicle in or upon any street, alley, or other public place, or to loiter, wander, stroll, loaf, or play in or upon any of the streets, alleys, or other public places between the hours of eleven o'clock (11:00) P.M. of any day and six o'clock (6:00) A.M. of the following day unless accompanied by a parent, or the minor is engaged in lawful employment or is on an emergency errand; provided, when an activity of the kind normally attended by minors under sixteen (16) years terminates after, or less than one (1) hour prior to eleven o'clock (11:00) P.M., the curfew shall commence one (1) hour after the termination of such activity. (Ref. 9-3-1 Code 1964)

§6-363 MERCHANDISE PRICE TAG CHANGE PROHIBITED. It shall be unlawful for any person to remove, alter, or transfer any marked price or price tag on any item of retail merchandise displayed or offered for sale by a retail store in its business without the consent of the owner or owners, their agents and employees. (Ord. No. 1130,

4/4/78)

§6-364 MISCELLANEOUS OFFENSES; FALSE REPORTING. It shall be unlawful for any person to:

- A. Furnish information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or impede the investigation of an actual criminal matter; or
- B. Furnish information he or she knows to be false alleging the existence of an emergency in which human life or property are in jeopardy to any hospital, ambulance company, or other person or governmental agency which deals with emergencies involving danger to life or property; or
- C. Furnish any information, or cause such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a Fire Department or any personnel or equipment of such Department; or
- D. Furnish any information he or she knows to be false concerning the location of any explosive in any building or other property to any person. (Ref. 28-907 RS Neb.) (Ord. No. 23-82, 9/21/82)

§6-365 MISCELLANEOUS OFFENSES; SHOPLIFTING. A person commits the crime of theft by shoplifting when he or she, with the intent of appropriating merchandise to his or her own use without paying for the same or to deprive the owner of possession of such property or its retail value, in whole or in part, does any of the following:

- (a) Conceals or takes possession of the goods or merchandise of any store or retail establishment;
- (b) Alters the price tag or other price marking on goods or merchandise of any store or retail establishment;
- (c) Transfers the goods or merchandise of any store or retail establishment from one container to another;
- (d) Interchanges the label or price tag from one item of merchandise with a label or price tag from another item of merchandise: or
- (e) Causes the cash register or other sales recording device to reflect less than the retail price of the merchandise.

In any prosecution for theft by shoplifting, in order to allow the owner or owners of shoplifted property the use of such property pending criminal prosecutions, photographs of the shoplifted property may be accepted as prima facie evidence as to the identity of the property. Such photograph shall be accompanied by a written statement containing the following:

- (a) A description of the property;
- (b) The name of the owner or owners of the property;
- (c) The time, date, and location where the shoplifting occurred;
- (d) The time and date the photograph was taken:

- (e) The name of the photographer: and
- (f) Verification by the arresting officer.

Prior to allowing the use of shoplifted property as provided in this section, legal counsel for the alleged shoplifter shall have a reasonable opportunity to inspect and appraise the property and may file a motion for retention of the property, which motion shall be granted if there is any reasonable basis for believing that the photographs and accompanying affidavit may be misleading. (Ref. 28-514 RS Neb.) (Ord. No. 24-82, 9/21/82)

Article 4. Seized or Found Property

§6-401 SEIZED OR FOUND PROPERTY. All property, including money, which shall be seized or found by any Police Officer shall be reported and delivered immediately to the Police Department. A written record containing the date of such seizing, and a description of the same shall be maintained by the Police Department. (Ref. 9-10-1 Code 1964)

§6-402 RELEASE OF SEIZED OR FOUND PROPERTY. The Police Department shall have authority to release seized or found property to the owners thereof upon satisfactory proof and evidence of such ownership. The owner shall first pay any and all charges incurred in the care and keeping of such property while the same is in the custody of the Police Department. (Ref. 9-10-2 Code 1964)

§6-403 DISPOSITION OF UNCLAIMED PROPERTY. In March and September of each year, on a date and time to be fixed by the Police Department, all property which shall remain unclaimed, except money, in the hands of the Police Department for more than thirty (30) days shall be sold at public auction at Police Headquarters, or at such place designated by the Chief of Police, to the highest bidder. All sales shall be for cash. Such sales shall be advertised for one (1) week in a newspaper of general circulation in Seward County. The date of sale of each item of property and the amount received at such sale for each item of property shall likewise be recorded. All expenses in connection with the care and keeping of any item of property shall be paid from the proceeds of sale of such item of property by the Police Department. In the event the proceeds of sale are insufficient to pay expenses of care, keep, sale and disposal thereof, such expenses shall be paid by the City. The balance of sale proceeds shall be paid over and delivered to the Municipal Treasurer, which shall be kept by him in a special fund, together with an accounting of such sales. A copy of such accounting shall be filed with the Clerk. If the remaining proceeds of such sale are not claimed within one (1) year after such sale, said proceeds shall be forfeited to the City and the Mayor and Council shall appropriate the same for expenditure by the City in the next annual appropriation ordinance. (Ref. 9-10-2 Code 1964)

§6-404 PROPERTY REMAINING UNSOLD. All property remaining in the custody of the Police Department for want of bidders upon such sale shall be disposed of as junk or be deposited in the City dump on behalf of the City. (Ref. 9-10-4 Code 1964)

§6-405 MONIES FOUND OR SEIZED. The Police Department shall make diligent and reasonable investigation and inquiry to locate the owner of all monies found or seized and deliver the same to the owner thereof upon satisfactory proof and evidence of ownership. All monies unclaimed after sixty (60) days shall be turned over to the City Treasurer for deposit by such Treasurer in said special fund, together with an accounting of said monies. If such monies shall remain unclaimed after deposit with the City Treasurer for more than one (1) year, said monies shall be forfeited to the City

and the Mayor and Council may appropriate the same for expenditure by the City in its next annual appropriation ordinance. (Ref. 9-10-5 Code 1964)

§6-406 PROPERTY SEIZED AS EVIDENCE. No property seized as evidence for the prosecution of violation of the City Code or of the criminal Statutes of the State shall be sold as herein provided until after such property has been released as evidence by the Court having jurisdiction in the matter, for which such evidence was seized or by the Prosecuting Attorney in such matter. After such property is released as evidence as aforesaid, it may be sold and disposed of by the Police Department as herein provided. (Ref. 9-10-7 Code 1964)

§6-407 BILL OF SALE ISSUANCE. Upon sale of any such article or motor vehicle the Police Department is authorized to execute and deliver a bill of sale without warranty on behalf of the City to the purchaser thereof. (Ref. 9-10-8 Code 1964)

§6-501

Police Regulations

§6-502

Article 5. Fish Regulations

§6-501 STATE FISH REGULATIONS. Regulations on Fish, published by the Nebraska Game, Forestation and Parks Commission of the State of Nebraska, shall be effective on City owned lakes, except as modified by ordinance and resolution of the Mayor and Council of the City. (Ref. 9-9-1 Code 1964)

§6-502 MUNICIPAL FISHING REGULATIONS.

- A. It shall be unlawful for any person to take more than ten (10) fish of all kinds combined in any one (1) day.
 - B. It shall be unlawful for any person to use more than one (1) pole or more than two (2) hooks per pole.
 - C. It shall be unlawful to snag any fish externally with a hook and line whether a game or non-game fish.
 - D. It shall be unlawful to use throw lines.
 - E. It shall be unlawful to seine for bait.
 - F. Any lake shall be closed to fishing for three (3) days following the stocking thereof. Such stocked lake shall be open to fishing at six (6:00) o'clock P.M. on the fourth (4th) day following the stocking.
 - G. Fishing is prohibited when there is ice on such lake.
- (Ref. 9-9-2 Code 1964)

§6-601

Police Regulations

§6-601

Article 6. Police Department

§6-601 POLICE DEPARTMENT; ARREST AND ENFORCEMENT JURISDICTION.

- (A) Every municipal law enforcement officer has the power and authority to enforce the laws of this state and the municipality or otherwise perform the functions of that office anywhere within his or her primary jurisdiction. Primary Jurisdiction means that geographic area within territorial limits of the municipality.
- (B) Any municipal law enforcement officer who is within this state, but beyond his or her primary jurisdiction, has the power and authority to enforce the laws of this state or any legal ordinance of any city or incorporated village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within his or her primary jurisdiction in the following cases:
- (1) Any municipal law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the officer's primary jurisdiction;
 - (2) Any municipal law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return such person to the officer's primary jurisdiction;
 - (3) Any municipal law enforcement officer has such enforcement and arrest and detention authority when responding to a call in which a local, state, or federal law enforcement officer is in need of assistance. A law enforcement office in need of assistance shall mean:
 - (a) A law enforcement officer whose life is in danger; or
 - (b) A law enforcement officer who needs assistance in making an arrest and the suspect:
 1. Will not be apprehended unless immediately arrested;
 2. May cause injury to himself or herself or others or damage to property unless immediately arrested; or
 3. May destroy or conceal evidence of the commission of a crime; and
 - (4) If the municipality, under the provisions of the Interlocal Cooperation Act or the Joint Public Agency Act, enters into contract with any other municipality or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the municipality shall provide liability insurance coverage for its own law enforcement personnel as provided in Neb. RS 13-1802.
- (C) When probable cause exists to believe that a person is operating or in the

actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any drug or otherwise in violation of Neb. RS 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02, a municipal law enforcement officer has the power and authority to do any of the following or any combination thereof:

(1) Transport such person to a facility outside of the law enforcement officer's primary jurisdiction for the appropriate chemical testing of the person;

(2) Administer outside of the law enforcement officer's primary jurisdiction any

Post-arrest test advisement to the person; or

(3) With respect to such person, perform other procedures or functions outside of the law enforcement officer's primary jurisdiction which are directly and solely related to enforcing the laws that concern a person operating or being in the actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any other drug or otherwise in violation of Neb. RS 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4, 163, 60-4, 164, 60-6, 196, 60-6, 197, 60-6, 211.01, or 60-6,211.01. (Neb. RS 29-215)

(D) If municipal law enforcement personnel are rendering aid in their law enforcement capacity outside the limits of the municipality in the event of disaster, emergency, or civil defense emergency or in connection with any program of practice or training for such disaster, emergency, or civil defense emergency when such program is conducted or participated in by the Nebraska Emergency Management Agency or with any other related training program, the law enforcement personnel have the power and authority to enforce the laws of this state or any legal ordinances or resolutions of the local government where they are rendering aid or otherwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within their primary jurisdiction. The municipality shall self-insure or contract for insurance against any liability for personal injuries or property damage that may be incurred by it or by its personnel as the result of any movement made pursuant to this division. (Neb. RS 81-829.65, Ref. 29-215 RS Neb.) (Ord. No. 17-95, 2/21/95, Amended by Ord. No 46-98, 11-17-98, Amended by Ord. 18-04, 8-4-2004)