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CHAPTER 1 – CIVIL ADMINISTRATION

Article 1 – City Administration

SECTION 1-101: CORPORATE EXISTENCE

The City of Cambridge, Nebraska, is hereby declared to be a city of the second class and shall be governed in all respects by the laws regulating cities of the second class. (Neb. Rev. Stat. §17-101)

SECTION 1-102: OFFICIAL CORPORATE SEAL

The official corporate seal of the city shall be kept in the office of the city clerk and may bear the following inscription: "Seal, City of Cambridge, Furnas County, Nebraska." The city clerk shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances, and all other official papers issued by order of the City Council and countersigned by the city clerk. (Neb. Rev. Stat. §17-502)

SECTION 1-103: OATH OF OFFICE; CITY OFFICIALS

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

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

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

SECTION 1-104: BONDS; BLANKET BOND

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

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

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

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

E. If any person elected or appointed to any office neglects to have his or her

official bond executed and approved as provided by law and filed for record within the time limited by Neb. Rev. Stat. §§11-101 to 11-122, the provisions of Neb. Rev. Stat. §11-115 shall apply.

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

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

SECTION 1-105: COMPENSATION

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

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

C. "Meeting" shall mean any City Council meeting or any meeting or seminar attended by the mayor or City Council member as a representative of the city. If the meeting or seminar is more than one day in length, the mayor or council member shall be paid for each day. A record of attendance at all meetings by the mayor and City Council shall be kept by the city clerk. All compensation records shall be kept beginning with the first regular meeting in December of each year. All compensation shall be payable to the mayor and City Council members monthly.

D. All salaries of the elective officers of the city shall be set by ordinance of the

City Council and kept on file at the office of the city clerk for public inspection.
(Neb. Rev. Stat. §§17-108, 17-108.02, 17-604, 17-611, 17-612)

SECTION 1-106: CONFLICT OF INTEREST

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

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

C. No officer of the city shall be permitted to benefit from any contract to which the city is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the city or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the city has benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child:

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

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

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

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

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

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

H. An open account established for the benefit of the city or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to

the provisions of this section. The statement required to be filed pursuant to this section shall be filed within ten days after such account is opened. Thereafter, the clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section.

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

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

K. No officer shall receive any pay or perquisites from the city other than his or her salary. The City Council shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service, or duty which shall come within the proper scope of the duties of any officer of the city. (Neb. Rev. Stat. §§17-611, 18-305 through 18-312, 49-1408, 49-1425, 49-14,103.01 through 49-14,103.03, 49-14,103.06)

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

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

Article 2 – Elected Officials**SECTION 1-201: MAYOR AND COUNCIL; ELECTION**

All elected officers shall be nominated at the statewide primary election and elected at the statewide general election. They shall serve terms of four years or until their successors are elected and qualified. (Neb. Rev. Stat. §32-533)

SECTION 1-202: MAYOR; POWERS AND DUTIES

A. The mayor of a city of the second class shall be elected in the manner provided in the Election Act. The mayor shall take office on the date of the first regular meeting of the City Council held in December following the statewide general election. The mayor shall be a resident and registered voter of the city and shall have the general and immediate control over all property and officials, whether elected or appointed, of the city.

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

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

D. The mayor, with the consent of the council, may appoint such officers as shall be required by ordinance or otherwise required by law. Their terms of office shall be as provided in Section 1-501. Such officers may be removed from office by the mayor.

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

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

G. The mayor shall have such jurisdiction as may be vested in him or her by ordinance over all places within five miles of the corporate limits of the city for the enforcement of any health or quarantine ordinance and regulation thereof. He or she shall have jurisdiction in all matters vested in him or her by ordinance, excepting taxation, within one-half mile of the corporate limits of said city.

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

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

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

SECTION 1-203: MAYOR; VACANCY

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

SECTION 1-204: CITY COUNCIL; POWERS AND DUTIES

The governing body of the city shall be the City Council, which shall exercise all the powers which have been or may be authorized by law. The council shall have the power to make all such ordinances, bylaws, rules, regulations, and resolutions not inconsistent with the laws of the state, as may be expedient for maintaining the peace, good government, and welfare of the city and its trade, commerce, and manufactories, to enforce all ordinances by inflicting fines or penalties for the breach thereof, and to assess such taxes and fees as are necessary and appropriate. (Neb. Rev. Stat. §§17-505, 19-611)

SECTION 1-205: CITY COUNCIL; NUMBER AND QUALIFICATIONS

A. The City Council shall consist of six residents of the city who are registered voters. All council members shall be nominated and elected on a nonpartisan ballot unless the city provides for a partisan ballot by ordinance. Terms of office shall begin on the first regular meeting of the council in December following the statewide general election.

B. Unless the city wishes to elect council members at large as provided in Neb. Rev. Stat. §32-554, members of the council shall be elected by wards.

1. The city shall be divided into not less than two nor more than six wards, as may be provided by ordinance of the City Council, and each ward shall contain, as nearly as practical, an equal portion of the population;
2. Each ward of the city shall have at least two council members elected in the manner provided in the Election Act; no person shall be eligible to the office

of council member who is not at the time of the election an actual resident of the ward for which he or she is elected and a registered voter; and,

3. Such wards shall be substantially equal in population as determined by the most recent federal decennial census.
4. The city shall stand divided into the following wards as set forth herein:
 - a. The first ward shall consist of all the territory within the corporate limits lying north of the center line of Nasby Street and east of the center line of Shole Avenue.
 - b. The second ward shall consist of all the territory within the corporate limits lying south of the center line of Nasby Street and include property east of Road 410, North and South of Highway 6/34.
 - c. The third ward shall consist of all the territory lying north of the center line of Nasby Street and west of the center line of Shole Avenue.

(Neb. Rev. Stat. §§17-102 through 17-104, 32-533, 32-553, 32-557) (Am. Ord. No. 750, 12/4/17)

SECTION 1-206: CITY COUNCIL; PRESIDENT

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

SECTION 1-207: CITY COUNCIL; VACANCY DUE TO UNEXCUSED ABSENCES

In addition to the events listed in Neb. Rev. Stat. §32-560 and any other reasons for a vacancy provided by law, after notice and a hearing, a vacancy on the City Council shall exist if a member is absent from more than five consecutive regular meetings of the council unless the absences are excused by a majority vote of the remaining members. (Neb. Rev. Stat. §19-3101)

SECTION 1-208: CITY COUNCIL; PROCEDURE TO FILL VACANCY

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

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

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

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

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

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

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

SECTION 1-209: RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE

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

B. For purposes of this section:

1. "Elective office" means any office which has candidates nominated or elected at the time of a statewide primary election; any office which has candidates nominated at the time of a statewide primary election and elected at the time of a statewide general election; any office which has candidates elected at the time of a statewide general election; any office which has candidates nominated or elected at a city election; and any office created by an act of the Legislature which has candidates elected at an election and includes an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature; and
2. "High elective office" means a member of the Legislature; an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska; or a county, city or school district elective office.

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

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

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

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

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

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

(Neb. Rev. Stat. §§17-108.02, 32-109, 32-603, 32-604)

Article 3 – Meetings

SECTION 1-301: **DEFINED**

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

SECTION 1-302: **PUBLIC** BODY DEFINED

“Public body” as used in this article shall mean: (A) the City Council, (B) all independent boards, commissions, bureaus, committees, councils, sub-units, or any other bodies now or hereafter created by Constitution, statute, ordinance, or otherwise pursuant to law; and (C) advisory committees of the bodies listed above. This article shall not apply to subcommittees of such bodies unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent bodies. (Neb. Rev. Stat. §84-1409[1])

SECTION 1-303: **RIGHTS OF THE PUBLIC**

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

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

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

D. The council shall not require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The council may require any member of the public

desiring to address the body to identify himself or herself.

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

F. The council shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting and shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

(Neb. Rev. Stat. §§84-1408, 84-1412)

SECTION 1-304: NOTICE; **AGENDA**

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

B. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a City Council meeting scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(Neb. Rev. Stat. §§84-1411[1])

SECTION 1-305: NOTICE TO NEWS MEDIA

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

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

A. The meetings of the City Council shall be held at the city office. Regular meetings shall be held on the first and third Monday of each month at the hour of 6:30 p.m.

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

least one-half of the elected members shall be required for the transaction of any business.

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

(Neb. Rev. Stat. §17-105) (Am. Ord. No. 700)

SECTION 1-307: REORGANIZATIONAL MEETING; STANDING COMMITTEES

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

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

(Neb. Rev. Stat. §17-104)

SECTION 1-308: ORDER OF BUSINESS

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

SECTION 1-309: PARLIAMENTARY PROCEDURE

A. The mayor shall preserve order during meetings of the City Council and shall decide all questions or order subject to an appeal to the council. When any person is called to order, he or she shall be seated until the point is decided. When the mayor is putting the question, no person shall leave the meeting room. Every person present previous to speaking shall rise from his or her seat and address himself or herself to the presiding officer and while speaking shall confine to the question. When two or more persons rise at once, the mayor shall recognize the person who spoke first.

B. All resolutions or motions shall be reduced to writing before being acted upon

if requested by the city clerk or any member of the City Council. Every member of the council who is present when a question is voted upon shall cast his or her vote unless excused by a majority of the council present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the mayor before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the council making the motion or resolution shall be entered also. After each vote, the "yeas" and "nays" shall be taken and entered in the minutes upon the request of any member of the council.

C. Before the vote is actually taken, any resolution, motion or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the council seconding the said resolution, motion or ordinance. When, in the consideration of an ordinance, different times or amounts are proposed, the question shall be put on the largest sum or the longest time. A question to reconsider shall be in order when made by a member voting with the majority but such motion to reconsider must be made before the expiration of the third regular meeting after the initial consideration of the question. When any question is under debate, no motion shall be made, entertained or seconded except the previous question, a motion to table and to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the City Council for meetings may be suspended by a two-thirds vote of the members present.

D. In all cases in which provisions are not made by these rules, *Robert's Rules of Order* shall be the authority by which the council shall decide all procedural disputes that may arise.

SECTION 1-310: MINUTES

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

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

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

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

E. The minutes of any meeting of the City Council shall be written and available

for public inspection within ten working days of the meeting or prior to the next convened meeting, whichever occurs earlier, except that the city clerk may have an additional ten working days if absent due to a serious illness or emergency.

(Neb. Rev. Stat. §§17-616, 84-1413)

SECTION 1-311: CLOSED SESSIONS

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

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

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

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

D. Any City Council member shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (1) the protection of the public interest

or (2) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the council members. Such challenge and its disposition shall be recorded in the minutes.

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

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

(Neb. Rev. Stat. §84-1410)

SECTION 1-312: SPECIAL MEETINGS

Special meetings may be called by the mayor or by a majority of the City Council, the object of which shall be submitted to the council in writing. The call and object as well as the disposition thereof shall be entered upon the journal by the city clerk. No other business shall be transacted at such meeting unless all members of the City Council are present and consent thereto. On filing the call for a special meeting, the city clerk shall notify the council members of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a council member known to be out of the state or physically unable to be present. (Neb. Rev. Stat. §17-106) (Am. Ord. No. 700)

SECTION 1-313: EMERGENCY MEETINGS

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

Article 4 – Ordinances, Resolutions, and Motions

SECTION 1-401: **GRANT OF POWER**

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

SECTION 1-402: **ORDINANCES; STYLE**

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

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

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

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

SECTION 1-404: **ORDINANCES; INTRODUCTION**

Ordinances shall be introduced in either of the following ways:

A. With the recognition of the mayor, a council member may, in the presence and hearing of a majority of the City Council, read aloud the substance of his or her proposed ordinance and file a copy of the same with the city clerk for future consideration; or

B. With the recognition of the mayor, a council member may present his or her proposed ordinance to the clerk who, in the presence and hearing of a majority of the council, shall read aloud the substance of the same and shall file the same for future consideration.
(Neb. Rev. Stat. §§17-614, 17-616)

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

A. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of the City Council. The mayor may vote when his or her vote would provide the additional

vote required to attain the number of votes equal to a majority of the number of members elected to the council (quorum), and the mayor shall, for the purpose of such vote, be deemed to be a member of the council.

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

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

(Neb. Rev. Stat. §§17-111, 17-614)

SECTION 1-406: **ORDINANCES; PUBLICATION OR POSTING; CERTIFICATE; PAMPHLET FORM**

A. All ordinances of a general nature shall be published one time within 15 days after passage in a newspaper published in the city or, if no paper is published in the city, then by posting a written or printed copy thereof in each of three public places in the city.

B. The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the seal of the city from the city clerk, showing that the said ordinance was passed and approved, when and in what paper the same was published or when, by whom, and where the same was posted.

C. When an ordinance is printed in book or pamphlet form, purporting to be published by authority of the City Council, the same need not be otherwise published and

such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinance as of the date mentioned in such book or pamphlet.

(Neb. Rev. Stat. §17-613)

SECTION 1-407: ORDINANCES; EFFECTIVE DATE

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

SECTION 1-408: **EMERGENCY** ORDINANCES

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

SECTION 1-409: **RESOLUTIONS** AND MOTIONS

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

Article 5 – Appointed Officials

SECTION 1-501: GENERAL AUTHORITY

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

B. The city may enact ordinances or bylaws to regulate and prescribe the powers, duties, and compensation of officers not provided for in state law. If the mayor and City Council appoint any of the officials specified within this article or any other officials, they shall have the powers and duties, if any, provided in this article or otherwise provided by city ordinances and state law.

(Neb. Rev. Stat. §§17-107, 17-604)

SECTION 1-502: MERGER OF OFFICES

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

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

(Neb. Rev. Stat. §17-108.02)

SECTION 1-503: CLERK-TREASURER POSITION CREATED

The appointive offices of city clerk and city treasurer are hereby combined and merged in accordance with the authority granted to the City Council by Section 1-502. The offices so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined.

SECTION 1-504: CITY CLERK

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

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

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

D. The clerk shall keep an accurate and complete account of the appropriation of the several funds and draw, sign, and attest all warrants ordered for the payment of money on the particular funds from which the same are payable. At the end of each month the clerk shall make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon.

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

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

G. The clerk shall receive all objections to creation of paving districts and other street improvements. The clerk shall receive the claims of any person against the city. In the event that any of said claims is disallowed in part or in whole, the clerk shall notify such claimant, his or her agent, or attorney by letter within five days after such

disallowance and shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

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

I. The clerk shall permit no records, public papers, or other documents of the city kept and preserved in the office to be taken therefrom except by such officers of the city as may be entitled to the use of the same but only upon their leaving a receipt therefor. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records during office hours. The city clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution by the City Council and kept on file in the city office.
(Neb. Rev. Stat. §§17-605, 19-1102, 84-1201 through 84-1220, 84-712)

SECTION 1-505: CITY TREASURER

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

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

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

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

E. When the treasurer holds funds of the city in excess of the amount required for maintenance or set aside for betterments and improvements, the mayor and City Council may, by resolution, direct and authorize said treasurer to invest said surplus funds in the outstanding bonds or registered warrants of said city, bonds and debentures issued either singly or collectively by any of the 12 federal land banks, the 12 intermediate credit banks, or the 13 banks for cooperatives under the supervision of the Farm Credit Administration, or in interest-bearing bonds or the obligations of the United States. The interest on such bonds or warrants shall be credited to the fund out of which said bonds or warrants were purchased.

F. The mayor and City Council may by resolution direct and authorize the treasurer to dispose of the surplus electric light, water, or gas funds or the funds arising from the sale of electric light, water, or natural gas distribution properties by the payment of outstanding electric light, water, or gas distribution bonds or water warrants then due. The excess, if any, after such payments, may be transferred to the general fund of the city.

G. It shall be the duty of the treasurer to prepare and publish annually within 60 days following the close of the city's municipal fiscal year a statement of receipts and expenditures of funds for the preceding fiscal year. Not more than the legal rate provided for in Neb. Rev. Stat. §33-141 shall be charged and paid for such publication. (Neb. Rev. Stat. §§17-606 through 17-609, 19-1101)

SECTION 1-506: CITY ATTORNEY

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

SECTION 1-507: LAW ENFORCEMENT; CONTRACT WITH COUNTY SHERIFF

A. The city may enter into a contract with the County Board of Furnas County for police and law enforcement services to be provided by the Furnas County Sheriff's Office. Whenever any such contract has been entered into, the sheriff or his deputies shall, in addition to their other powers and duties, have all the powers and duties of the city police chief within and for the city. One copy of such contract shall be on file at the office of the city clerk, available for public inspection during office hours.

B. If contracted, the county sheriff may be appointed to serve on the Board of Health as secretary and quarantine officer and act as health inspector except in the event the city appoints another person.
(Neb. Rev. Stat. §§17-208, 17-213, 19-3801)

SECTION 1-508: FIRE CHIEF

The duties of the fire chief shall be as provided in Section 8-103.

SECTION 1-509: SPECIAL ENGINEER

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

SECTION 1-510: UTILITY SUPERVISOR

A. As soon as a system of waterworks or mains or portion or extension of any system of waterworks or water supply has been established in the city, the mayor shall nominate and, by and with the advice and consent of the City Council members, shall appoint any competent person who shall be known as the water commissioner and whose term of office shall be for one fiscal year or until his successor is appointed and qualified. Annually at the first regular meeting of the council in December, the water commissioner shall be appointed as provided in this section. He may be removed at any time for sufficient cause by a two-thirds vote of the council. Any vacancy occurring in the office of water commissioner by death, resignation, removal from office, or removal from the city may be filled in the manner provided above in this section for the appointment of such commissioner.

B. The water commissioner shall, before entering upon the discharge of his duties, execute a bond or provide evidence of equivalent insurance to the city in a sum to be fixed by the City Council but not less than \$5,000.00, conditioned upon the faithful discharge of his duties. Such bond shall be signed by two or more good and sufficient sureties, to be approved by the council or executed by a corporate surety. The water commissioner, subject to the supervision of the council, shall have the general management and control of the system of waterworks or mains or portion or extension of any system of waterworks or water supply in the city. If the city has no Board of Public Works and has other public utilities than its waterworks system, the council shall by ordinance designate the water commissioner as public works commissioner, also called utility supervisor, with authority to manage not only the system of waterworks but also other public utilities, and all of the provisions of this section applying to the water commissioner shall apply to the public works commissioner.

C. The utility supervisor shall perform such other duties as may be prescribed by the mayor and council. He shall be paid such salary as the council may by ordinance provide and, upon his written recommendation, the mayor and council shall employ such laborers and clerks as they deem necessary. He shall, subject to the supervision of the City Council, have the general management and control of the following city utilities:

Water Department

The utility supervisor shall have general supervision and control over the city water system and shall be primarily responsible for its economic operation and prudent management. Included in the said water system shall be the water plant, the pump house, and all machinery and appliances used in connection with producing and distributing water to inhabitants of the city. The supervisor shall have the general control and supervisory authority over all employees of the water system which the City Council may from time to time hire to operate and maintain the said system. He shall make a detailed report to the council at least once every six months of the condition of

the said water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs, and extensions thereof as he may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six months. No money shall be expended for improvements, repairs, or extensions of the said waterworks system except upon the recommendation of the supervisor.

Sewer Department

The utility supervisor shall have the immediate control and supervision over all the employees and property that make up the city sewer system. He shall, at least every six months, make a detailed report to the City Council on the condition of the sewer system and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed, along with an estimate of the cost thereof. He shall inspect and supervise all repairs made to the said system. No money shall be expended for improvements, repairs, or extensions of the said sewer system except upon the recommendation of the supervisor.

Electric Department

The utility supervisor shall have the immediate control and supervision over all employees and property that make up the city electric system, subject to the general control and directives of the City Council. He shall at least every six months make a detailed report to the council on the condition of the electrical system and shall direct their attention to such improvements, repairs, extensions, additions and additional employees as he may believe are necessary along with an estimate of the cost thereof. He shall have such other duties as the council may delegate to him.

(Neb. Rev. Stat. §§17-541, 17-543)

SECTION 1-511: STREET COMMISSIONER

The City Council may appoint a street commissioner. He shall, subject to the orders and directives of the council, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the city and shall perform such other duties as the council may require. It shall be his responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. He shall, at the request of the City Council, make a detailed report on the condition of the streets, sidewalks, culverts, alleys, and bridges of the city and shall direct its attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed to maintain a satisfactory street system in the city, along with an estimate of the cost thereof. He shall issue such permits and assume such other duties as the council may direct. (Neb. Rev. Stat. §§17-119, 17-214)

SECTION 1-512: ANIMAL CONTROL OFFICER

The appointment and duties of the animal control officer shall be as provided in Section 3-221.

SECTION 1-513: NUISANCE OFFICER

The City Council shall appoint a nuisance officer, whose appointment and duties shall be as provided in Sections 3-405 through 3-410. (Neb. Rev. Stat. §17-208)

SECTION 1-514: BUILDING INSPECTOR

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

SECTION 1-515: ELECTRICAL INSPECTOR

The City Council may appoint an electrical inspector, who shall enforce all laws relating to the installation of electrical wiring and connections thereto. When acting in good faith and without malice in the scope of his official duties, he shall not himself be held personally liable for any damage that may accrue to persons or property as the result of any act required by him or by reason of any act or omission in the discharge of his duties. In the discharge of his official duties and upon proper identification, he shall have authority to enter into any building, structure, or premises at any reasonable hour. He shall perform such other duties that the City Council may direct. The electrical inspector may be removed at any time for good and sufficient cause by the council.

Article 6 – Fiscal Management

SECTION 1-601: FISCAL YEAR

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

SECTION 1-602: PUBLIC FUNDS DEFINED

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

SECTION 1-603: DEPOSIT OF FUNDS

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

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

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

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

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

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

SECTION 1-604: INVESTMENT OF FUNDS

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

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

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

C. *State Investment Officer.* The state investment officer may provide assistance and furnish advice regarding the investment of money to the city whenever such advice is requested. In connection with the rendering of such service, the state investment officer may charge and collect any fee he determines to be reasonable.

(Neb. Rev. Stat. §§17-608, 17-609, 72-1259, 77-2341, 77-2365.02)

SECTION 1-605: CREDIT CARDS; AUTHORITY TO ACCEPT

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

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

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

D. The city official shall, for each transaction, obtain authorization for use of any credit card, charge card, or debit card used pursuant to this section from the financial institution, vending service company, credit card or charge card company, or third-party merchant bank providing such service.

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

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

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

payment system, including, but not limited to, an automated clearinghouse or the Federal Reserve's Fedwire system.

(Neb. Rev. Stat. §13-609)

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

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

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

(Neb. Rev. Stat. §45-623)

SECTION 1-607: CLAIMS

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

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

not more than 100% of the current levy for the purpose for which said warrant is drawn.

(Neb. Rev. Stat. §§17-714, 17-715)

SECTION 1-608: WARRANTS

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

SECTION 1-609: EXPENDITURES

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

SECTION 1-610: BOND ISSUES

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

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

A. The city is hereby empowered to receive money or property by donation, bequest, gift, devise, or otherwise for the benefit of any one or more of the public purposes for which sinking funds are established by the provisions of this section, as stipulated by the donor. The title to the money or property so donated shall vest in the City Council or in its successors in office, who shall become the owners thereof in trust to the uses of the sinking fund or funds; provided, if the donation is real estate, the council may manage the same as in the case of real estate donated to the city for city library purposes under the provisions of Neb. Rev. Stat. §§51-215 and 51-216.

B. The City Council, subject to all the limitations set forth in this section, shall have the power to levy a tax of not to exceed \$0.105 on each \$100.00 in any one year upon the taxable value of all the taxable property within the city for a term not to exceed

ten years, in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the city, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of any one or more of the following public improvements, including acquisition of any land incident to the making thereof: city library; city auditorium or community house for social or recreational purposes; city hall; city public library, auditorium, or community house in a single building; city swimming pool and appurtenances thereto; city jail; city building to house equipment or personnel of a fire department, together with firefighting equipment or apparatus; city park; city cemetery; city medical clinic building, together with furnishings and equipment; or city hospital. The city shall not be authorized to levy the tax or to establish the sinking fund as provided in this subsection if, having bonded indebtedness, such city has been in default in the payment of interest thereon or principal thereof for a period of ten years prior to the date of the passage of the resolution providing for the submission of the proposition for establishment of the sinking fund as required in subsection (C).

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

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

(Neb. Rev. Stat. §§19-1301 through 19-1304, 77-2337, 77-2339)

SECTION 1-612: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE

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

B. The city shall:

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

(Neb. Rev. Stat. §18-1216)

SECTION 1-613: SPECIAL ASSESSMENT FUND

All money received on special tax assessment shall be held by the city treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and such money shall be used for no other purpose unless to reimburse the city for money expended for any such improvement.

(Neb. Rev. Stat. §17-710)

SECTION 1-614: CONTRACTS; APPROPRIATION

No contracts shall hereafter be made by the City Council or any committee or member thereof and no expense shall be incurred by any of the officers or departments of the city, whether the object of the expenditures shall be ordered by the council or not,

unless an appropriation shall have been previously made concerning such expense or the funds necessary for the payment of such expense have been duly transferred according to law. (Neb. Rev. Stat. §§17-708, 17-709)

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

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

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

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

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

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

E. The advertisement provided for in subsections (B) and (C) of this section shall be published at least seven days prior to the bid closing in a legal newspaper published

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

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

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

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

(Neb. Rev. Stat. §§17-568.01, 17-568.02)

SECTION 1-616: ANNUAL AUDIT

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

B. If the city owns or operates any type of public utility or other enterprise which substantially generates its own revenue, that entity shall be audited separately from the city's other functions and the result shall appear separately in the annual audit report. Such audit shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. If the city

operates its utilities through a board of public works, an entirely separate audit of such operations and report, on an accrual basis, may be provided by a different accountant than the one making the general audit.

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

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

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

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

SECTION 1-617: GENERAL FUND

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

SECTION 1-618: BUDGET STATEMENT; APPROPRIATIONS

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

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

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

SECTION 1-620: EXPENDITURES PRIOR TO ADOPTION OF BUDGET

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

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

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

SECTION 1-621: EMERGENCY; TRANSFER OF FUNDS

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

SECTION 1-622: PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION

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

B. The City Council may establish a separate fiscal year for each proprietary function, except that any proprietary function which is subsidized by appropriations

from the city's general fund shall have the same fiscal year as the city. For purposes of this section, "subsidization" shall mean that the costs of operation of a proprietary function are regularly financed by appropriations from the city's general fund in excess of the amount paid by the city to the proprietary function for actual service or services received.

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

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

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

E. After such hearing, the proposed proprietary budget statement shall be adopted or amended and adopted as amended, and a written report shall be kept of such hearing. If the adopted proprietary budget statement reflects a change from the proposed proprietary statement presented at the hearing, a copy of the adopted

proprietary budget statement shall be filed with the city clerk within 20 days after its adoption and published in a newspaper of general circulation within the City Council's jurisdiction or by mailing to each resident within the jurisdiction.

F. If the actual expenditures for a proprietary function exceed the estimated expenditures in the proprietary budget statement during its fiscal year, the City Council shall adopt a proprietary function reconciliation statement within 90 days after the end of such fiscal year which reflects any difference between the adopted proprietary budget statement for the previous fiscal year and the actual expenditures and revenue for such fiscal year. After the adoption of a proprietary function reconciliation statement, it shall be filed with the city clerk and published in a newspaper of general circulation within the City Council's jurisdiction or by mailing to each resident within the jurisdiction. If the difference between the adopted proprietary budget for the previous fiscal year and the actual expenditures and revenues for such fiscal year is greater than 10%, the proprietary function reconciliation statement shall only be adopted following a public hearing.

G. Any income from a proprietary function which is transferred to the general fund of the city shall be shown as a source of revenue in the budget statement created pursuant to the Nebraska Budget Act.
(Neb. Rev. Stat. §§18-2803 to 18-2808)

SECTION 1-623: PROPERTY TAX; CERTIFICATION OF AMOUNT

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

SECTION 1-624: ALL-PURPOSE LEVY; ALLOCATION; ABANDONMENT; EXTRAORDINARY LEVIES

The City Council has decided to certify to the county clerk for collection one all-purpose levy required to be raised by taxation for all municipal purposes instead of certifying a schedule of levies for specific purposes added together. Subject to the limits in Neb.

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

SECTION 1-625: PROPERTY TAX LEVY AND REQUEST; AUTHORITY TO SET

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

B. The hearing notice shall contain the following information:

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

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

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

SECTION 1-626: PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED

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

through 77-3444.

SECTION 1-627: PROPERTY TAX LEVY FOR GENERAL REVENUE PURPOSES

The city shall have power to levy taxes for general revenue purposes in any one year not to exceed \$0.35 on each \$100.00 upon the taxable value of all the taxable property in the city. The valuation of such property shall be ascertained from the books or assessment rolls of the county assessor. (Neb. Rev. Stat. §17-506)

SECTION 1-628: LEVY FOR OTHER TAXES AND SPECIAL ASSESSMENTS

The city shall have power to levy any other tax or special assessment authorized by law. (Neb. Rev. Stat. §17-507)

SECTION 1-629: SALES TAXES

A. Pursuant to the approval of the electors of the city at the special election held on November 8, 2005, there was adopted a sales and use tax effective on and after April 1, 2006 of 1% on the same transactions within the corporate limits of the city on which the State of Nebraska is authorized to impose a tax. The proceeds of the sales and use tax imposed herein is being used to fund the Cambridge Economic Development Program and Water Fund Support Program and shall continue until March 31, 2021.

B. Pursuant to the approval of the electors of the city at the special election held on September 29, 2009, there was adopted an additional sales and use tax effective on and after April 1, 2010, of one-half of one percent (0.50%) on the same transactions within the corporate limits of the city on which the State of Nebraska is authorized to impose a tax. The proceeds of the sales and use tax imposed herein is being used to pay the general obligation portion of the Golf Course Support Program and Swimming Pool Support Program and shall continue until April 1, 2040. (Ord. Nos. 653, 12/2/05; 687, 8/18/09; 755, 1/21/19)

Article 7 – Elections

SECTION 1-701: ELECTIONS GENERALLY

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

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

SECTION 1-702: CERTIFICATIONS REQUIRED

No later than January 5 of each even-numbered year, the City Council shall certify to the election commissioner or the county clerk, on forms prescribed by such official, the name of the city, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office. (Neb. Rev. Stat. §32-404)

SECTION 1-703: CITY COUNCIL

The residents of the city have voted to elect their City Council members by wards. Each nominee shall be a resident and qualified elector of the ward for which he or she is a candidate. Council members shall serve for terms of four years, **until their successors are elected and have qualified**. “Elector” as used in this article shall mean a citizen of the United States whose residence is within the state and who is at least 18 years of age or is 17 years of age and will attain the age of 18 years on or before the first Tuesday after the first Monday in November of the then current calendar year. (Neb. Rev. Stat. §§32-110, 32-533, **32-602**)

SECTION 1-704: CANDIDATE QUALIFICATIONS

Any person seeking elected office in the city shall be a registered voter prior to holding such office and shall not hold any other public elective public office. (Neb. Rev. Stat. §17-103)

SECTION 1-705: PETITION CANDIDATES

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

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

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

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

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

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

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

SECTION 1-706: CAUCUS CANDIDATES

A. The City Council may by ordinance call a caucus for the purpose of nominating candidates for offices to be filled in the city election. Such caucus shall be held at least ten days prior to the filing deadline for such election. Notice of such caucus must be published at least once in each of two consecutive weeks prior to said caucus in a newspaper of general circulation in the city.

B. The chairman of the caucus at which candidates are nominated shall notify in writing the city clerk of the candidates so nominated, not later than two days following the caucus. The city clerk shall then notify the persons so nominated of their nomination, such notification to take place not later than five days after such caucus. No candidate so nominated shall have his or her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he or she files with the city clerk a written statement accepting the nomination of the caucus and pays the filing fee, if any, for the office for which he or she was nominated.

C. The provisions of Neb. Rev. Stat. §§17-601.01 and 17-601.02 shall not preclude in any manner any person from filing for the offices to which such sections are applicable, either by direct filing or by petition.
(Neb. Rev. Stat. §§17-601.01 through 17-601.03)

SECTION 1-707: WRITE-IN CANDIDATES

Any candidate engaged in or pursuing a write-in campaign shall file a notarized affidavit of his or her intent, together with the receipt for any filing fee, with the filing officer as provided in Neb. Rev. Stat. §32-608 no later than ten days prior to the election. Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or after March 1 and before the general election in the calendar year of the general election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in Neb. Rev. Stat. §§32-617 to 32-621 or by nomination by political party convention or committee pursuant to Neb. Rev. Stat. §§32-627 or 32-710. A candidate who has been defeated as a candidate in the primary election or defeated as a write-in candidate in the primary election shall not be eligible as a write-in candidate for the same office in the general election unless a vacancy on the ballot exists pursuant to Neb. Rev. Stat. §32-625(2), and the candidate files for the office by petition as prescribed in Neb. Rev. Stat. §§32-617 and 32-618 and files as a write-in candidate or is nominated by political party convention or committee as prescribed herein. A candidate who files a notarized affidavit shall be entitled to all write-in votes for the candidate even if only the last name of the candidate has been written if such last name is reasonably close to the proper spelling. (Neb. Rev. Stat. §§32-615, 32-616)

SECTION 1-708: VOTER QUALIFICATIONS

“Elector” shall mean every person of the constitutionally prescribed age or upwards

who shall have the right to vote for all officers to be elected to public office and upon all questions and proposals lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska except school elections; provided, no person shall be qualified to vote at any election unless such person shall be a resident of the state and shall have been properly registered with the election official of the county. (Neb. Rev. Stat. §32-102) (Am. Ord. No. 750, 12/4/17)

SECTION 1-709: FILING FORMS

Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the secretary of state as provided in Neb. Rev. Stat. §32-607. If a candidate is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between December 1 and February 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. All other candidates shall file for office between December 1 and March 1 prior to the date of the primary election. Candidate filing forms shall be filed in the office of the election commissioner or county clerk. (Neb. Rev. Stat. §§32-606, 32-607)

SECTION 1-710: FILING FEE

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

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

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

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

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

SECTION 1-711: CERTIFICATE OF NOMINATION OR ELECTION

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

SECTION 1-712: BALLOTS

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

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

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

SECTION 1-713: PRIMARY OR GENERAL ELECTION NOTICE

The county clerk shall publish in a newspaper designated by the County Board the notice of the election no fewer than 40 days prior to the primary or general election. This notice will serve the notice requirement for all city elections which are held in conjunction with the county. (Neb. Rev. Stat. §32-802)

SECTION 1-714: PRIMARY ELECTION; NUMBER OF CANDIDATES FILING

If the number of candidates properly filed for nomination at the primary election

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

SECTION 1-715: EXIT POLLS

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

SECTION 1-716: RECOUNT

The losing candidate for any office at the city election may request a recount of the ballots cast when the official canvass of such votes cast reveals that there is a difference of 25 votes or fewer between the total cast for the winner and the loser. Such recount shall be made if the losing candidate files a written request therefor with the city clerk within three days following the completion of the official canvass. (Neb. Rev. Stat. §§19-3042 through 19-3050)

SECTION 1-717: SPECIAL ELECTION

A. Except as provided in Neb. Rev. Stat. §77-3444, any issue to be submitted to the registered voters at a special election by the city shall be certified by the city clerk to the election commissioner or county clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. Rev. Stat. §§32-952 to 32-959. Any other special election under this section shall be subject to Neb. Rev. Stat. §32-405.

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

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

D. Any special election under the Election Act shall be held on the first Tuesday following the second Monday of the selected month unless otherwise specifically provided. No special election shall be held under the Election Act in April, May, June, October, November, or December of an even-numbered year unless it is held in conjunction with the statewide primary or general election.
(Neb. Rev. Stat. §§32-405, 32-559)

SECTION 1-718: RECALL PROCEDURE

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

Article 8 – Penal Provision

SECTION 1-801: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 2 – BOARDS AND PUBLIC FACILITIES

ARTICLE 1 – LIBRARY BOARD

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CHAPTER 2 – BOARDS AND PUBLIC FACILITIES

Article 1 – Library Board

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

A. The City Council may levy a tax of not more than \$0.105 on each \$100.00 upon the taxable value of all the taxable property in the city annually to be levied and collected in like manner as other taxes in the city for support of the library. The levy shall be subject to Neb. Rev. Stat. §§77-3442 and 77-3443. The amount collected from such levy shall be known as the library fund and shall also include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing property and real estate from any source for the purpose of endowing the public library. All money collected by the library shall be turned over at least monthly by the librarian to the city treasurer along with a report of the sources of the revenue.

B. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the public library shall be kept for the use of the library separate and apart from all other funds of the city, shall be drawn upon and paid out by the city treasurer upon vouchers signed by the president of the Library Board and authenticated by the secretary of the board, and shall not be used or disbursed for any other purpose or in any other manner. The city may establish a public library sinking fund for major capital expenditures.
(Neb. Rev. Stat. §§51-201, 51-209) (Ord. No. 587, 4/3/01)

SECTION 2-102: MEMBERS; TERMS

The Library Board shall have control and management of the library. The board shall consist of five members who are residents of the city and shall be appointed by the mayor with approval of the City Council. Each member shall serve a term of three years. In case of vacancy for any reason, the City Council shall fill such vacancy for the unexpired term. No council member shall be a member of the Library Board. No board member shall receive any pay or compensation for any services rendered as a member of the board. (Neb. Rev. Stat. §51-202) (Ord. No. 587, 4/3/01)

SECTION 2-103: OFFICERS; MEETINGS

The Library Board shall meet at such times as the City Council may designate. At the time of the first meeting in September of each year, the members shall organize by selecting from their number a president, secretary, and such other officers as may be necessary. No member of the Library Board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to prepare an agenda for all regular and special meetings, to keep the full and correct minutes and records of all meetings, and to file the same with the city clerk, where they shall be available for public inspection during office hours within ten working days or before the next board

meeting, whichever is earlier. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairman or any three board members. (Neb. Rev. Stat. §51-204) (Ord. No. 587, 4/3/01)

SECTION 2-104: POWERS AND DUTIES

A. The Library Board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with Neb. Rev. Stat. §§51-201 through 51-219. All actions of the board shall be subject to approval of the City Council.

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

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

D. The Library Board may establish rules and regulations for the government of the library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. The board may fix and impose by general rules any penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments. (Neb. Rev. Stat. §§51-205, 51-207, 51-211) (Ord. No. 587, 4/3/01)

SECTION 2-105: ANNUAL REPORT TO CITY COUNCIL

The Library Board shall, on or before the second Monday in February each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the proper officers of the board. (Neb. Rev. Stat. §51-213) (Ord. No. 587, 4/3/01)

SECTION 2-106: REAL ESTATE; SALE AND CONVEYANCE

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

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

(Neb. Rev. Stat. §51-216)

SECTION 2-107: GROUNDS AND BUILDING

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

SECTION 2-108: MORTGAGES; RELEASE OR RENEWAL

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

SECTION 2-109: LIBRARY; DONATIONS

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

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

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

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

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

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

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

SECTION 2-111: LIBRARY; DISCRIMINATION PROHIBITED

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

SECTION 2-112: LIBRARY; BOOK REMOVAL

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

SECTION 2-113: LIBRARY; LOST AND DAMAGED MATERIALS

Any person who injures or fails to return any item checked out from the library shall

forfeit and pay not less than the value of the item in addition to any replacement costs and penalty which the Library Board may assess. (Neb. Rev. Stat. §51-211)

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

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

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

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

Article 2 – Board of Health

(Neb. Rev. Stat. §17-121)

SECTION 2-201: MEMBERS; TERMS

A. The City Council shall appoint a Board of Health consisting of four members who are residents of the city: the mayor, who shall serve as chairman; the president of the City Council; and two other members. One member may be a health care provider, if one can be found who is willing to serve. Such health care provider, if appointed, shall be the board's medical advisor. Since the city has a contract with the Furnas County Sheriff for law enforcement services, the mayor may appoint the county sheriff to serve as secretary and quarantine officer.

B. The members of the Board of Health, other than the mayor, president of the council, and sheriff, if appointed, shall serve one-year terms of office unless reappointed at the first meeting each year. No member of the Board of Health shall hold more than one board position. The members of the board shall serve without compensation. The Board of Health shall be funded by the City Council from time to time out of the general fund.

SECTION 2-202: MEETINGS; OFFICERS

The Board of Health shall meet at such times as the City Council may designate. The board shall elect officers at its meeting after appointments are regularly considered by the council and, if necessary, select a member to serve as secretary. A majority of the board shall constitute a quorum for the purpose of doing business. The secretary shall keep full and correct minutes and records of all meetings and file the same with the city clerk, where they shall be available for public inspection during office hours. Special meetings may be held upon the call of the chairman or any two members of the board.

SECTION 2-203: DUTIES

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

SECTION 2-204: ENFORCEMENT OFFICIAL

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

SECTION 2-205: STATE RULES

The publication *Rules and Regulations Relating to Public Health*, Department of Health of the State of Nebraska, is hereby incorporated by reference when the same is applicable to the city, in its present form and as it may hereafter be amended. One copy of the said publication shall be filed at the office of the city clerk and shall be available for public inspection during office hours. (Neb. Rev. Stat. §18-132)

SECTION 2-206: COUNTY HEALTH BOARD

It shall be the duty of the Board of Health to work closely with the County Health Board, if any, in protecting the health and welfare of the residents of the city.

Article 3 – Park Advisory/Tree Board

SECTION 2-301: PARKS; OPERATION AND FUNDING

The city owns and operates the city parks and other recreational areas. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the city parks, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the park fund and shall remain in the custody of the city treasurer.

SECTION 2-302: DUTIES AND RESPONSIBILITIES

A. The Park Advisory/Tree Board shall have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the city. The board shall not enter into a contract of any nature which involves an expenditure of funds except for ordinary operating expenses unless the contract has been approved by resolution of the majority of the members of the City Council prior to contractual agreement.

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

(Neb. Rev. Stat. §§17-948, 17-949, 17-951)

SECTION 2-303: MEMBERS

The shall consist of six members who shall be citizens and residents of this city, appointed by the mayor with the approval of the City Council. The terms shall be three years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. Members of the board shall serve without compensation. The board shall choose its own officers, make its own rules and regulations, and keep a minute book of its proceedings. A majority of its members shall be a quorum for the transaction of business.

SECTION 2-304: INTERFERENCE WITH BOARD

It shall be unlawful for any person to prevent, delay, or interfere with the Tree Board or any of its agents while they are engaged in the planting, cultivating, mulching,

pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

SECTION 2-305: TREES; DEFINITIONS

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

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

SECTION 2-306: TREES; SPECIES TO BE PLANTED

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

SECTION 2-307: TREES; SPACING

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

SECTION 2-308: TREES; DISTANCE; CURB AND SIDEWALK

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

SECTION 2-309: TREES; DISTANCE; STREET CORNERS AND HYDRANTS

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

SECTION 2-310: TREES; REGULATIONS IN CHAPTER 6

Further regulations regarding trees as they affect public ways and property are provided in Sections 6-105 (Sidewalk Space; Trees)), 6-106 (Obstructions), and 6-107 (Overhanging Branches).

SECTION 2-311: TREES; UTILITIES

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

SECTION 2-312: TREES; PRUNING; CLEARANCE

A. Every owner of any tree overhanging any street or right of way within the city shall prune the branches so that they do not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 12 feet above the surface of the street and 8 feet above the sidewalk. Said owner shall remove all dead, diseased, or dangerous trees and broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

B. See Chapter 7, Article 4, Section 7-410 for provisions on cutting or removing trees or branches thereof in close proximity to the lines of the electric system.

SECTION 2-313: TREES; TOPPING

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the Park Advisory/Tree Board. (Am. Ord. No. 645, 7/19/05)

SECTION 2-314: TREES; PUBLIC SERVICE COMPANIES

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

SECTION 2-315: TREES; DEAD, DISEASED OR DYING; PRIVATE PROPERTY

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

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

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

(Neb. Rev. Stat. §§18-1720, 28-1321) (Am. Ord. No. 720)

SECTION 2-316: TREES; DISEASED OR DYING; PUBLIC PROPERTY

Infected trees or parts thereof in a dead or dying condition on public lands other than streets and alleys shall be removed and burned by the mayor or his or her authorized representative within 30 days of the discovery that such condition exists and the cost thereof shall be borne by the city. Infected trees or parts thereof in a dead or dying condition located on the city right of way for streets and alleys shall be removed and burned by the abutting property owner or, in the alternative, by the mayor or his or her authorized representative within 30 days of the discovery that such condition exists and the costs thereof shall be billed to the abutting property owner as provided in Section 2-314 (Private Property).

SECTION 2-317: TREES; REMOVAL OF STUMPS

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

Article 4 – Swimming Pool

SECTION 2-401: OPERATION AND FUNDING

A. The city owns and manages the swimming pool. The City Council, for the purpose of defraying the cost of the management, maintenance, and improvements of the swimming pool, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the city that is subject to taxation. The revenue from the said tax shall be known as the swimming pool fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the swimming pool. The swimming pool fund shall at all times be in the custody of the city treasurer.

B. The utility supervisor shall manage the swimming pool and shall have the power and authority to supervise the swimming pool manager and such employees as he may deem necessary, and shall pass such rules and regulations for the operation of the swimming pool as may be proper for its efficient operation. The City Council shall be responsible for hiring all employees. All actions by the utility supervisor shall be under the supervision and control of the council.

(Neb. Rev. Stat. §§17-948, 17-951, 17-952)

SECTION 2-402: RULES AND REGULATIONS

The utility supervisor shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the swimming pool and for the efficient management thereof. Suitable penalties may be provided for the violation of such bylaws, rules, and regulations, subject to review and supervision. (Neb. Rev. Stat. §17-949)

SECTION 2-403: ADMISSION CHARGE

The utility supervisor, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the swimming pool, may make a reasonable admission charge for its use by any person. The said charges shall be on file at the office of the city clerk and shall also be posted in a conspicuous place at the pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided, nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges. (Neb. Rev. Stat. §17-949)

SECTION 2-404: RENTALS

The utility supervisor shall have the authority to rent the swimming pool to such organizations and other persons as he may in his discretion see fit, subject to the review of the City Council. The superintendent shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be

in attendance during the rental period. Such fees and other costs shall be as set by resolution by the City Council, kept on file at the city office and posted in a conspicuous place at the pool. (Neb. Rev. Stat. §17-949)

Article 5 – Cemetery Advisory Board

SECTION 2-501: CEMETERY; OPERATION AND FUNDING

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

B. The City Council may receive money by donation, bequest, or otherwise for credit to a perpetual fund to be invested as provided by ordinance or as conditioned by the donor. The income therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate. The principal therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate so long as no more than 20% of the principal is so used in any fiscal year and no more than 40% of the principal is so used in any period of ten consecutive fiscal years. The principal therefrom may also be used for the purchase and development of additional land to be used for cemetery purposes as the donor may designate so long as no more than 25% of the principal is so used in any fiscal year and no more than 35% of the principal is so used in any period of ten consecutive fiscal years.

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

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

SECTION 2-502: MEMBERS

The City Council shall appoint the Cemetery Advisory Board, which shall consist of five members who shall serve three-year terms without compensation. Terms shall expire in October. The board shall be an advisory board and there shall be no requirement that a member be a resident of the city. (Ord. No. 747, 9/5/17)

SECTION 2-503: OFFICERS; MEETINGS

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

SECTION 2-504: DUTIES

A. The Cemetery Advisory Board shall have the general care, management, and supervision of the city cemetery with the power and authority to limit and regulate the number of cemetery lots that may be owned by the same person; to prescribe rules for enclosing, adorning, and erecting monuments and tombstones on cemetery lots; and to prohibit any diverse or improper use thereof; provided, no religious tests shall be made as to the ownership of lots, the burial therein, and the ornamentation of graves.

B. The board shall pass rules and regulations for the proper use of the cemetery and prescribe penalties and fines for violations thereof. The board shall use all revenue received from the sale of lots, gifts, or by devise for the care, management, and administration of the cemetery.

SECTION 2-505: CEMETERY; SEXTON

The Cemetery Advisory Board shall have the authority to appoint a sexton, who shall perform such duties and make such reports as the board shall direct. It shall be the duty of the sexton to locate and direct the applicant to the correct lot and to dig and excavate or cause the same to be dug and excavated in compliance with the rules and regulations of the board. (Neb. Rev. Stat. §12-403)

SECTION 2-506: CEMETERY; INTERMENT; ERRORS

All interments shall utilize vaults of such nature as to prevent caving in or sinking of the grave site. The city shall not be held responsible for errors in locations of graves on lots arising from improper instructions of lot owner. An order from a funeral director shall be deemed to be an order from the lot owner. Under no circumstances shall the city assume any responsibility for errors in locating burial spaces when instructions of the lot owner are received over the telephone. (Ord. No. 557, 10/5/98)

SECTION 2-507: CEMETERY; CONVEYANCE OF LOTS

The City Council may convey cemetery lots by certificate signed by the mayor and countersigned by the city clerk under the city seal, specifying that the person to

whom the same is issued is the owner of the lot described therein by number for the purpose of interment. The said certificate shall give a right in fee simple to the proprietor, his or her heirs and assigns. The certificate may then be recorded in the office of the county clerk. (Neb. Rev. Stat. §17-941)

SECTION 2-508: CEMETERY; ABANDONMENT; FAILURE TO MAINTAIN

A. The ownership of or right in or to an unoccupied cemetery lot or part of a lot in the cemetery shall, upon abandonment, revert to the city. The continued failure to maintain or care for a cemetery lot or part of a lot for a period of ten years shall create and establish a presumption that the same has been abandoned.

Abandonment shall not be deemed complete unless, after such period of ten years, there shall be given by the reversionary owner to the owner of record or, if he or she be deceased or his or her whereabouts unknown, to the heirs of such deceased person, as far as they are known or can be ascertained with the exercise of reasonable diligence, or to one or more of the near relatives of such owner of record, whose whereabouts are unknown, notice declaring the lot or part of a lot to be abandoned. This notice shall be served as provided by subsection (B) of this section.

B. The notice referred to in subsection (A) of this section may be served personally upon the owner or his or her heirs or near relatives or may be served by the mailing of the notice by either registered or certified mail to the owner or to his or her heirs or near relatives, as the case may be, to his, her, or their last-known addresses. In the event that the addresses of the owner and his or her heirs and near relatives are unknown or cannot be found with reasonable diligence, the notice of such abandonment shall be given by publishing the same one time in a legal newspaper published in and of general circulation in the county.
(Neb. Rev. Stat. §12-701)

SECTION 2-509: CEMETERY; FORFEITURE OF LOTS

If, within one year from the time of serving or publishing the notice referred to in Section 2-508, the record owner or heirs or near relatives shall give the reversionary owner, referred to in subsection (A) of such section, notice in writing that in fact there has been no such abandonment and shall pay the cost of service or publication of the notice of abandonment, then a presumption of abandonment shall no longer exist. In case abandonment has been completed as hereinbefore provided, the reversionary owner of the abandoned lot, part of lot, lots, or parts of lots may sell the same and convey title thereto. Any funds realized from the sale of such lot, part of lot, lots, or parts of lots shall constitute a fund to be used solely for the care and upkeep of the used portion of such lot, lots, or parts of lots and for the general maintenance of such cemetery. (Neb. Rev. Stat. §12-702)

SECTION 2-510: CEMETERY; LOT TRANSFERS

Any person who wishes to transfer a certificate may do so by surrendering the

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

SECTION 2-511: CEMETERY; DESTRUCTION OF PROPERTY

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

SECTION 2-512: CEMETERY; PERPETUAL CARE

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

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

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

D. Perpetual care shall not include the maintenance, repair or replacement of any gravestones, monuments or memorials.
(Neb. Rev. Stat. §12-402)

Article 6 – Museum Board

(Ord. No. 561)

SECTION 2-601: MEMBERS; TERMS

The Museum Board shall be composed of five directors who shall be electors of the city, appointed by the mayor with the approval of the City Council. The members of the board shall serve terms of five years each with terms expiring July 1 each year. In case of vacancy by resignation, death or removal, the City Council shall fill the vacancy for the unexpired term. No director shall receive any pay or compensation for services rendered as a member of the board.

SECTION 2-602: POWERS AND DUTIES

A. The directors of the Museum Board shall, within 30 days from the date of their appointment, meet, organize and elect from their number a president, secretary and any such other officers as they may decide. The board shall have the power to make and adopt such bylaws, rules and regulations for its own guidance and for the government of the museum as it may deem expedient, not inconsistent with state laws or city ordinances.

B. The board shall have exclusive control of expenditures and all moneys collected or donated to the credit of the museum fund and the supervision, care and custody of the grounds, rooms or buildings constructed or set apart for the purpose of a museum.

C. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of any public museum under the provisions of this article shall be kept for the use of the museum separate and apart from all other funds of the city and shall be drawn upon and paid out by the city treasurer upon vouchers signed by the president of the museum board and authenticated by the secretary of such board. Such vouchers shall not be used or disbursed for any other purpose or in any other manner.

D. The board shall make an annual report to the City Council.

Article 7 – Planning Commission

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

SECTION 2-701: MEMBERS

The Planning Commission shall consist of at least five but not more than nine members who shall represent, insofar as is possible, the different professions or occupations in the city and shall be appointed by the mayor by and with the approval of a majority vote of the City Council. Two of the regular members may be residents of the area over which the city is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the city exercises extraterritorial zoning and subdivision regulation, one regular member of the commission shall be a resident from such area. If it is determined by the City Council that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulation and no such resident is a regular member of the commission, the first available vacancy on the commission shall be filled by the appointment of such an individual. For purposes of this section, “a sufficient number of residents” shall mean 500 residents. All regular members of the commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908.

SECTION 2-702: ALTERNATE MEMBER

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

SECTION 2-703: TERMS; VACANCIES

The term of each regular Planning Commission member shall be three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before City Council, be removed by the mayor with the consent of a majority vote of the council members for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. Vacancies occurring other than through the expiration of term shall be filled for the unexpired portion of the term by the mayor.

SECTION 2-704: OFFICERS; MEETINGS

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

SECTION 2-705: FUNDING

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

SECTION 2-706: POWERS AND DUTIES; APPEAL

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

improvements have been installed, no new dedication of public rights of way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the City Council has designated an agent by ordinance pursuant to Neb. Rev. Stat. §19-916.

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

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

Article 8 – Housing Agency

(Am. Ord. No. 579, 8/8/00)

SECTION 2-801: CONTINUED EXISTENCE AS HOUSING AGENCY

A. The local housing authority established under prior state law and in existence on January 1, 2000, shall have continued existence as a housing agency under the Nebraska Housing Agency Act and shall conduct its operations consistent with the act. All property, rights in land, buildings, records, and equipment and any funds, money, revenue, receipts, or assets of the authority belong to the agency as successor. All obligations, debts, commitments, and liabilities of the authority are obligations, debts, commitments, and liabilities of the successor agency.

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

C. All commissioners of the Housing Agency and all officers, legal counsel, technical experts, directors, and other appointees or employees of the agency holding office or employment by virtue of any such prior law on January 1, 2000, shall be deemed to have been appointed or employed under the act.

(Neb. Rev. Stat. §71-1576)

SECTION 2-802: STATUS OF AGENCY

The Cambridge Housing Agency is a political subdivision, distinct and separate from the City of Cambridge. The Housing Agency shall constitute a public body, corporate and politic, and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Nebraska Housing Agency Act.

SECTION 2-803: HOUSING AGENCY ACT ADOPTED

Except as otherwise provided herein, the definitions, terms, provisions and conditions set forth in the Nebraska statutes under the Nebraska Housing Agency Act are hereby adopted by reference, as amended, for the operation and management of the Cambridge Housing Agency and the agency commission shall fully comply with and be governed by the terms of the act.

SECTION 2-804: MEMBERS; TERMS; CERTIFICATE OF APPOINTMENT

A. The City Council shall appoint five persons who shall constitute the Housing

Agency, called the commissioners. One commissioner shall be appointed each year. Each commissioner shall serve a five-year term of office or until his or her successor is duly appointed; provided, all vacancies shall be filled for the unexpired terms. The council may appoint one of its members to serve as one of the five members of the authority for such term as the council may determine.

B. No person shall serve as a commissioner unless he or she resides within the area of operation of the Housing Agency. A certificate of the appointment or reappointment of any commissioner shall be filed with the city clerk and such certificate shall be conclusive evidence of the proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services but shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his or her duties.

(Neb. Rev. Stat. §§71-1594, 71-1596, 71-1598; 71-15,107)

SECTION 2-805: CONFLICT OF INTEREST

During his or her tenure and for one year thereafter, no commissioner, officer, or employee of the Housing Agency shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project or in any contract or proposed contract relating to any housing project. If any such commissioner, officer, or employee involuntarily acquires any such interest or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer, or employee, he or she shall immediately disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes. He or she shall not participate in any action by the authority relating to the property or contract in which he or she has any such interest; provided, nothing herein shall apply to the acquisition of any interest in notes or bonds of the authority issued in connection with any housing project or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture or to utility services, the rates for which are fixed or controlled by a governmental agency. This section shall not be construed to preclude, regulate or restrict the participation of any tenant of the agency from serving, if appointed, as a commissioner of such authority, but he or she may not participate in any decision solely affecting his or her individual interests.

SECTION 2-806: DUTIES

A. Within six months after the end of the Housing Agency's fiscal year, the agency shall prepare an annual report. This report shall contain financial statements and results of the operations. The report shall be approved by the Board of Commissioners and signed by the chairman. The annual report of the Housing Agency shall be a public record and available for inspection and copying by members of the general public at the agency office. The annual report shall be placed on file with the city clerk upon completion thereof.

B. The Housing Agency shall adopt and promulgate fair and equitable policies

and establish a plan for selection of applicants. The plan shall include standards for eligibility, procedures for prompt notification of eligibility or disqualification, and procedures for maintaining a waiting list of eligible applicants for whom vacancies are not immediately available. Eligible applicants shall be offered available vacancies as provided in such policies.

C. The Housing Agency may adopt, promulgate, and enforce rules and regulations related to carrying out the purposes of the local housing agency and exercise of its powers, and may amend or repeal such rules and regulations from time to time.

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

SECTION 2-807: MEETINGS

The commissioners shall elect a chairman and vice-chairman and shall have the power to employ an executive director, who shall serve as an *ex officio* secretary of the Housing Agency. A majority of commissioners shall constitute a quorum for the purpose of conducting business, exercising powers, and for all other purposes. Action may be taken by the authority upon the vote of the majority of the commissioners present unless in any case the bylaws of the authority shall require a larger number. (Neb. Rev. Stat. §§71-1594, 71-1595)

SECTION 2-808: REMOVAL OF MEMBER

A commissioner may be removed for neglect of duty, misconduct in office, or conviction of any felony by the mayor, who shall send a notice of removal to such commissioner. The said notice shall set forth the charges against him or her. Unless within ten days from the receipt of such notice the commissioner files with the city clerk a request for a hearing before the City Council, the commissioner shall be deemed removed from office. If a request for hearing is so filed, the council shall hold a hearing no sooner than ten days after the date a hearing is requested, at which hearing the commissioner shall have the right to appear in person or by counsel and the City Council shall determine whether the removal shall be upheld. If the removal is not upheld by the council, the commissioner shall continue to hold his or her office. (Neb. Rev. Stat. §71-15,105)

SECTION 2-809: RESIDENT COMMISSIONER; APPOINTMENT

A. A resident commissioner shall be appointed to the Housing Agency by the mayor subject to confirmation of the City Council. To select the initial resident

commissioner or to fill subsequent vacancies in the position, the Housing Agency shall notify any resident advisory board or other resident organization and all adult persons directly assisted by such authority to the effect that the position of resident commissioner is open and, if any such person is interested in being considered as a candidate for the position, such person should notify the Housing Agency, in writing, within 30 days of the person's willingness to be considered to serve as resident commissioner. The names of all persons interested who have notified the Housing Agency of their interest in so serving shall be forwarded to the mayor and the resident commissioner shall be appointed from the list of names, subject to confirmation of the City Council.

B. Upon the appointment of a resident commissioner, the certificate of appointment shall state the term shall be for five years or when he or she shall no longer be an eligible resident, whichever occurs first. In the event that no qualified person has submitted his or her name to the Housing Agency as being interested as a candidate for the position, and the Housing Agency has received no notification of interest in serving as a resident commissioner by any person, no resident commissioner shall be required to be selected. In the event a resident commissioner is appointed and resigns from the position prior to completion of the appointed term, or is no longer an eligible resident, or is otherwise disqualified or removed from the board and a vacancy is created, the Housing Agency shall solicit new candidates for the position following the same procedure set forth above. In the event that no resident commissioner is selected and the position is not filled, the Housing Agency shall re-notify all adult persons directly assisted by the authority that the position of resident commissioner is open and solicit these persons for candidates for the position no less than once annually.

SECTION 2-810: JOINT HOUSING AGENCY

Provisions for establishment of any joint housing agency with other political subdivisions shall be governed by Neb. Rev. Stat. §§71-1581 through 71-1587.

Article 9 – Economic Development Board

(Ord. No. 651, 12/20/05)

SECTION 2-901: CREATION

There is hereby created and established an Economic Development Board for the City of Cambridge which shall consist of nine members appointed by the mayor subject to approval of the City Council.

SECTION 2-902: TERMS

The terms of office of the appointed members shall be three years each. In the event a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired term.

SECTION 2-903: COMPENSATION

Members of the Economic Development Board shall serve without compensation.

SECTION 2-904: DUTIES

A. It shall be the responsibility of the Economic Development Board to study, investigate, counsel, administer, and update, annually if necessary, a written plan for the development of economic resources within the city or, subject to the approval of the City Council, other areas within its usual trade area.

B. It shall be the responsibility of the board to study, investigate, define duties and salary, approve plans and actions of an executive director for economic development and recommend to the mayor and City Council the employment of and salary for the individual selected by the board for the position.

C. The board shall make written reports at least quarterly to the mayor and City Council of the progress of plans and programs initiated by the board and/or executive director.

D. The board, when organized by the mayor and City Council, shall consider, investigate, make findings, and report the recommended action to the city on such requests.

E. The board shall choose its own officers, make its own rules, and keep written records of its proceedings. Any board member who has three unexcused absences within the calendar year shall be removed from the board of directors. A majority of all members shall constitute a quorum.

SECTION 2-905: CITIZENS' ADVISORY REVIEW COMMITTEE

A. The Citizens' Advisory Review Committee shall consist of no fewer than five or more than ten members who shall be appointed by the mayor and subject to approval of the City Council. Members of the committee shall be registered voters of the city. At least one member of the committee shall have expertise and/or experience in the field of business finance or accounting. The committee shall not include active members of the Cambridge Economic Development Board of Directors, any elected or appointed city official, any city employee, any participant in a decision-making position regarding the expenditure of program funds, any official or employee of any business receiving monetary assistance under a program administered by the said board of directors, or any official or employee of a financial institution participating in a program administered by the board of directors.

B. The term of office of each appointed member shall be three years. In the event a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired term of that member.

C. Members of the Citizens' Advisory Review Committee shall serve without compensation.

D. The Citizens' Advisory Review Committee shall meet at least twice annually with the city Economic Development Board and shall report their findings to the mayor and City Council at a public hearing at least twice annually.

E. The committee shall choose its own officers, make its own rules, and keep written records of its proceedings. A majority of all members shall constitute a quorum.

Article 10 – Emergency Management Agency

(Ord. No. 607, 1/21/03)

SECTION 2-1001: CREATION

A. The City of Cambridge hereby elects to participate in the Furnas County Emergency Management Agency organization and will cooperate to the fullest extent with the agency in meeting the requirements and regulations pertaining to the Nebraska Emergency Management Act. (Neb. Rev. Stat. §§81-829.36 to 81-829.75)

B. There is hereby created, with and for the jurisdiction of Furnas County, Nebraska, an emergency management organization to be known as the Furnas County Emergency Management Agency, which shall be responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities, excluding functions for which military forces are primarily responsible, in accordance with the Nebraska Emergency Management Act and the Furnas County Local Emergency Operations Plan adopted thereunder.

SECTION 2-1002: MEMBERS

The Emergency Management Agency shall consist of a director and other members appointed by the Furnas County Board of Commissioners to conform to the state organization's aid procedures for the conduct of emergency operations as outlined in the Nebraska Emergency Management Act and the Furnas County Local Emergency Operations Plan adopted thereunder.

SECTION 2-1003: DUTIES

A. The organization shall perform emergency management functions within the jurisdictional limits of the city and the county and may conduct these functions outside the jurisdictional limits as directed by the governor during the time of emergency pursuant to the Nebraska Emergency Management Act, and supplements thereto. The director:

1. Will be appointed by the Furnas County Board of Commissioners and shall serve at the pleasure of the said commissioners;
2. Shall have direct responsibility for organization, administration and operations of the local emergency management activities;
3. Shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Agency;

4. May appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve in time of an emergency;
5. With the approval of the governor, and consistent with the Nebraska Emergency Management Act and Furnas County Local Emergency Operations Plan, may enter into mutual aid agreements with other public and private agencies within and without the state for reciprocal emergency aid; and
6. May accept services, materials, equipment, supplies or funds granted or loaned by the federal government, state government, or public and/or private agencies for disaster planning and operations purposes.

B. The county clerk shall be responsible for the receipt and disbursement of all Furnas County Emergency Management Agency funds where funds are provided for emergency management purposes.

SECTION 2-1004: LIAISON OFFICER

A local liaison officer will be appointed by the City Council and shall serve at the pleasure of the council. He or she shall serve under the direction and control of the Furnas County Emergency Management Agency.

Article 11 – Community Development Agency

(Ord. No. 576, 5/15/00)

SECTION 2-1101: CREATION; ADMINISTRATION

There is hereby created the Community Development Agency of the City of Cambridge, pursuant to Neb. Rev. Stat. §18-2101.01. The affairs of the agency shall be administered by the City Council sitting as the Community Development Agency. The mayor shall serve as the chairman and the city clerk shall serve as the secretary of the agency.

SECTION 2-1102: POWERS

The Community Development Agency of the city shall have all of the powers set forth in Neb. Rev. Stat. §§18-2101 through 18-2154 and any additional powers granted by the state legislature from time to time for community redevelopment authorities. Specifically, the agency shall have the power to employ counsel, a director, and such other officers and employees as may be desired.

Article 12 – West Central Nebraska Development District
SECTION 2-1201: PARTICIPATION

The city is hereby authorized to join and cooperate with other local governments that are eligible and wish to participate in the full range of activities of the West Central Nebraska Development District through the execution of an intergovernmental agreement. Said agreement shall be kept on file at the office of the city clerk, available for public inspection during office hours, and made a part hereof as if set out in full herein.

Article 13 – Penal Provision

SECTION 2-1301: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

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CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: OBSTRUCTING AN OFFICER

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

SECTION 3-102: HINDERING OR RESISTING ARREST

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

SECTION 3-103: IMPERSONATING OFFICER

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

SECTION 3-104: FALSE REPORTING

It shall be unlawful for any person to:

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

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

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

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

E. Furnish material information he or she knows to be false to any

governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation.

(Neb. Rev. Stat. §28-907)

SECTION 3-105: RESISTING ARREST WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON

A. It shall be unlawful for any person to intentionally prevent or attempt to prevent a law enforcement officer, acting under color of his or her official authority, from effecting an arrest on said person or on another by (1) using or threatening to use physical force or violence against the said officer or another; (2) using any other means which creates a substantial risk of causing physical injury to the officer or another; or (3) employing means which require substantial force to overcome resistance to effecting the arrest; provided, this section shall apply only to those actions taken to resist arrest without the use of a deadly or dangerous weapon.

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

(Neb. Rev. Stat. §28-904)

SECTION 3-106: CONCEALED WEAPONS

Except as otherwise provided in this section, any person who carries a weapon or weapons concealed on or about his or her person such as a revolver, pistol, Bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, or any other deadly weapon commits the offense of carrying a concealed weapon. This section shall not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon which the offender is carrying is a handgun as defined in Neb. Rev. Stat. §69-2429. (Neb. Rev. Stat. §§17-556, 28-1202)

SECTION 3-107: DISCHARGE OF FIREARMS

It shall be unlawful for any person, except an officer of the law in the performance of his or her official duty, to fire or discharge any gun or pistol within the city; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the City Council.

(Neb. Rev. Stat. §17-556)

SECTION 3-108: DISCHARGE OF NON-LETHAL WEAPONS

It shall be unlawful for any person to discharge a slingshot, paint ball gun, blow gun, air rifle, BB gun, or other like instrument capable of launching a dangerous projectile therefrom at any time or under any circumstances within the city. (Neb. Rev. Stat. §17-207)

SECTION 3-109: FIREARMS; MINOR IN POSSESSION; PARENT/GUARDIAN CONSENT

It shall be unlawful for any person to sell or give away to any minor under the age of 18 years, or for any such minor to have in his or her possession, any revolver, pistol, gun or firearm of any description or caliber or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension, without first procuring the consent of such minor's parent or guardian.

SECTION 3-110: STALKING

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

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

1. "Harass" means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose;
2. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person;
3. "Family or household member" means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context.

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

SECTION 3-111: CRIMINAL TRESPASS

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

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

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

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

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

(Neb. Rev. Stat. §§28-520, 28-521)

SECTION 3-112: PUBLIC INDECENCY

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

A. An act of sexual penetration as defined by Neb. Rev. Stat. §28-318(5);

B. An exposure of the genitals of the body done with intent to affront or alarm any person; or

C. A lewd fondling or caressing of the body of any other person of the same or opposite sex.

(Neb. Rev. Stat. §28-806)

SECTION 3-113: INDECENT BEHAVIOR

It shall be unlawful for any person 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. Any person who commits a rude, indecent, or immoral act shall be deemed to be guilty of a misdemeanor.

SECTION 3-114: PUBLIC NUDITY; AIDING AND ABETTING

A. It shall be unlawful for any person to intentionally expose his or her genitals, pubic area, or buttocks while employed in providing any service, product, or entertainment in any business or commercial establishment.

B. It shall be unlawful for anyone to aid, abet, assist, or direct another person to intentionally expose his or her genitals, pubic area, or buttocks while employed in providing any service, product, or entertainment in any business or commercial establishment.

SECTION 3-115: SEXUAL PREDATORS

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

1. "Child care facility" means a facility licensed pursuant to the Child Care Licensing Act;
2. "Reside" means to sleep, live, or dwell at a place, which may include more than one location and may be mobile or transitory;
3. "Residence" means a place where an individual sleeps, lives, or dwells, which may include more than one location and may be mobile or transitory;
4. "School" means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;
5. "Sex offender" means an individual who has been convicted of a crime listed in Neb. Rev. Stat. §29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and
6. "Sexual predator" means an individual required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in Neb. Rev. Stat. §29-4001.01 and who has victimized a person 18 years of age or younger.

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

C. *Exceptions.* This ordinance shall not apply to a sexual predator who (A) resides within a prison or correctional or treatment facility operated by the state or a political subdivision; (B) established a residence before July 1, 2006, and has not

moved from that residence; or (C) established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.

(Neb. Rev. Stat. §§29-4016, [29-4017](#)) (Ord. No. 657, 7/1/06)

SECTION 3-116: WINDOW PEEPING

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

SECTION 3-117: CRIMINAL MISCHIEF

It shall be unlawful for any person to damage property of another intentionally or recklessly, tamper with property of another intentionally or recklessly so as to endanger any person or property or cause another to suffer pecuniary loss by deception or threat intentionally or maliciously, provided that the value of the property involved is under \$5,000.00. (Neb. Rev. Stat. §28-519)

SECTION 3-118: THREATS; ASSAULT IN THE THIRD DEGREE

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

SECTION 3-119: THEFT

A. For purposes of this section the definitions found in Neb. Rev. Stat. §28-509 shall apply; and the offenses described in subsections (B) through (H) shall exist when the value of the thing involved is under \$500.00.

B. A person commits theft if he or she takes or exercises control over movable property of another with the intent to deprive him or her thereof. A person commits theft if he or she transfers immovable property of another or any interest therein with the intent to benefit himself or herself or another not entitled thereto. Except as provided for rental or lease of a motor vehicle in Neb. Rev. Stat. §28-511(4), it shall be presumed that a lessee's failure to return leased or rented movable property to the lessor after the expiration of a written lease or written rental agreement is done with intent to deprive if such lessee has been mailed notice by certified mail that such lease or rental agreement has expired and he or she has failed within ten days after such notice to return such property.

C. A person commits theft if he or she obtains property of another by deception as defined in Neb. Rev. Stat. §28-512.

D. A person commits theft if he or she obtains property of another by threatening to:

1. Inflict bodily injury on anyone or commit any other criminal offense;
2. Accuse anyone of a criminal offense;
3. Expose any secret tending to subject any person to hatred, contempt or ridicule or to impair his or her credit or business repute;
4. Take or withhold action as an official or cause an official to take or withhold action;
5. Bring about or continue to strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act; or
6. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense.

E. It is an affirmative defense to prosecution based on subdivisions (D)(2) through (4) herein that the property obtained by threat of accusation, exposure, lawsuit or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstances to which such accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful services.

F. A person who comes into control of property of another that he or she knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient commits theft if, with intent to deprive the owner thereof, he or she fails to take reasonable measures to restore the property to a person entitled to have it.

G. A person commits theft if he or she obtains services, which he or she knows are available only for compensation, by deception or threat or by false token or other means to avoid payment for the service. "Services" include labor, professional service, telephone service, electric service, cable television service, or other public service, accommodation in hotels, restaurants, or elsewhere, admission to exhibitions, and use of vehicles or other movable property. When compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to presumption that the service was obtained by deception as to intention to pay. Further, a person commits theft if, having control over the disposition of services of others to which he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another not entitled thereto.

H. A person commits theft if he or she receives, retains or disposes of stolen movable property of another knowing that it has been stolen, or believing that it has been stolen, unless the property is received, retained, or disposed with intention to restore it to the owner.

(Neb. Rev. Stat. §§28-511 through 28-515, 28-517, 28-518)

SECTION 3-120: THEFT; TELECOMMUNICATIONS SERVICE

A. It is an offense for any person to:

1. Knowingly make or possess any device designed to or commonly used to obtain telecommunications service fraudulently from a licensed cable television franchisee with the intent to use such device in the commission of an offense described in subsection (1) of Neb. Rev. Stat. §28-515;
2. Knowingly tamper with, interfere with, or connect to any cables, wires, converters, or other devices used for the distribution of telecommunications service by any mechanical, electrical, acoustical, or other means without authority from the operator of the service with the intent of obtaining telecommunications service fraudulently; or
3. Sell, give, transfer, or offer or advertise for sale a device which such person knows or should know is intended to be used for the purpose of obtaining telecommunications services fraudulently.

B. For purposes of this section:

1. "Telecommunications service" includes, but is not limited to, telephone service and cable television service; and
2. "Device" includes, but is not limited to, instrument, apparatus, equipment, and plans or instructions for making or assembling the instrument, apparatus, or equipment.

(Neb. Rev. Stat. §28-515.01)

SECTION 3-121: DISORDERLY CONDUCT

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

SECTION 3-122: DISTURBING AN ASSEMBLY

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

SECTION 3-123: DISTURBING THE PEACE

It shall be unlawful for any person to intentionally disturb the peace and quiet of any person, family or neighborhood. (Neb. Rev. Stat. §§17-556, 28-1322)

SECTION 3-124: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS

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

SECTION 3-125: ALCOHOL; MISREPRESENTATION BY MINOR

It shall be unlawful for any minor, as defined by Neb. Rev. Stat. §53-168.06, to obtain or attempt to obtain alcoholic liquor by misrepresentation of age or by any other method in any tavern or other place where alcoholic liquor is sold. (Neb. Rev. Stat. §§53-180.01, 53-180.05)

SECTION 3-126: ALCOHOL; MINOR IN POSSESSION

It shall be unlawful for any minor, as defined by Neb. Rev. Stat. §53-168.06, to sell, dispense, consume or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, or highways of the city or inside any vehicle while in or on any other place, including but not limited to the public streets, alleys, roads, or highways of the city or upon property owned by the city, except that a minor may consume, possess, or have physical control of alcoholic liquor as a part of a *bona fide* religious rite, ritual, or ceremony or in his or her permanent place of residence. It shall be unlawful for any person under 21 years of age to transport, consume, or knowingly possess or have under his or her control beer or other alcoholic liquor in or transported by any motor vehicle. (Neb. Rev. Stat. §53-180.02)

SECTION 3-127: TOBACCO AND ALTERNATIVE NICOTINE PRODUCTS; MINORS; VENDORS

A. Any minor under the age of 18 years who shall smoke cigarettes or cigars, use vapor products or alternative nicotine products, or use tobacco in any form whatever shall be guilty of an offense. Any minor charged with a violation of this section may be free from prosecution if he or she furnishes evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars,

vapor products, alternative nicotine products, or tobacco.

B. Any person who shall sell, give, or furnish in any way any tobacco in any form whatever or any cigarettes or cigarette paper, vapor products, or alternative nicotine products to any minor under 18 years of age is guilty of an offense.
(Neb. Rev. Stat. §§28-1418, 28-1419)

SECTION 3-128: TOBACCO AND ALTERNATIVE NICOTINE PRODUCTS; MISREPRESENTATION BY MINOR

Any person under the age of 18 years who shall obtain cigars, tobacco, cigarettes, or cigarette material, vapor products, or alternative nicotine products from a licensee by representing that he or she is of the age of 18 years or over is guilty of an offense.
(Neb. Rev. Stat. §28-1427)

SECTION 3-129: LITTERING

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

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

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

1. "Litter" shall include all waste material susceptible of being dropped, deposited, discarded, or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing.
2. "Waste material" shall mean any material appearing in a place or in a context not associated with that material's function or origin.

(Neb. Rev. Stat. §§17-123.01, 28-523)

SECTION 3-130: POSTING NOTICES

No person in the city shall fasten any poster or other advertising device in any way upon public or private property in the city unless legally authorized to do so.

SECTION 3-131: 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 3-132: APPLIANCE OUTDOORS

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and *accessible to children, whether on private or public property, unless he or she shall first remove all doors and make the same reasonably safe.* (Neb. Rev. Stat. §18-1720)

SECTION 3-133: OBSTRUCTING WATER FLOW

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

SECTION 3-134: INJURY TO PLANTS AND TREES

It shall be unlawful for any person to purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any trees or their fruit or any shrub, plant, flower, or grass on any public or private property. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the City Council and the written permit of the council in accordance with its decision to allow such an action shall constitute the only lawful authority on the part of the company to do so.

SECTION 3-135: PARKS; INJURY TO PROPERTY; LITTERING

It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub; to injure or destroy any sodded or planted area; or to injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the city parks and recreational areas. No person shall commit any waste on or litter the city parks or other public grounds. (Neb. Rev. Stat. §§17-563, 28-523)

SECTION 3-136: PROHIBITED FENCES

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

SECTION 3-137: HEDGES, VEGETATION OBSTRUCTING VIEW

The growing or maintaining or permitting the growing of hedges, corn, or other vegetation so tall as to obstruct the view of any private building, business building, street intersection, or private drive is declared to be a nuisance and is hereby

prohibited.

SECTION 3-138: BILLBOARDS

It shall be unlawful for any person, firm, association or corporation to erect or permit the erection of any billboard and to permit the posting of advertisements thereon or to keep or permit the keeping of any billboard with the advertisements thereon on the streets and public grounds within the corporate limits of the city.

SECTION 3-139: CURFEW

A. It shall be unlawful for any person under the age of 18 years to loiter, idle, wander, stroll or play in or upon any of the streets, roads, alleys, parks or public places of the city or to be found in any vehicle upon the streets, roads, alleys, parks or other places of public amusement or recreation therein between the hours of 10:30 p.m. and 5:00 a.m. of the following day. Curfew hours designated herein apply to every day of the week with no exceptions unless accompanied by a parent, guardian or other adult person having the legal care, custody or control of said minor.

B. It shall be unlawful for any parent, guardian or adult person having the legal care, custody or control of any minor under the age of 18 years to allow or permit such minor to loiter, wander, stroll, idle or play in or about any of the places designated above during the hours designated above unless said minor is accompanied by a parent, guardian or other adult person having the legal care, custody and control of such minor.

C. The provisions of this section shall not apply to any minor under the age of 18 years if such minor is engaged in any emergency errand or legitimate business directed by his or her parent, guardian or other adult person having legal care, custody or control of such minor. No minor person arrested under the provisions of this section shall be placed in confinement until he or she has been taken home or the parent, guardian or legal custodian has been notified and the arresting officer has ascertained whether or not such minor person is within the control of his or her parent, guardian or legal custodian; and, if such parent(s), guardian or legal custodian shall state that such minor cannot be controlled by them or either of them, as the case may be, then such minor shall be proceeded against, otherwise the parent(s), guardian or custodian, as the case may be, shall be proceeded against.

Article 2 – Dogs**SECTION 3-201: DEFINITIONS**

“Animal control authority” shall mean an entity authorized to enforce the animal control laws of the city, including any local law enforcement agency or other agency designated by the city to enforce the animal control laws of the city.

“Animal control officer” shall mean any individual authorized by the animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and shall include any state or local law enforcement or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal. The animal control officer for the city shall be hired by the Furnas County Sheriff.

“Owner” shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog; and specifically in reference to a collarless dog, every person who shall harbor such a dog about his or her premises for the space of ten days shall be held to be the owner. (Neb. Rev. Stat. §§54-606, 71-4401) (Am. Ord. No. 678, 10/7/08)

SECTION 3-202: RABIES VACCINATION

Every dog shall be vaccinated against rabies pursuant to Nebraska law. Unvaccinated dogs acquired or moved into the city must be vaccinated within 30 days after purchase unless under the age for initial vaccination. The provisions of this ordinance with respect to vaccination shall not apply to any dogs owned by a person temporarily residing within this city for fewer than 30 days, any dog brought into this city for show purposes, or any dog brought into this city for hunting purposes for a period of fewer than 30 days; such dogs shall be kept under the strict supervision of the owner. (Neb. Rev. Stat. §71-4402)

SECTION 3-203: LICENSING; RABIES CERTIFICATE; FEE

A. Any person who shall own, keep, or harbor a dog over the age of six months within the city shall within 30 days after acquisition of the said dog acquire a license for each animal annually by or before January 1 each year. Application shall be made upon a printed form provided by the city, upon which the owner shall state his or her name and address and the name, breed, color, and sex of each dog owned and kept by him or her. A certificate stating 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. If the dog has been spayed or neutered, a statement signed by a veterinarian verifying the spaying or neutering must be presented.

B. Upon payment of the license fee as set by resolution of the City Council and kept on file in the city office, the city clerk shall issue to the dog owner a license

certificate and a metallic tag for each animal so licensed. The city shall, in addition to the license tax imposed, collect from the licensee a fee of \$1.25. The clerk shall retain 3¢ from the said fee and remit the balance to the state treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund. The 3¢ collected shall be credited to the general fund along with the license fees.

C. The said dog tax shall be delinquent from and after May 10; provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to May 1 shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within 10 days thereafter. It shall be the duty of the city clerk to issue tags of a suitable design that are different in appearance each year.

D. The metallic tag shall be properly attached to the collar or harness of every dog so licensed and shall entitle the owner to keep or harbor the said animal until December 31 of the following year. Said licenses shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog.

E. It shall be unlawful for the owner of any dog to maintain or keep said dog within the city without a license tag affixed as required herein.

F. Every service animal shall be licensed but no license tax shall be charged. Upon the retirement or discontinuance of the animal as a service animal, the owner of the animal shall be liable for the payment of a license tax as prescribed herein.
(Neb. Rev. Stat. §§17-526, 54-603) (Am. Ord. No. 678, 10/7/08)

SECTION 3-204: NUMBER ALLOWED

It shall be unlawful for the head of the household to keep more than three dogs over six months of age under his or her ownership or on his or her property at any one time. "Head of the household" shall mean the person charged with the care of persons and property at that location, and including any other location(s), within the city limits. For the purposes of this section, dogs kept by the spouse and/or dependents of the head of the household shall be considered as belonging to the head of the household. (Am. Ord. No. 678, 10/7/08)

SECTION 3-205: LOST TAG

In the event that a licensing tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the city clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee of ~~\$1.00~~ for each duplicate tag so issued. Such fee shall be as set by resolution of the City Council and kept on file in the city office. (Neb. Rev. Stat. §§17-526, 54-603) (Am. Ord. No. 678, 10/7/08)

SECTION 3-206: WRONGFUL LICENSING

It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to wear any license, metallic tag, or other city identification other than that issued by the city clerk. (Neb. Rev. Stat. §17-526) (Am. Ord. No. 678, 10/7/08)

SECTION 3-207: REMOVAL OF COLLAR OR HARNESS, LICENSE TAGS

It shall be unlawful for any person to remove or cause to be removed the collar, harness, or license tag from any licensed dog without the consent of the owner, keeper, or possessor thereof. (Neb. Rev. Stat. §17-526)

SECTION 3-208: PENS AND LEASHES

Any person who is the owner or in possession or control of any dog within the corporate limits of the city shall at all times have the dog either securely penned, secured with a chain rope or leash, or under the owner's control so it may not leave the premises of the owner or person in possession or control. While off premises, the dog shall be leashed and the leash in physical control of the owner or person in possession or control of any such dog. (Ord. No. 678, 10/7/08)

SECTION 3-209: RUNNING AT LARGE; LICENSE REQUIRED

Any dog found running at large upon the streets and public grounds of the city with or without a collar or harness and license tag is hereby declared a public nuisance and shall be impounded in the city dog shelter as provided in Section 3-220. "Running at large" shall mean a dog was found off the premises of the owner and not under control of the owner or a responsible person by leash, cord, chain, wire, rope, cage, or other suitable means of physical restraint. (Neb. Rev. Stat. §17-526)

SECTION 3-210: DAMAGE; LIABILITY OF OWNER

It shall be unlawful for any person to allow a dog owned, kept, or harbored by him or her or under his or her charge or control to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (Neb. Rev. Stat. §§18-1720, 54-601, 54-602)

SECTION 3-211: BARKING AND OFFENSIVE BEHAVIOR; COMPLAINT

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 city. Upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the city clerk, 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 animal control officer shall investigate the complaint and, if in his or her 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 the city animal shelter. (Neb. Rev. Stat. §17-526)

SECTION 3-212: FEMALE IN SEASON

It is hereby declared unlawful for the owner, keeper, or harbinger of a female dog to permit her to run at large within the city while in season. Any such female dog found running at large in violation of this section shall be declared to be a public nuisance and as such may be impounded or killed according to the provisions herein. (Neb. Rev. Stat. §17-526)

SECTION 3-213: FIGHTING DOGS

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

SECTION 3-214: RABIES PROCLAMATION

It shall be the duty of the animal control authority, whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog to muzzle the same or to confine it for a period of not less than 30 days or more than 90 days from the date of such proclamation or until such danger is past. The dog may be harbored by any good and sufficient means in a house, garage, or yard on the premises wherein the owner may reside. Upon issuance of the proclamation, it shall be the duty of all persons owning, keeping, or harboring any dog to confine the same as herein provided. (Neb. Rev. Stat. §17-526) (Am. Ord. No. 678, 10/7/08)

SECTION 3-215: RABIES SUSPECTED; IMPOUNDMENT

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

SECTION 3-216: DANGEROUS DOGS; DEFINITIONS

“Dangerous dog” shall mean a dog that, according to the records of an animal control authority:

- A. Has killed a human being;
- B. Has inflicted injury on a human being that requires medical treatment;
- C. Has killed a domestic animal without provocation; or

- D. Has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice of such determination, and the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

A dog shall not be defined as a dangerous dog if:

- A. The individual was tormenting, abusing, or assaulting the dog at the time of the injury or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog; or
- B. If the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass, was committing any other tort upon the property of the owner of the dog, was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.
- C. If the dog is a trained dog assisting a law enforcement officer engaged in law enforcement duties.

“Domestic animal” shall mean a cat, a dog, or livestock. “Livestock” includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit.

“Medical treatment” shall mean treatment administered by a physician or other licensed health care professional.

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

“Potentially dangerous dog” shall mean:

- A. Any dog that when unprovoked inflicts an injury on a human being that does not require medical treatment; injures a domestic animal; or chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
- B. Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals, such as American Staffordshire Terriers, other Pit Bull breeds, and Rottweilers, whether purebred or crossbred.

(Neb. Rev. Stat. §54-617) (Ord. No. 678, 10/7/08)

SECTION 3-217: DANGEROUS DOGS; DECLARATION; REQUIREMENTS

The owner of a dangerous dog shall be notified of the violation by letter delivered by the city law enforcement. The notice shall contain a statement that the dog has been declared dangerous and that the following provisions, and those of Section 6-112, must be complied with by the owner:

A. A dangerous dog that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within 30 days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog. Written proof of both procedures and the microchip identification number shall be provided to the animal control authority after the procedures are completed.

B. 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 with a length of no more than 4 feet, under the direct control of the owner.

C. Any person maintaining a dangerous dog on the premises shall maintain liability insurance in the amount of \$100,000.00 and shall provide proof of insurance to the City of Cambridge once every 30 days.

D. Any person maintaining a dangerous dog shall show the city clerk proof of such insurance coverage on or before the last day of each month.

(Ord. No. 678, 10/7/08)

SECTION 3-218: DANGEROUS DOGS; CONFINED

A. No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog without such dog being confined so as to protect the public from injury.

B. 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. The pen or structure shall have a bottom constructed of concrete no less than 4 inches thick and the sides of the pen shall be embedded in or securely attached to the concrete floor. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least 10 feet from any property line of the owner. The owner of a dangerous dog shall post warning signs on the property where the dog is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog is on the property. Each warning sign shall be no less than 10 inches by 12 inches and shall contain the words "Warning" and "Dangerous Animal" in high-contrast lettering at least 3 inches high on a black background. Confinement must be made within 10 days after receiving notice that a determination has been made that the animal is a dangerous dog.

(Ord. No. 678, 10/7/08)

SECTION 3-219: DANGEROUS DOGS; FAILURE TO COMPLY

Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of Sections 3-217 to 3-219. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated Sections 3-217 to 3-219.

A. Any person convicted of a violation of Section 3-217(C) or (D) shall not own a potentially dangerous dog within ten years after such conviction. Any person violating this subsection shall be guilty of a Class III A misdemeanor, and the dog shall be treated as provided in subsection (B) herein.

B. If a dangerous dog whose owner has a prior conviction under Section 3-217(C) or (D) attacks or bites a human being or domestic animal, the owner shall be guilty of a Class III A misdemeanor. In addition, the dangerous dog shall be immediately confiscated by the animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(Ord. No. 678, 10/7/08)

SECTION 3-220: IMPOUNDMENT

A. *It shall be the duty of the animal control officer to capture, secure, and remove in a humane manner to the city animal shelter any dog violating any of the provisions of this article. Every dog 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 days after public notice has been given, unless reclaimed earlier by the owner.*

B. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the city clerk within 24 hours after impoundment as public notification of such impoundment; provided, if the owner of the dog is known, the clerk may also attempt to personally notify the owner of the 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 City Council and filed in the city office. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 48 hours after release. Any dog may be reclaimed by its owner during the period of impoundment by payment of the costs of impoundment.

C. If the dog is not claimed at the end of the required waiting period after public notice has been given, the animal control authority may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same; provided, if a suitable home, in the judgment of the city, can be found for any such

dog within the city, 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.

D. The city shall acquire legal title to any unlicensed dog impounded in the 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 animal control officer unless a suitable home can be found for such dog as provided in subsection (C) above.

(Neb. Rev. Stat. §17-548) (Am. Ord. No. 678, 10/7/08)

SECTION 3-221: ANIMAL CONTROL OFFICER; APPOINTMENT

The City Council may appoint an individual to serve as the animal control officer. His or her duties and responsibilities shall be to enforce the provisions of Articles 2 and 3 herein. For impounding dogs under the provisions herein, the animal control officer shall be paid a sum as set by resolution by the City Council and kept on file in the city office for each dog so impounded. The officer shall serve at the will of the City Council and said appointment may be terminated by majority vote of the council, provided 30 days' notice has been given. The animal control officer shall be required to give a surety bond in the amount of \$5,000.00. (Am. Ord. No. 678, 10/7/08)

SECTION 3-222: INTERFERENCE WITH ANIMAL CONTROL

It shall *be unlawful for any person to hinder, delay, or interfere with any animal control officer who is performing any duty enjoined upon him or her by the provisions of this article or to break open or in any manner directly or indirectly aid, counsel, or advise breaking into the animal shelter or any vehicle used for the collecting or conveying of dogs to the shelter.* (Neb. Rev. Stat. §28-906)

SECTION 3-223: ENFORCEMENT; CENSUS

It shall be the duty of the animal control authority to enforce the provisions of this article. The city clerk may direct the animal control authority from time to time to assist in the matter of dog tax collections by taking a dog census by personal visitation on delinquent dog owners or in any other manner he or she deems necessary. (Am. Ord. No. 678, 10/7/08)

Article 3 – Animals Generally

SECTION 3-301: LIVESTOCK PROHIBITED

It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat, swine, or other livestock. (Neb. Rev. Stat. §17-547)

SECTION 3-302: 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 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. (Neb. Rev. Stat. §17-547)

SECTION 3-303: FOWLS; WRITTEN PERMISSION

It shall be unlawful for any person to keep on his or her private property poultry, chickens, turkeys, geese, or other fowls unless and until they have received the written consents of the owners or lessees of the properties immediately adjoining the private property where such fowls are to be kept, as well as all other property owners within 150 feet of the place where such animals are to be kept, which consents shall be filed at the office of the city clerk and shall be subject to revocation by any of the said owners or lessees at any time. In the event any of the consents are revoked, the person keeping poultry, chickens, turkeys, geese, or other fowls or animals shall have 30 days to remove the same after being notified by the city clerk that such consents have been revoked. Said person shall also apply to the city clerk for a permit from the City Council which shall also be subject to revocation at any time.

SECTION 3-304: 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. (Neb. Rev. Stat. §17-547)

SECTION 3-305: IMPOUNDMENT

Upon the impoundment of any animal under this article, notice shall be given by posting, in three prominent places throughout the city, the description of the impounded animal including any significant markings. If the owner is known to the impounding officer, he or she shall inform the owner of such impoundment directly. After ten days from the date of the giving of notice of impoundment, said animal shall be sold at some designated time and place for the payment of expenses together with any fine and costs that may have accumulated against the owner or keeper of the animal. If the owner appears within ten days after notice has been given, he or she may redeem the animal upon payment of the costs of caring for the animal while impounded and the payment of any fine or penalty assessed for allowing the animal to run at large. Such fees and costs shall be set by resolution of the City Council and shall be kept on file in the office of the city clerk.

SECTION 3-306: ENCLOSURES

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

SECTION 3-307: WILD ANIMALS

No wild animals may be kept within the corporate limits except such animals kept for exhibition purposes by circuses and educational institutions.

SECTION 3-308: RABIES SUSPECTED; CAPTURE IMPOSSIBLE

The animal control authority as defined in Article 2 herein shall have the authority to kill any animal showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Neb. Rev. Stat. §71-4406)

Article 4 – Nuisances

SECTION 3-401: PUBLIC NUISANCES PROHIBITED

It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the city to keep such real estate free of public nuisances. (Neb. Rev. Stat. §§17-207, 18-1720)

SECTION 3-402: GENERALLY DEFINED

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

- A. Injures or endangers the comfort, repose, health or safety of others,
 - B. Offends decency,
 - C. Is offensive to the senses,
 - D. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the city,
 - E. In any way renders other persons insecure in life or the use of property, or
 - F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
- (Neb. Rev. Stat. §18-1720) (Am. Ord. No. 709, 2/20/12)

SECTION 3-403: SPECIFICALLY DEFINED

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

- A. Any odorous, putrid, unsound, or unwholesome grain, meat, hides, skins, feathers, vegetable matter or the whole or any part of any dead animal, fish or fowl.
- B. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats or which are foul or malodorous.
- C. Filthy, littered or trash-covered cellars, house yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.
- D. Animal manure in any quantity which is not securely protected from flies and the elements or which is kept or handled in violation of any ordinance of the city.

E. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the city nor the dumping of non-putrefying waste in a place and manner approved by the health officer.

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

G. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, appliances, scrap iron, tin, or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

H. Any buildings or structures which have any or all of the defects defined at Section 3-501 hereafter.

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

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

K. 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.

L. Any motor vehicle as follows: No person in charge or control of any private property, whether as owner, tenant, occupant, lessee or otherwise, shall allow any vehicle which is not properly registered or is inoperable, wrecked, junked, or partially dismantled to remain longer than 30 days on private property. This does not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary for the lawful operation of such business enterprise (such as a licensed salvage dealer, motor vehicle dealer or farm implement dealer), or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner and so long as the premises on which said vehicle is located is not a nuisance and is maintained in a healthful and safe

condition. "Vehicle" shall mean the same as defined by Neb. Rev. Stat. §60-136: a motor vehicle, all-terrain vehicle, mini-bike, trailer, or semitrailer. "Properly registered" shall mean as required by Nebraska statutes. (Ord. No. 712, 4/16/12)

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

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

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

P. Maintenance of weeds, grasses or worthless vegetation of 12 inches or more in height. Weeds shall include, but not be limited to, bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus* sp.), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

Q. All other things specifically designated as nuisances elsewhere in this code. (Neb. Rev. Stat. §18-1720) (Am. Ord. Nos. 677, 10/7/08; 709, 2/20/12)

SECTION 3-404: DUTY OF PROPERTY OWNERS

It shall be the duty of every owner of real estate in the city to cut and clear such real estate, together with one-half of the streets and alleys abutting thereon, of all weeds and worthless vegetation of any growth of 12 inches or more in height, that are noxious, obstruct travel on public ways or create a fire or health hazard. Subsequent to the cutting of the said weeds, all loose vegetation shall be immediately removed. (Ord. No. 677, 10/7/08)

SECTION 3-405: NUISANCE OFFICER

The city shall appoint an individual or organization to identify and enforce abatement of nuisances within the city. Said individual or organization shall be identified as the "nuisance officer" and said appointment shall be identified by resolution of the city. (Ord. No. 709, 2/20/12)

SECTION 3-406: IDENTIFYING NUISANCES

A. The city may identify suspected nuisances, in which case the city clerk shall, upon direction of the City Council, notify the nuisance officer of the suspected location, person or persons in violation of any provision of this chapter and provide the address of such alleged nuisance.

B. The city may request that the nuisance officer audit the city for nuisances in the city as defined by the municipal code. The nuisance officer shall then view the property or area for any violations of the nuisances of the city. The nuisance officer shall not go upon private property for said audit unless granted permission by the resident or owner of the suspect property.
(Ord. No. 709, 2/20/12)

SECTION 3-407: CONFIRMING AND DOCUMENTING NUISANCES; INFORMING COUNCIL

The nuisance officer shall identify and confirm that in his or her opinion a nuisance exists as defined by city ordinance.

A. Upon confirming that a nuisance appears to exist, the nuisance officer shall document said nuisance with photographs and other evidence pertinent to the situation. He or she will also obtain the legal description of the property and identify the owners of record and, if possible, the occupants of the property upon which the nuisance exists.

B. The nuisance officer shall then present this information to the City Council at a regular or special meeting for its confirmation that a nuisance exists.
(Ord. No. 709, 2/20/12)

SECTION 3-408: ENFORCEMENT PROCEDURES

The nuisance, health and/or sanitation violation is brought to the City Council by the city nuisance officer or the Board of Health or upon the City Council's own action. The council then may declare by resolution a nuisance, health and/or sanitation violation. The nuisance, health, and/or sanitation ordinances may be enforced by: (1) city administrative procedures; (2) penal prosecutions through the courts, and/or (3) by civil procedures in the courts. Any of these procedures or any combination of these procedures may be used to enforce the nuisance, health and/or sanitation ordinances of the city. (Ord. No. 709, 2/20/12)

SECTION 3-409: ADMINISTRATIVE PROCEDURE

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

A. After a nuisance is declared, the city clerk notifies the nuisance officer to serve notice upon the violator(s).

B. The nuisance officer shall prepare and serve notice which shall describe the found nuisance and state the required date of abatement and removal of the nuisance shall be accomplished. The notice shall also provide information as to how the interested parties may request a hearing before the City Council, described in paragraph 4 herein.

C. The courtesy notice shall be given to each owner of record or owner's duly authorized agent and a notice shall be sent to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, said notice shall be given by a single publication in a newspaper of general circulation in the city or county and by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. The date of service is determined by the later of certified mail receipt, personal service or publication date.

D. The accused violator (owner/agent/occupant) may request in writing a hearing before the City Council within five days after notice of violation is served or published. For tree nuisance violations, the period for requesting a hearing is extended to 30 days after service.

E. If no request for a hearing is received in the required time period, the City Council may cause a hearing to be held. This option is at the sole discretion of the council, to be used in exceptional cases.

F. If a hearing is requested, the city clerk shall fix the date of said hearing to be no later than 21 days from receipt of the request for the hearing. Notice of said hearing and with the date and time shall be served upon the agent, owner, and of the nuisance property by certified and regular mail.

G. The hearing shall be a "show cause" hearing in which the agent, owner, occupant of the nuisance property ("objecting party") shall provide evidence why the alleged condition should not be found to be a public nuisance and remedied. This hearing shall be heard before a quorum of the City Council. The mayor may conduct the hearing or may appoint another person as the hearing officer to conduct the hearing. Said hearing officer may be the city attorney or the nuisance officer. At the hearing, the hearing officer shall mark and receive evidence which was presented when the finding of a nuisance was made, relevant evidence of the nuisance since that time, and evidence that the notices were properly given. The objecting party shall then provide its evidence. The rules of evidence are not required at said hearing but all evidence must be relevant to the particular nuisance being heard. Testimony shall be under oath as administered by the hearing officer or any person so designated by the hearing officer, and the person providing the testimony is subject to the laws of perjury. Evidence may be submitted in writing by affidavit.

H. No later than 21 days after the hearing and consideration of the evidence, the City Council may by majority vote rescind the resolution of violation. If the resolution of violation is not rescinded, it shall stand. Furthermore, if the objecting party or its designated agent fails to appear at the hearing or does not provide evidence, the nuisance shall stand. If the resolution is not rescinded, the council may by resolution extend the date that owner, occupant, lessee, or mortgagee shall abate and remedy the said public nuisance; but in no case shall this time exceed 60 days. The findings of the City Council shall be made no later than 14 days after the hearing, and notice of its finding shall be served upon the objecting party by regular U.S. Mail within five days of the finding. The finding of this hearing is final, provided that an interested party or parties may appeal such decision to the appropriate court for adjudication

I. If the nuisance officer determines the nuisance is not remedied and abated within the time period designated, the city shall cause abatement of the nuisance.

J. If an interested party properly appeals to an appropriate court the findings and orders of the city, the city's actions shall be stayed until such time that the legal proceedings are completed or dismissed. In cases of appeal from an action of the city condemning real property as a nuisance or as dangerous under its police powers, the owners of the adjoining property may intervene in the action at any time before trial. (Neb. Rev. Stat. §19-710) (Ord. No. 709, 2/20/12)

SECTION 3-410: PENAL COURT ENFORCEMENT PROCEDURE

If the declared nuisance, health, and/or sanitation violation is not abated within 21 days after the notice is served upon the owner and/or occupant and the city clerk has not received a request for hearing, the nuisance officer may cause issue of a citation for the code violation. The citation shall be prosecuted to the appropriate court by the city attorney or other designated prosecutor for the city. A person or persons found guilty of these violations shall be penalized as provided in Article 6 herein. (Ord. No. 709, 2/20/12)

SECTION 3-411: CIVIL COURT PROCEDURE

The City Council may by resolution instruct the city attorney to file a civil action for the abatement of a nuisance. Said civil suit may commence after 21 days' notice has been served as stated herein and may be filed and prosecuted at the same time any other enforcement procedure has commenced or terminated or is in progress. (Ord. No. 709, 2/20/12)

SECTION 3-412: EXPENSES

A. When the city has effected the abatement of the nuisance, health and/or sanitation violation through either city employees or through contract with a third party and has incurred expenses and costs thereof, the actual cost shall be charged to the owner, agent, occupant or person in possession, charge or control of such property.

The billing shall be calculated at the actual cost of abating the nuisance plus an administrative fee as set by the City Council by resolution and kept on file in the office of the city clerk.

B. This billing shall be submitted to the last known address of the owner of the nuisance property, as found in the county treasurer's office, by regular U.S. Mail.

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

(Ord. No. 709, 2/20/12)

SECTION 3-413: JURISDICTION

The mayor and Sheriff's Office are directed to enforce this municipal code against all nuisances. The jurisdiction of the mayor, Sheriff's Office, and court shall extend to, and the territorial application of this chapter shall include, all territory adjacent to the limits of the city within one mile thereof and all territory within the corporate limits.

(Neb. Rev. Stat. §18-1720)

SECTION 3-414: ADJOINING LAND OWNERS; INTERVENTION BEFORE TRIAL

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

Article 5 – Dangerous Buildings

SECTION 3-501: DETERMINATION; DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

(Neb. Rev. Stat. §18-1720)

SECTION 3-502: BUILDING INSPECTOR

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

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

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

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

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

SECTION 3-503: STANDARDS

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

A. If the unsafe or dangerous building or structure can reasonably be repaired so that it will no longer exist in violation of any of the terms or provisions of this article, it shall be ordered to be repaired;

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

C. In any case where an unsafe or dangerous building or structure cannot be repaired so that it will no longer exist in violation of the terms or provisions of this article, it shall be demolished. In all cases where the unsafe or dangerous building is a fire hazard existing or erected in violation of the applicable fire codes and regulations, or any other provision of an ordinance of this city, or statute of the state, it shall be demolished. (Neb. Rev. Stat. §§17-136, 15-905, 18-2107)

SECTION 3-504: UNLAWFUL MAINTENANCE

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

SECTION 3-505: NUISANCE; PROCEDURE

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

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

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

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

D. File a copy of such determination or resolution in the office of the register of deeds of the county to be recorded. No fee shall be charged for such recording or for the release of such recording.
(Neb. Rev. Stat. §18-1722.01)

SECTION 3-506: FAILURE TO COMPLY

In case any owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure shall fail, neglect or refuse to comply with the notice by or on behalf of the city to repair, rehabilitate or demolish and remove a building or structure which is unsafe or dangerous and a public nuisance, and fails to request a hearing on such determination, the city may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the City Council, which is authorized to levy the cost as a special assessment against the property. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments under Nebraska statutes. (Neb. Rev. Stat. §18-1722)

SECTION 3-507: DISPUTES

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

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

SECTION 3-508: APPEAL

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

SECTION 3-509: IMMEDIATE HAZARD

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

Article 6 – Penal Provisions

SECTION 3-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

SECTION 3-602: ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in this chapter, the city may proceed by a suit in equity to enjoin and abate the same in the manner provided by law. Whenever in any action it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Neb. Rev. Stat. §§18-1720, 18-1722)

CHAPTER 4 – VEHICLES AND TRAFFIC

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CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 4-101: DEFINITIONS

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

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

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

SECTION 4-103: EMERGENCY REGULATIONS

The mayor, county sheriff and deputies are hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

SECTION 4-104: ENFORCEMENT

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

SECTION 4-105: LAW ENFORCEMENT; REFUSAL TO OBEY

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

SECTION 4-106: TRAFFIC OFFICERS

The mayor or county sheriff and deputies may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned.

It shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection. (Neb. Rev. Stat. §§60-680, 60-683)

SECTION 4-107: REGULATION BY CITY COUNCIL

A. The City Council may, by resolution:

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

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

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

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

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

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

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

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

it.

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

SECTION 4-109: SIGNS; UNAUTHORIZED DISPLAY

It shall be unlawful for any person to maintain or display upon or in view of any street any unofficial sign, signal, or device which purports to be, is an imitation of, or resembles an official traffic sign or signal which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance and any law enforcement officer is hereby empowered to remove the same or cause it to be removed without notice. (Neb. Rev. Stat. §60-6,127)

SECTION 4-110: STOP SIGNS; YIELD SIGNS

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

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

(Neb. Rev. Stat. §§60-6,119 through 60-6,121, 60-680, 60-6,148)

SECTION 4-111: SCHOOL ZONES

It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes, during school recess or while children are going to or leaving school during the opening or closing hours, to drive such vehicle in excess of 15 miles per hour unless otherwise posted past such premises. Such driver shall stop at all stop signs located at or near such school premises and it shall be unlawful for such driver to make a "U" turn at any intersection where such stop signs are located at or near such school premises. (Neb. Rev. Stat. §60-6,190)

SECTION 4-112: TRUCK ROUTES

The City Council may by resolution designate certain streets in the city that trucks shall travel upon and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise; and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through or about the city. The **City Council** shall cause notices to be posted or shall erect signs indicating the streets so

designated as truck routes. (Neb. Rev. Stat. §60-681)

SECTION 4-113: ENGINE BRAKES

It shall be unlawful for any person within the city limits to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for purposes of assisted braking on any motor vehicle; provided, however, it shall be permitted to use engine brakes in an emergency situation.

SECTION 4-114: LICENSE PLATES; READABLE

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

SECTION 4-115: SPEED LIMITS

No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than 25 miles per hour within the Residential District and 20 miles per hour within the Business District, unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. (Neb. Rev. Stat. §§60-6,186, 60-6,190) (Am. Ord. Nos. 608, 3/10/03; 748, 9/5/17)

SECTION 4-116: SPEED; ELECTRONIC DETECTOR

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

1. The said speed measurement device was in proper working order at the time of conducting the measurement;
2. The speed measurement device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;
3. The person operating the speed measurement device and interpreting such measurement was qualified by training and experience to properly test and operate the speed measurement device; and

4. The operator conducted external tests of accuracy upon the speed measurement device within a reasonable time both prior to and subsequent to an arrest being made and the device was found to be in proper working order.

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

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

(Neb. Rev. Stat. §60-6,192)

SECTION 4-117: RADAR DEVICES; PROHIBITED

A. It shall be unlawful for any person to operate or possess any radar transmission device while operating a motor vehicle on any road, street, or highway in the city, except that this section shall not apply to any such devices which have been lawfully licensed by the Federal Communications Commission or are being used by law enforcement officials in their official duties.

B. For purposes of this section, unless the context otherwise requires:

1. "Radar transmission device" shall mean any mechanism designed to interfere with the reception of radio microwaves in the electromagnetic spectrum which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles;
2. "Possession" shall mean to have a device defined above in a motor vehicle if such device is not:
 - a. Disconnected from all power sources;
 - b. In the rear trunk which shall include the spare tire compartment or any other compartment which is not accessible to the driver or any other person in the vehicle while such vehicle is in operation; or, if no such compartment exists in a vehicle, then such device must be disconnected from all power sources and be placed in a position not readily accessible to the driver or any other person in the vehicle; and
3. "Transceiver" shall mean an apparatus contained in a single housing functioning alternately as a radio transmitter and receiver.

Neb. Rev. Stat. §60-6,275

SECTION 4-118: UNNECESSARY STOPPING

It shall be **unlawful for any person to stop any vehicle on any public street or in an alley other than in permitted parking areas, except when such a stop is necessary** for emergency situations, to comply with traffic control devices and regulations, or to

yield the right of way to pedestrians or to other vehicles. (Neb. Rev. Stat. §§60-6,164, 60-6,166)

SECTION 4-119: RIGHT OF WAY; GENERALLY

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

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

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

D. The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right of way to any pedestrian approaching on any sidewalk and **all vehicles approaching on such streets.**
(Neb. Rev. Stat. §§60-6,146 through 60-6,154)

SECTION 4-120: RIGHT OF WAY; EMERGENCY VEHICLES

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

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

B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
(Neb. Rev. Stat. §60-6,151)

SECTION 4-121: SIDEWALKS

A. The driver of a vehicle emerging from an alley, driveway, private road, or building shall stop such vehicle immediately before driving onto a sidewalk and shall yield the right of way to any pedestrian approaching on any sidewalk. Before entering the highway, the driver shall yield the right of way to all vehicles approaching on such highway.

B. The driver of a vehicle entering an alley, building, private road, or driveway shall yield the right of way to any pedestrian approaching on any sidewalk.

C. No person shall drive any vehicle upon a sidewalk except upon a permanent or duly authorized temporary driveway.

(Neb. Rev. Stat. §§60-6,149, 60-6,178)

SECTION 4-122: RACING

No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record. No person shall in any manner participate in any such race, competition, contest, test, or exhibition. (Neb. Rev. Stat. §60-6,195)

SECTION 4-123: EXHIBITION DRIVING

Any person who operates a motor vehicle, meaning any self-propelled vehicle, upon streets or alleys within the city limits or upon property owned by the city in such a manner as to cause or create unnecessary engine noise, squealing of tires, rear skidding, sliding, or swaying of such motor vehicle or possible acceleration of speed of said motor vehicle shall be guilty of exhibition driving.

SECTION 4-124: NEGLIGENCE DRIVING

Any person who drives any vehicle in such a manner as to indicate the absence of care, prudence, and forethought as duty requires should be exercised under the circumstances is guilty of negligent driving. (Neb. Rev. Stat. §60-4,182)

SECTION 4-125: CARELESS DRIVING

Any person who drives any motor vehicle in the city carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. (Neb. Rev. Stat. §§60-6,212, 60-4,182)

SECTION 4-126: RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be **guilty of reckless driving and as such shall be punished as provided by statute.**

(Neb. Rev. Stat. §§60-6,213, 60-6,215, 60-4,182)

SECTION 4-127: WILLFUL RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be deemed to be guilty of willful reckless driving. (Neb. Rev. Stat. §§60-6,214, 60-6,216, 60-4,182)

SECTION 4-128: BACKING

It shall be unlawful for any **person to back a motor vehicle on the city streets except to park in or to remove it from a permitted parking position, to move it from a driveway, or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety.** (Neb. Rev. Stat. §60-6,169)

SECTION 4-129: DRIVING ABREAST

Two or more vehicles shall not be driven abreast except when passing or when traversing a multi-lane or one-way street; provided, motorcycles may be driven no more than two abreast in a single lane. (Neb. Rev. Stat. §60-6,139)

SECTION 4-130: FOLLOWING; FIRE APPARATUS

The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block when fire apparatus has stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 4-131: FOLLOWING; DISTANCE

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic and condition of the street. (Neb. Rev. Stat. §60-6,140)

SECTION 4-132: RIDING OUTSIDE VEHICLE

No person **shall permit any other person to ride on the running board, hood, top, or fenders of any motor vehicle nor shall any person ride on the running board, hood, top, or fenders of any motor vehicle.** (Neb. Rev. Stat. §60-180)

SECTION 4-133: CONVEYANCES; CLINGING TO MOTOR VEHICLES

No person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall attach himself or the said conveyance to any vehicle upon a roadway; and it shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle to cling or attach himself or his conveyance to such vehicle driven and operated by him. **(Neb. Rev. Stat. §60-6,316)**

SECTION 4-134: UNNECESSARY NOISE

No person shall drive, use, operate, park, or stop any motor vehicle in such a manner as to cause unnecessary noise. (Neb. Rev. Stat. §§17-505, 60-6,286, 60-6,371)

SECTION 4-135: CHILD PASSENGER RESTRAINT SYSTEM

A. Any person who drives any motor vehicle which has or is required to have an occupant protection system or a three-point safety belt system shall ensure that all children up to eight years of age being transported by such vehicle (1) use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on January 1, 2009, and which is correctly installed in such vehicle and (2) occupy a seat or seats, other than a front seat, if such seat or seats are so equipped with such passenger restraint system and such seat or seats are not already occupied by a child or children under eight years of age. In addition, all children up to two years of age shall use a rear-facing child passenger restraint system until the child outgrows the child passenger restraint system manufacturer's maximum allowable height or weight.

B. Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system or a three-point safety belt system shall ensure that all children eight years of age and less than 18 years of age being transported by such vehicle use an occupant protection system.

C. Subsections (A) and (B) of this section do not apply to any motor vehicle designated by the manufacturer as a 1963 model or earlier which is not equipped with an occupant protection system.

D. Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of subsection (A) or (B) of this section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

E. The drivers of authorized emergency vehicles shall not be subject to the requirements of subsection (A) or (B) of this section when operating such authorized emergency vehicles pursuant to their employment.

F. A driver of a motor vehicle shall not be subject to the requirements of subsection (A) or (B) of this section if the motor vehicle is being operated in a parade or exhibition which is being conducted in accordance with applicable state law and local ordinances and resolutions.

G. All persons being transported by a motor vehicle operated by a holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system or a three-point safety belt system.

(Neb. Rev. Stat. §60-6,267)

SECTION 4-136: MUFFLER

Every motor vehicle operated within this city shall be equipped with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; provided, the provisions of this section shall not apply to authorized emergency vehicles. (Neb. Rev. Stat. §§60-6,286, 60-6,371)

SECTION 4-137: REMOVAL OF DEBRIS

Any person who removes a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance deposited on the highway from such vehicle. (Neb. Rev. Stat. §39-311)

SECTION 4-138: LOADS; PROJECTING

When any vehicle has been loaded in such a manner that any portion of the load extends more than 4 feet beyond the rear of the bed or the body of such vehicle, a red flag of not less than 12 inches both in length and width shall be carried by day and a red light after sunset at the extreme rear end of such load. (Neb. Rev. Stat. §60-243)

SECTION 4-139: LOADS; CONTENTS; REQUIREMENTS

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle.

B. No person shall transport any sand, gravel, rock less than 2 inches in diameter, or refuse in any vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering.

C. No person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle.

(Neb. Rev. Stat. §60-6,304)

Article 2 – Parking

SECTION 4-201: REGULATION BY CITY COUNCIL

A. The City Council may **by resolution set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof longer than a period of time necessary to load and unload freight or passengers.**

B. The City Council may by resolution designate any street or portion thereof where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. **(Neb. Rev. Stat. §§60-6,167, 60-680)**

C. The City Council may by ordinance designate certain streets, alleys, or public ways where vehicles, regardless of length, shall be permitted to load or unload freight. Vehicles so designated shall park upon said streets, alleys, or public ways in such manner that other vehicles may pass.

D. The City Council may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution; and the parking or stopping of any vehicle in any such street, streets, or district, for a period of time longer than fixed in such resolution shall constitute a violation of this article.
(Neb. Rev. Stat. §60-680)

SECTION 4-202: GENERALLY

A. Except as otherwise provided in this section, any vehicle stopped or parked upon a two-way roadway where parking is permitted shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of such roadway. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.

B. Except when otherwise provided by the City Council, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of such roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway or its left-hand wheels within 12 inches of the left-hand curb or edge of such roadway.

C. The City Council may permit angle or center parking on any roadway, except that angle or center parking shall not be permitted on any federal-aid highway or on any part of the state highway system unless the director-state engineer has determined that such roadway is of sufficient width to permit angle or center parking without interfering with the free movement of traffic.

D. The City Council may prohibit or restrict stopping, standing, or parking on highways under its jurisdiction and erect and maintain proper and adequate signs thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

E. Where stalls are designated either on the curb or pavement, vehicles shall be parked within those stalls.

F. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away.

(Neb. Rev. Stat. §§60-6,167, 60-680)

SECTION 4-203: GENERAL PROHIBITIONS; EXCEPTIONS

No person shall stop, stand, or park any vehicle (A) on a sidewalk; (B) within an intersection; (C) on a crosswalk; (D) in front of a public or private driveway except when necessary to avoid conflict with other traffic or when in compliance with the directions of a law enforcement officer or traffic control device,. (Neb. Rev. Stat. §§60-6,166, 60-657)

SECTION 4-204: CURBS PAINTED

In the event curbs are to be painted as deemed necessary by the City Council, it shall be the duty of the street commissioner to cause the curb space to be painted at places designated by the council and to keep the same painted. No person, firm, or corporation shall paint the curb of any street or in any manner set aside or attempt to prevent the parking of vehicles in any street or part thereof except at such places where the parking of vehicles is prohibited by the provisions of this article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the city through its proper officers at the direction of the City Council. **(Neb. Rev. Stat. §60-680)**

SECTION 4-205: MAXIMUM TIME LIMIT

The parking of a motor vehicle on a public street for over 48 consecutive hours is unlawful, except where a different maximum time limit is posted. (Neb. Rev. Stat. §60-680)

SECTION 4-206: BUSINESS DISTRICT; LOADING AND UNLOADING

It shall be unlawful for the operator of any truck to stop or park any such vehicle on a street within the Business District except to load or unload and then only when loading or unloading in any alley is impossible. Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway, or on a sidewalk. The City Council may by resolution provide truck parking areas adjoining or adjacent to the Business District; and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes. (Neb. Rev. Stat. §60-680)

SECTION 4-207: RESIDENTIAL DISTRICT; LOADING AND UNLOADING

It shall be unlawful for the operator of any truck with an overall length of more than 20 feet to stop or park any such vehicle on a street which the City Council has designated to be within the Residential District, except to load or unload. Vehicles may

stop or stand for a period of time not to exceed what is reasonably necessary to load or unload. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway or on a sidewalk. The City Council may by resolution provide truck parking areas within the city; and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes. (Neb. Rev. Stat. §60-680)

SECTION 4-208: ALLEYS; OBSTRUCTION; LOADING AND UNLOADING

A. No vehicle while parked shall have any portion thereof projecting into any alley entrance.

B. No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one-half hour. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley.

(Neb. Rev. Stat. §60-680)

SECTION 4-209: OBSTRUCTING TRAFFIC

Except in case of an accident or emergency, no **person shall stop any vehicle (A) in any location where such stopping will obstruct any street, intersection, or entrance to an alley or public or private drive or (B)** alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic. **(Neb. Rev. Stat. §§60-680, 60-6,166)**

SECTION 4-210: OVERHANGING STREET OR ADJACENT PROPERTY

It shall be unlawful for any person to park or place, or cause to be parked or placed, any motor vehicle or other vehicle on any public or private property in such a manner that the vehicle overhangs the street, including that space between the curb line and the lot line, or in such a manner that the vehicle overhangs adjacent property.

SECTION 4-211: EMERGENCY VEHICLES; EXCEPTION

The provisions of this article regulating the movement, parking, and standing of vehicles shall not apply to any authorized emergency vehicle while the driver of such vehicle is operating the same in an emergency. (Neb. Rev. Stat. §60-6,114)

SECTION 4-212: FIRE STATION AND HYDRANTS

No vehicle shall be parked (A) within 15 feet in either direction of any fire hydrant; (B) within 20 feet of the driveway entrance to any fire station; nor (C) on the side of the street opposite the entrance to any fire station within 75 feet of such entrance **when properly signposted.** Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost, and expense of the owner or claimant. **(Neb. Rev. Stat. §60-6,166)**

SECTION 4-213: SNOW REMOVAL; STREET MAINTENANCE OR CLEANING

The City Council shall have the power to order any street, alley, or portion thereof vacated for weather emergencies and street maintenance or cleaning. Notice shall be given by posting appropriate signs along such streets or alleys or personally notifying the owner or operator of a vehicle parked on such street or alley. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this chapter and such vehicle may be removed and parked under the supervision of city personnel to a suitable nearby location without further notice to the owner or operator of such vehicle. (Neb. Rev. Stat. §17-557)

SECTION 4-214: DISPLAY OR REPAIR OF VEHICLE

It shall be unlawful for any person to park upon any street, alley, or public place within the city any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle or race the motor of same while on the public streets or alleys of this city, except in case of breakdown or other emergency. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Neb. Rev. Stat. §60-680)

SECTION 4-215: HANDICAPPED AND DISABLED PERSONS

The City Council adopts and promulgates the rules and regulations necessary to fulfill the duties and obligations provided in Neb. Rev. Stat. §§18-1736 to 18-1741.07, dealing with parking for handicapped and disabled persons.

SECTION 4-216: REMOVAL OF ILLEGALLY PARKED VEHICLES

A. Whenever any law enforcement officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of this article, such officer may remove or have such vehicle removed or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of such street or alley or from such street or alley.

B. The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with reasonable towing and storage fees as set by resolution of the City Council. Any such towing or storage fees shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles. (Neb. Rev. Stat. §§60-6,165, 60-680)

Article 3 – Bicycles and Mini-Bikes

SECTION 4-301: BICYCLES; PROHIBITED ACTS

A. Any person who rides a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

B. Any person who rides a bicycle shall not remove his or her feet from the pedals and shall have at least one hand on the handlebars at all times.

C. Any person who operates a bicycle shall not carry any package, bundle, or article which prevents such operator from keeping at least one hand upon the handlebars.

D. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Neb. Rev. Stat. §60-6,315)

SECTION 4-302: BICYCLES; OPERATION

A. No bicycle shall be ridden faster than is reasonable and proper but every bicycle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and public highways. Persons riding bicycles shall observe all traffic signs and stop at all stop signs.

B. Any person who operates a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing shall ride as near to the right-hand curb or right-hand edge of the roadway as practicable except when:

1. Overtaking and passing another bicycle or vehicle proceeding in the same direction;
2. Preparing for a left turn onto a private road or driveway or at an intersection;
3. Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals, or surface hazards;
4. Riding upon a lane of substandard width which is too narrow for a bicycle and a vehicle to travel safely side by side within the lane; or
5. Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in Neb. Rev. Stat. §60-6,142. Any person who operates a bicycle upon a roadway with a posted speed limit of 35 miles per hour or less on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes may ride as near to the left-hand curb or left-hand edge of the roadway as practicable. Whenever a person operating a bicycle leaves the roadway to ride on the paved shoulder or leaves the paved shoulder to enter the roadway, the person shall clearly signal his or her intention and yield the right of way to all other vehicles.

C. Any person who operates a bicycle upon a highway shall not ride more than

single file except on paths or parts of highways set aside for the exclusive use of bicycles.

D. Except as provided in Neb. Rev. Stat. §60-6,142, whenever a usable path for bicycles has been provided adjacent to a highway, a person operating a bicycle shall use such path and shall not use such highway.

E. A local authority may by ordinance further regulate the operation of bicycles and may provide for the registration and inspection of bicycles.

(Neb. Rev. Stat. §60-6,317)

SECTION 4-303: BICYCLES; EQUIPMENT

A. When in use at nighttime, a bicycle shall be equipped with a light visible from a distance of at least 500 feet to the front on a clear night and with a red reflector on the rear of a type which is approved by the Department of Motor Vehicles or a local authority, visible on a clear night from all distances between 100 feet and 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of 500 feet to the rear may be used in addition to such red reflector.

B. Any bicycle used on a highway shall be equipped with a brake or brakes which will enable the operator to stop the bicycle within 25 feet of the point of braking when moving at a speed of 10 miles per hour on dry, level, clean pavement.

(Neb. Rev. Stat. §60-6,318)

SECTION 4-304: MINI-BIKES; DEFINITIONS

For the purposes of this article:

A. "Mini-bike" shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than 14 inches, an engine-rated capacity of less than 45 cubic centimeters displacement, or a seat height less than 25 inches from the ground, or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §§60-6,347, 60-6,352)

B. "Mini-bike" does not include an electric personal assistive mobility device.

C. "Street" or "highway" shall mean the entire width between boundary limits of any street, road, avenue, boulevard, or way, which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Neb. Rev. Stat. §§60-624, 60-6,347, 60-6,352) (Am. Ord. No. 698, 3/15/11)

SECTION 4-305: MINI-BIKES; OPERATION

A. A mini-bike may be operated on streets and highways within the corporate limits of the city only if the operator and the vehicle comply with the provisions herein.

B. A mini-bike may be operated only between the hours of sunrise and

sunset and shall not be operated at a speed in excess of the posted speed limit and in no event in excess of 30 miles per hour. When in operation, a mini-bike as authorized herein shall have the headlights and taillights on and shall be equipped with a safety flag which extends not less than 5 feet above ground attached to the rear of such mini-bike. The safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

C. Any person operating a mini-bike as authorized in subsection (A) herein shall:

1. Have a valid Class O operator's license as provided in Neb. Rev. Stat. §60-4,126; and
2. Have liability insurance coverage for operating the mini-bike on a street or highway. The person operating the mini-bike shall provide proof of such insurance coverage to any law enforcement officer requesting such proof within five days of such a request, showing that the mini-bike was insured at the time the operator was contacted by the law enforcement officer.

D. A mini-bike may be operated without complying with subsections (B) and (C) herein on streets and highways in parades which have been authorized by the state or any of its departments, boards, commissions, or political subdivisions.

E. A mini-bike shall not be operated on any controlled access highway with more than two marked traffic lanes, and the crossing of any controlled access highways with more than two marked traffic lanes shall not be permitted. For the purpose of this section, turn lanes are deemed to be auxiliary lanes and not traffic lanes. The crossing of a highway shall be permitted by a mini-bike without complying with subsections (B) and (C) only if:

1. The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;
2. The mini-bike is brought to a complete stop before crossing the shoulder or roadway of the street or highway;
3. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;
4. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
5. Both the headlights and taillights of the mini-bike are on when the

crossing is made; and

F. The operator of a mini-bike shall not allow the number of passengers of the mini-bike to exceed the manufacturer's passenger specifications.
(Neb. Rev. Stat. §60-6,356) (Am. Ord. No. 698, 3/15/11)

Article 4 – Mopeds and Motorcycles

SECTION 4-401: MOPEDS; DEFINED; STATUTORY REGULATION

“Moped” shall mean a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the device at a maximum design speed of no more than 30 miles per hour on level ground. Mopeds, their owners and their operators shall be subject to the Motor Vehicle Operator's License Act but shall be exempt from the requirements of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Motor Vehicle Safety Responsibility Act. (Neb. Rev. Stat. §§60-122, 60-6,309)

SECTION 4-402: MOPEDS; OPERATOR'S LICENSE

No person shall operate a moped upon a highway unless such person has a valid operator's license or a valid school or learner's permit. (Neb. Rev. Stat. §60-6,310)

SECTION 4-403: MOPEDS; TRAFFIC REGULATIONS APPLICABLE

A. Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application.

B. Regulations applicable to mopeds shall apply whenever a moped is operated upon any highway or upon any path set aside by the Department of Roads or a local authority for the use of mopeds.

(Neb. Rev. Stat. §60-6,311)

SECTION 4-404: MOPEDS; OPERATION; EQUIPMENT

A. Any person who operates a moped shall ride only upon a permanent and regular seat attached to the moped. A person operating a moped shall not carry any other person nor shall any other person ride on a moped unless it is designed by the manufacturer to carry more than one person.

B. A person shall ride upon a moped only while sitting astride the seat, facing forward.

C. No person shall operate a moped while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars.

D. No operator shall carry any person nor shall any person ride in a position that interferes with the operation or control of the moped or the view of the operator.

E. Any moped which carries a passenger shall be equipped with footrests for

such passenger.

F. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars.

(Neb. Rev. Stat. §60-6,312)

SECTION 4-405: MOPEDS; USE OF TRAFFIC LANES

A. A moped shall be entitled to full use of a traffic lane of any highway with an authorized speed limit of 45 miles per hour or less, and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two abreast in a single lane.

B. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.

C. Mopeds shall not be operated more than two abreast in a single lane.

D. Any person who operates a moped on a roadway with an authorized speed limit of more than 45 miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.

E. No person who rides upon a moped shall attach himself, herself, or the moped to any other vehicle on a roadway.

F. Mopeds shall not be operated on sidewalks.

G. Notwithstanding the maximum speed limits in excess of 25 miles per hour established in Neb. Rev. Stat. §[60-6,186](#), no person shall operate any moped at a speed in excess of 30 miles per hour.

(Neb. Rev. Stat. §60-6,313)

SECTION 4-406: MOPEDS; HELMET REQUIRED

A person shall not operate or be a passenger on a moped or motorcycle on any highway, as defined in state statutes, unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, visor, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's *Federal Motor Vehicle Safety Standard No. 218*, 49 C.F.R. 571.218, for motorcycle helmets. (Neb. Rev. Stat. §60-6,279)

SECTION 4-407: MOTORCYCLES; OPERATION

A. Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this

chapter.

B. Any person who operates a motorcycle shall ride only upon a permanent, regular seat attached thereto and shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent, regular seat if designed for two persons or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

C. Any person shall ride upon a motorcycle only while sitting astride the seat, facing forward.

D. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him or her from keeping both hands on the handlebars.

E. No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

F. A motorcycle shall be entitled to full use of a traffic lane of any highway and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

G. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

H. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

I. Motorcycles shall not be operated more than two abreast in a single lane.

J. Subsections (G) and (H) of this section shall not apply to law enforcement officers in the performance of their official duties.

(Neb. Rev. Stat. §§60-6,307, 60-6,308)

SECTION 4-408: MOTORCYCLES; LIGHTS

No person shall ride a motorcycle upon the streets, alleys or highways from one-half hour after sunset to one-half hour before sunrise unless the same shall be equipped with at least one and not more than two headlights, plainly visible from the front; and a light on the rear exhibiting a red light visible under normal atmospheric conditions from a distance of at least 500 feet to the rear thereof; provided, said lights shall comply with the requirements and limitations of state statutes. (Neb. Rev. Stat. §60-6,219)

SECTION 4-409: MOTORCYCLES; HELMET REQUIRED

A person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in state statutes, unless such person is wearing a protective helmet as provided in Section 4-406.

Article 5 – Recreational and Off-Road Vehicles

SECTION 4-501: SNOWMOBILES; EQUIPMENT

A. Every snowmobile operated within the city shall be registered with the State of Nebraska as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one taillamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes as prescribed by the state director of motor vehicles. Every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise; the exhaust system shall not emit or produce a sharp popping or crackling sound.

B. All laws applying to the operation of other motor vehicles shall apply to snowmobiles, except those relating to required equipment and those which, by their nature, have no application.

(Neb. Rev. Stat. §§60-6,332, 60-6,335, 60-6,339)

SECTION 4-502: SNOWMOBILES; UNLAWFUL ACTS

It shall be unlawful for any person to allow a snowmobile, either owned or operated by him or her, to be operated:

A. At a rate of speed greater than reasonable or proper under the surrounding circumstances.

B. In a careless, reckless or negligent manner so as to endanger person or property.

C. While under the influence of alcoholic liquor or any drug.

D. By a person (1) under the age of 12 years unless accompanied by a parent, guardian, or other person over 18 years of age or (2) over the age of 12 years and under the age of 16 years unless such person (a) holds a valid snowmobile safety certificate, (b) is accompanied by a person 14 years of age or over who holds a valid snowmobile safety certificate, or (c) is accompanied by a person over the age of 18 years. The operator of a snowmobile shall not be required to hold an operator's license.

E. Without the proper equipment as required in Section 4-501.

F. In any tree nursery or planting in a manner which damages or destroys growing stock.

G. Upon the public lands owned by the city, except where allowed by resolution of the City Council.

H. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.

I. Within the congested area of the city, except as provided in Section 4-503.

(Neb. Rev. Stat. §§60-6,337, 60-6,338, 60-6,340)

SECTION 4-503: SNOWMOBILES; EMERGENCY OPERATION

A snowmobile may be operated upon a public street or highway other than as

provided herein in an emergency during a period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

SECTION 4-504: SNOWMOBILES; CROSSINGS

A snowmobile may make a direct crossing of a street at any hour of the day if:

A. Crossing is made at an angle of approximately 90° to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

B. The snowmobile is brought to a complete stop before crossing the main traveled way of the street;

C. The driver yields the right of way to all on-coming traffic which constitutes an immediate hazard; and

D. Said crossing is made between the hours of one-half hour after sunset and one-half hour before sunrise under the circumstances set forth in Section 4-505 or during conditions of reduced visibility, said snowmobile shall be equipped with at least one headlamp and one taillamp and both front and rear lights shall be on.

SECTION 4-505: SNOWMOBILES; ACCIDENT; REQUIREMENTS

A. The operator of a snowmobile involved in a collision, accident, or other casualty occurring on any public land, ice, snow, park, right-of-way, trail, or course shall give his or her name and address and the number of such snowmobile in writing to any injured person and to the owner of any property damaged in such collision, accident, or other casualty.

B. When a collision, accident, or other casualty involving a snowmobile results in death or injury to a person or damage to property in excess of \$100.00, the operator of such snowmobile shall within ten days file with the state director of motor vehicles a full report of such collision, accident, or other casualty in such form and detail as the director by regulation may prescribe.

(Neb. Rev. Stat. §60-6,346)

SECTION 4-506: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; DEFINITIONS

A. "All-terrain vehicle" (ATV) means any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 1,200 pounds or less, (3) travels on three or more non-highway tires, and (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger. (Neb. Rev. Stat. §60-6,355)

B. "Utility-type vehicle" (UTV) means any motorized off-highway vehicle which

(1) is 74 inches in width or less, (2) is not more than 180 inches in length, including the bumper, (3) has a dry weight of 2,000 pounds or less, and (4) travels on four or more non-highway tires. "Utility-type vehicle" does not include golf carts or low-speed vehicles. (Neb. Rev. Stat. 60-6,355)

C. "Street" or "highway" means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Neb. Rev. Stat. §60-624)

D. "Controlled-access highway" shall mean every highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or egress from except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway. (Neb. Rev. Stat. §60-615)
(Am. Ord. No. 680, 11/18/08)

SECTION 4-507: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; OPERATION

A. An ATV and a UTV may be operated on streets and highways within the corporate limits of the city only if the operator and the vehicle comply with the provisions of this section.

B. An ATV or UTV may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of 30 miles per hour. When in operation as authorized herein, the headlight and taillight of the vehicle shall be on and it shall be equipped with a bicycle safety flag which extends not less than 5 feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be Day-Glo in color.

C. Any person operating an ATV or UTV as authorized herein shall have:

1. A valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126; and
2. Liability insurance coverage for the ATV or UTV while being operated on a street or highway. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

D. ATVs and UTVs may be operated without complying with subsections (B) and (C) of this section on streets and highways in parades which have been authorized by the city.

E. The operator of the vehicle shall not allow the number of passengers to exceed the manufacturer's passenger specifications.

F. An ATV or a UTV shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (A) through (C) and (F) of this section authorize and apply to operation of an ATV or UTV only on a street or highway other than a controlled-access highway with more than two marked traffic lanes.

G. Subject to subsection (E) of this section, the crossing of a street or highway shall be permitted by an ATV or a UTV without complying with subsections (B) and

(C) of this section only if:

1. The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;
2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;
3. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;
4. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
5. Both the headlight and taillight of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. §60-6,356) (Am. Ord. No. 680, 11/18/08)

SECTION 4-508: GOLF CAR VEHICLES; DEFINITIONS

A. "Golf car vehicle" means a vehicle that: has at least four wheels, has a maximum level ground speed of less than 20 miles per hour, has a maximum payload capacity of 1,200 pounds, has a maximum gross vehicle weight of 2,500 pounds, has a maximum passenger capacity of not more than four persons, is designed and manufactured for operation on a golf course for sporting and recreational purposes, and is not being operated within the boundaries of a golf course. (Neb. Rev. Stat. §60-622.01)

B. "Road" means a public way for the purposes of vehicular travel, including the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)

C. "Street" means a public way for the purposes of vehicular travel in the city and includes the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)

SECTION 4-509: GOLF CAR VEHICLES; OPERATION

A. A golf car vehicle may be operated on streets within the corporate limits of the city if the operation is (1) between sunrise and sunset and (2) on streets with a posted speed limit of 35 miles per hour or less. When operating a golf car vehicle as authorized under this subsection, the operator shall not operate such vehicle at a speed in excess of 20 miles per hour. A golf car vehicle shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street as directed in subsection (C) of this section.

B. Any person operating a golf car vehicle as authorized herein shall have a valid Class O operator's license and the owner of the golf car vehicle shall have liability insurance coverage for the vehicle. The person operating the golf car vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days after such a request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: \$25,000.00 because of

bodily injury to or death of one person in any one accident and, subject to such limit for one person, \$50,000.00 because of bodily injury to or death of two or more persons in any one accident, and \$25,000.00 because of injury to or destruction of property of others in any one accident.

C. The crossing of a highway shall be permitted by a golf car vehicle only if:

1. The crossing is made at an angle of approximately 90° to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
2. The golf car vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
3. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard; and
4. In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(Neb. Rev. Stat. §60-6,381)

Article 6 – Abandoned Vehicles

SECTION 4-601: DEFINITIONS

A. A motor vehicle is an abandoned vehicle:

1. If left unattended, with no license plates or valid “In Transit” stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;
2. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
3. If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
4. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
5. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
6. If removed from private property by the city pursuant to a municipal ordinance.

B. An all-terrain vehicle, a utility-type vehicle, or a mini-bike is an abandoned vehicle:

1. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
2. If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
3. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
4. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
5. If removed from private property by the city pursuant to a municipal ordinance.

C. A mobile home is an abandoned vehicle if left in place on private property for more than 30 days after the city, pursuant to an ordinance or resolution, has sent a certified letter to each of the last registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. Rev. Stat. §60-1903.

D. For purposes of this section:

1. "Mobile home" means a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in Neb. Rev. Stat. §71-4603. "Mobile home" does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. Rev. Stat. §60-169;
2. "Public property" means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property; and
3. "Private property" means any privately owned property which is not included within the definition of public property.

E. No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this section.
(Neb. Rev. Stat. §60-1901)

SECTION 4-602: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (A)(1), (2), (3), or (4) or (B)(1), (2), or (3) of Neb. Rev. Stat. §60-1901.
(Neb. Rev. Stat. §60-1907)

SECTION 4-603: TITLE; VEST IN CITY; WHEN

If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid "In Transit" stickers issued pursuant to Neb. Rev. Stat. §60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest in the city as provided in Neb. Rev. Stat. §60-1904. Any certificate of title issued under this section to the city shall be issued at no cost. (Neb. Rev. Stat. §60-1902)

SECTION 4-604: CITY; POWERS AND DUTIES

A. Except for vehicles governed by Neb. Rev. Stat. §60-1902, the city shall make an inquiry concerning the last registered owner of such vehicle as follows:

1. Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
2. Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

B. The city shall notify the last registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either (1) it will be sold or will be offered at public auction after five days from the date

such notice was mailed or (2) title will vest in the city 30 days after the date such notice was mailed. If the agency described in subdivision (A)(1) or (2) of this section also notifies the city that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

C. Title to an abandoned vehicle, if unclaimed, shall vest in the city (1) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subdivision (B)(1) of this section, (2) 30 days after the date the notice is mailed if the city will retain the vehicle, or (3) if the last registered owner cannot be ascertained, when notice of such fact is received.

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

SECTION 4-605: CUSTODY; WHO ENTITLED

The city shall be entitled to custody of an abandoned vehicle found within the city. (Neb. Rev. Stat. §60-1904)

SECTION 4-606: PROCEEDS OF SALE; DISPOSITION

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

SECTION 4-607: LIABILITY FOR REMOVAL

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

SECTION 4-608: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL; EXCEPTION; VIOLATION

No person other than one authorized by the city shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be

guilty of a Class V misdemeanor. (Neb. Rev. Stat. §60-1908)

SECTION 4-609: COSTS OF REMOVAL AND STORAGE

The last registered owner of an abandoned vehicle shall be liable to the city for the costs of removal and storage of such vehicle. (Neb. Rev. Stat. §60-1909)

Article 7 – Penal Provision

SECTION 4-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 5 – BUSINESS REGULATIONS

ARTICLE 1 – ALCOHOLIC BEVERAGES

- SECTION 5-101: DEFINITIONS**
- SECTION 5-102: ACQUISITION AND POSSESSION**
- SECTION 5-103: DRINKING ON PUBLIC PROPERTY; POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINER**
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- SECTION 5-106: CITY POWERS AND DUTIES**
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CHAPTER 5 – BUSINESS REGULATIONS

Article 1 – Alcoholic Beverages

SECTION 5-101: DEFINITIONS

All words and phrases herein used are to have the definitions applied thereto as defined in the Liquor Control Act of the State of Nebraska. (Neb. Rev. Stat. §53-103)

SECTION 5-102: ACQUISITION AND POSSESSION

It shall be unlawful for any person to purchase, receive, acquire, accept, or possess any alcoholic liquor acquired from any other person other than one duly licensed to handle alcoholic liquor under the Nebraska Liquor Control Act. Nothing in this section shall prevent:

A. The possession of alcoholic liquor for the personal use of the possessor and his or her family and guests, so long as the quantity of alcoholic liquor transported, imported, brought, or shipped into the state does not exceed nine liters in any one calendar month;

B. The making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains or the products thereof by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests;

C. Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for sick and diseased persons from possessing and using alcoholic liquor for the treatment of *bona fide* patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in compounding of prescriptions of licensed physicians;

D. The possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any *bona fide* rite or religious ceremony conducted by such church;

E. Persons who are 16 years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor;

F. Persons who are 16 years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment;

G. Persons who are 16 years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; or

H. Persons who are 19 years old or older from serving or selling alcoholic liquor in the course of their employment.

(Neb. Rev. Stat. §§53-168.06, 53-175, 53-194.03)

SECTION 5-103: DRINKING ON PUBLIC PROPERTY; POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINER

A. Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. Rev. Stat. §53-186(2), it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property. (Neb. Rev. Stat. §53-186[1])

B. It is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this city.

C. Except as provided in Neb. Rev. Stat. §53-186, it is unlawful for any person to consume an alcoholic beverage (1) in a public parking area or on any highway in this city or (2) inside a motor vehicle while in a public parking area or on any highway in this city.

D. This section does not apply to persons who are passengers of, but not drivers of, a limousine or bus being used in a charter or special party service as defined by rules and regulations adopted and promulgated by the state Public Service Commission and subject to Neb. Rev. Stat. Chapter 75, Article 3. Such passengers may possess open alcoholic beverage containers and may consume alcoholic beverages while such limousine or bus is in a public parking area or on any highway in this city if:

1. The driver of the limousine or bus is prohibited from consuming alcoholic liquor; and
2. Alcoholic liquor is not present in any area that is readily accessible to the driver while in the driver's seat, including any compartments in such area.

E. For purposes of this section:

1. "Alcoholic beverage" means (a) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor; (b) wine of not less than one-half of one percent of alcohol by volume; or (c) distilled spirits, which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process

produced. "Alcoholic beverage" does not include trace amounts not readily consumable as a beverage;

2. "Highway" means a road or street including the entire area within the right of way;
3. "Open alcoholic beverage container" means any bottle, can, or other receptacle that (a) contains any amount of alcoholic beverage; and (b) is open or has a broken seal; or (c) the contents of which are partially removed; and
4. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. "Passenger area" does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.
5. "Limousine" shall mean a luxury vehicle used to provide prearranged passenger transportation on a dedicated basis at a premium fare that has a seating capacity of at least five and no more than fourteen persons behind the driver with a physical partition separating the driver's seat from the passenger compartment. "Limousine" does not include taxicabs, hotel or airport buses or shuttles, or buses.

(Neb. Rev. Stat. §60-6,211.08)

SECTION 5-104: CONSUMPTION IN PUBLIC PLACES; LICENSE

It is unlawful for any person owning, operating, managing, or conducting any dance hall, restaurant, café, club, or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises except as permitted by a license issued for such premises pursuant to the Nebraska Liquor Control Act. It is unlawful for any person to consume alcoholic liquor in any dance hall, restaurant, café, club, or any place open to the general public except as permitted by a license issued for such premises pursuant to the act. This division does not apply to a retail licensee while lawfully engaged in the catering of alcoholic beverages or to limousines or buses operated under Neb. Rev. Stat. §60-6,211.08. (Neb. Rev. Stat. §53-186.01)

SECTION 5-105: LICENSE REQUIRED

It shall be unlawful for any person to manufacture for sale, sell, keep for sale, or to barter any alcoholic liquors within the city unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act. (Neb. Rev. Stat. §53-168.06)

SECTION 5-106: CITY POWERS AND DUTIES

A. The City Council is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, craft brewery, and microdistillery licensees carried on within the corporate limits of the city.

B. During the period of 45 days after the date of receiving from the Nebraska Liquor Control Commission an application for a new license to sell alcoholic liquor at retail or a craft brewery or microdistillery license, the City Council may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant.

C. The City Council, with respect to licenses within the corporate limits of the city, has the following powers, functions, and duties with respect to retail, craft brewery, and microdistillery licenses:

1. To cancel or revoke for cause retail, craft brewery, and microdistillery licenses to sell or dispense alcoholic liquor issued to persons for premises within its jurisdiction, subject to the right of appeal to the commission.
2. To enter or authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act (“the act”) to determine whether any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the City Council has been or is being violated and at such time examine the premises of such licensee in connection with such determination. Any law enforcement officer who determines that any provision of the Nebraska Liquor Control Act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the City Council has been or is being violated shall report such violation in writing to the executive director of the commission:
 - a. Within 30 days after determining that such violation has occurred;
 - b. Within 30 days after the conclusion of an ongoing investigation; or
 - c. Within 30 days after the verdict in a prosecution related to such an ongoing investigation if the prosecuting attorney determines that reporting such violation prior to the verdict would jeopardize such prosecution, whichever is later.
3. To receive a signed complaint from any citizen within its jurisdiction that any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon such complaints in the manner provided in the act.

4. To receive retail, craft brewery and microdistillery license fees as provided in Neb. Rev. Stat. §§53-124 and 53-124.01 and pay the same to the city treasurer after the license has been delivered to the applicant.
5. To examine or cause to be examined any applicant or any retail, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the act, to examine or cause to be examined the books and records of any applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the City Council may authorize its agent or attorney to act on its behalf.
6. To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in Neb. Rev. Stat. §53-134.04, it determines that the licensee has violated any of the provisions of the act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. Such order of cancellation or revocation may be appealed to the commission within 30 days after the date of the order by filing a notice of appeal with the commission, which shall handle the appeal in the manner provided for hearing on an application in Neb. Rev. Stat. §53-133.
7. Upon receipt from the commission of the notice and copy of application as provided in Neb. Rev. Stat. §53-131, to fix a time and place for a hearing at which the City Council shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in the city one time not less than seven and not more than 14 days before the time of the hearing. Such notice shall include but not be limited to a statement that all persons desiring to give evidence before the City Council in support of or in protest against the issuance of such license may do so at the time of the hearing. Said hearing shall be held not more than 45 days after the date of receipt of the notice from the commission. After such hearing the City Council shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of such license. The city clerk shall mail to the commission by first-class mail, postage prepaid, a copy of the resolution, which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue such a license, the cost of publication of notice shall be paid by the commission from the security for costs.

D. When the Nebraska Liquor Control Commission mails or delivers to the city clerk a license issued or renewed by it, the clerk shall deliver the license to the licensee upon proof of payment of (1) the license fee if, by the terms of Neb. Rev. Stat. §53-

124(5), the fee is payable to the city treasurer; (2) any fee for publication of notice of hearing before the City Council upon the application for license; (3) the fee for publication of notice of renewal, if applicable, as provided in Neb. Rev. Stat. §53-135.01; and (4) occupation taxes, if any, imposed by the city.

E. Notwithstanding any ordinance or charter power to the contrary, the city shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the city in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license.

(Neb. Rev. Stat. §§53-131, 53-132, 53-134)

SECTION 5-107: LICENSEE REQUIREMENTS

No liquor license shall be issued to any person unless he or she is a resident of Nebraska; is a person of good character and reputation in the community; is a U.S. citizen; has never been convicted of or pled guilty to a felony under the laws of this state, any other state, or the United States; has never been convicted of or pled guilty to any Class I misdemeanor pursuant to Neb. Rev. Stat. §53-125; has never had a liquor license revoked for cause; and meets other requirements as provided in Neb. Rev. Stat. §53-125. (Neb. Rev. Stat. §53-125)

SECTION 5-108: LOCATION

A. Except as otherwise provided in subsection (B) of this section, no license shall be issued for the sale at retail of any alcoholic liquor within 150 feet of any church, school, hospital, or home for indigent persons or for veterans and their wives or children. This prohibition does not apply (1) to any location within such distance of 150 feet for which a license to sell alcoholic liquor at retail has been granted by the commission for two years continuously prior to making of application for license, or (2) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935.

B. If a proposed location for the sale at retail of any alcoholic liquor is within 150 feet of any church, a license may be issued if the Liquor Control Commission gives notice to the affected church and holds a hearing as prescribed in Neb. Rev. Stat. §53-133 if the affected church submits a written request for a hearing.

(Neb. Rev. Stat. §53-177)

SECTION 5-109: ACCESS TO DWELLINGS

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises having any access which leads from such premises to any other portion of the same building used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. Nothing herein shall prevent any

connection with such premises and such other portion of the building that is used only by the licensee, his or her family, or personal guests. (Neb. Rev. Stat. §53-178)

SECTION 5-110: SANITARY CONDITIONS

It shall be unlawful to open for public use any retail liquor establishment that is not in a clean and sanitary condition. Toilet facilities shall be adequate and convenient for customers and patrons and said licensed premises shall be subject to any health inspections the City Council or the county sheriff may make or cause to be made. All applications for liquor licenses shall be viewed in part from the standpoint of the sanitary conditions, and a report concerning the said sanitary conditions shall be made at all hearings concerning the application for or renewal of a liquor license. (Neb. Rev. Stat. §53-118)

SECTION 5-111: CATERING LICENSES

A. The holder of a Class C, Class D, or Class I license issued under Neb. Rev. Stat. §53-124(5) or a craft brewery license may obtain an annual catering license by filing an application and license fee with the Nebraska Liquor Control Commission. (Neb. Rev. Stat. §53-124.12[1])

B. Upon receipt from the commission of the notice and copy of the application as provided in Neb. Rev. Stat. §53-124.12, the City Council shall process the application in the same manner as provided in Section 5-106 (City Powers and Duties). (Neb. Rev. Stat. §53-124.12)

SECTION 5-112: DISPLAY OF LICENSE

Every licensee under the Nebraska Liquor Control Act shall cause his or her license to be framed and hung in plain public view in a conspicuous place on the licensed premises. (Neb. Rev. Stat. §53-148)

SECTION 5-113: HOURS OF SALE

A. For the purposes of this section:

1. "On sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment.
2. "Off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

B. It shall be unlawful for any licensed person or persons or their agents to sell at retail or dispense any alcoholic beverages within the city except during the hours provided herein:

Alcoholic Liquors (except Beer and Wine)	
Monday through Saturday	
Off Sale and On Sale	6:00 a.m. to 1:00 a.m.
Sunday	
Off Sale and On Sale	12:00 noon to 1:00 a.m.
Beer and Wine	
Daily	
Off Sale and On Sale	6:00 a.m. to 1:00 a.m.

C. Such limitations shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a Class C or Class I license.

D. It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between fifteen minutes after the closing hour applicable to the licensed premises and 6:00 a.m. on any day.

E. Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which this section prohibits the sale or dispensing of alcoholic beverages.

(Neb. Rev. Stat. §53-179) (Ord. No. 753, 1/16/18)

SECTION 5-114: INSPECTIONS

The Liquor Control Commission and City Council shall cause frequent inspections to be made on the premises of all retail licensees and if it is found that any such licensee is violating any provision of the Nebraska Liquor Control Act or the rules and regulations of the commission adopted and promulgated under the act or is failing to observe in good faith the purposes of the act, the license may be suspended, canceled, or revoked after the licensee is given an opportunity to be heard in his or her defense.

(Neb. Rev. Stat. §53-116.01)

SECTION 5-115: OWNER OF PREMISES

The owner of any premises used for the sale at retail of alcoholic beverages shall be deemed guilty of a violation of these laws to the same extent as the said licensee if the owner shall knowingly permit the licensee to use the said licensed premises in violation of any municipal code section or Nebraska statute. (Neb. Rev. Stat. §53-1,101)

SECTION 5-116: EMPLOYER

The employer of any officer, director, manager, or employee working in a retail liquor establishment shall be held to be liable and guilty of any act or omission or violation of any law or ordinance. Each such act or omission shall be deemed and held to be the act of the employer and will be punishable in the same manner as if the said act or omission had been committed by him or her personally. (Neb. Rev. Stat. §53-1,102)

SECTION 5-117: HIRING MINORS

It shall be unlawful for any person to hire minors under the age of 19 years to serve or dispense alcoholic liquors, including beer, in the course of their employment. (Neb. Rev. Stat. §53-168.06)

SECTION 5-118: MINORS AND INCOMPETENTS

It shall be unlawful for any person or persons to sell, give away, dispose of, exchange, permit the sale of, or make a gift of any alcoholic liquors or to procure any such alcoholic liquors to or for any minor or any person who is mentally incompetent. (Neb. Rev. Stat. §53-180)

SECTION 5-119: CREDIT SALES

No person shall sell or furnish alcoholic liquor at retail to any person on credit, on a passbook, on an order on a store, in exchange for any goods, wares, or merchandise, or in payment for any services rendered. If any person extends credit for any such purpose, the debt thereby attempted to be created shall not be recoverable at law. Nothing in this section shall prevent any club holding a Class C license from permitting checks or statements for alcoholic liquor to be signed by members or guests of members and charged to the accounts of the said members or guests in accordance with the bylaws of any such club; and nothing in this section shall prevent (A) any hotel or restaurant holding a retail alcoholic beverage license from permitting checks or statements for liquor to be signed by regular guests residing in the said hotel and charged to the accounts of such guests, or (B) any licensed retailer engaged in the sale of wine or distilled spirits from issuing tasting cards to customers. (Neb. Rev. Stat. §53-183)

SECTION 5-120: ORIGINAL PACKAGE

It shall be unlawful for any person or persons who own, manage, or lease any premises in which the sale of alcoholic beverages is licensed to have in their possession for sale at retail any alcoholic liquors contained in bottles, casks, or other containers except in the original package. Nothing in this section shall prohibit the refilling of original packages of alcoholic liquor for strictly private use and not for resale. (Neb. Rev. Stat. §53-184)

SECTION 5-121: CONDUCT PROHIBITED ON LICENSED PREMISES

No licensee in this city shall engage in, allow, or suffer in or upon the licensed premises any disturbances, lewdness, immoral activities or displays, brawls, or unnecessary noise; or allow, permit or suffer the licensed premises to be used in such a manner as to create public censure or become a nuisance, public or private.

SECTION 5-122: AUTOMATIC LICENSE RENEWAL; PROTESTS

A. An outstanding retail license issued by the commission may be automatically renewed by the commission without formal application upon payment of the renewal fee and license fee if payable to the commission prior to or within 30 days after the expiration of the license. The payment shall be an affirmative representation and certification by the licensee that all answers contained in an application, if submitted, would be the same in all material respects as the answers contained in the last previous application. The commission may at any time require a licensee to submit an application, and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the City Council. If a licensee files an application form in triplicate original upon seeking renewal of his or her license, the application shall be processed as set forth in Neb. Rev. Stat. §53-131.

B. Any licensed retail premises located in an area which is annexed by the city shall file a formal application for a license. While such application is pending, the licensee may continue all license privileges until the original license expires or is canceled or revoked. If such license expires within 60 days following the annexation date of such area, the license may be renewed by order of the commission for not more than one year.

C. The city clerk shall cause to be published in a legal newspaper in or of general circulation in the city one time between January 10 and January 30 each year individual notice of the right of automatic renewal of each retail liquor and beer license within the city in the form prescribed by law; provided, Class C license renewal notices shall be published between July 10 and July 30 each year. Upon the conclusion of any hearing required by this section, the City Council may request a licensee to submit an application as provided in Neb. Rev. Stat. §53-135.

D. Written protests to the issuance of automatic renewal of a license may be filed by any resident of the city on or before February 10, 20...., or August 10, 20...., in the office of the city clerk and that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of the license should be allowed.

(Neb. Rev. Stat. §§53-135, 53-135.01)

SECTION 5-123: CITIZENS' COMPLAINT

A. Any five residents of the city shall have the right to file a complaint with the City Council stating that any retail licensee subject to the jurisdiction of the council has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the act. Such complaint shall be in writing in the form prescribed by the City Council and shall be signed and sworn by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based.

B. If the City Council is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it

shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. The complaint must in all cases be disposed of by the City Council within 30 days from the date the complaint was filed by resolution thereof and said resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission as provided in Neb. Rev. Stat. §53-1,115.

C. The following form is hereby prescribed for the use of residents of this city desiring to complain to the mayor and the City Council that any licensee is violating any provision of the Nebraska Liquor Control Act, regulations prescribed by the Nebraska Liquor Control Commission, or any provision of this ordinance:

To the Mayor and City Council of the City of Cambridge, Nebraska:

The undersigned respectfully state:

1. That each one is a resident of the City of Cambridge, Nebraska.

2. That they believe that _____, the holder of a Class ____ license in the aforesaid city, has violated Section _____ of (check one or more):

_____ the Nebraska Liquor Control Act.

_____ the regulations prescribed by the Nebraska Liquor Control Commission.

_____ the municipal code of the City of Cambridge, Nebraska.

3. That the aforesaid belief is based on the following facts, to-wit:

(Name)

(Name)

(Name)

(Name)

(Name)

STATE OF NEBRASKA)
) ss.
COUNTY OF FURNAS)

Subscribed in my presence and sworn to before me by _____,
_____, _____, _____ and
_____ this _____ day of _____, 20____.

My commission expires _____.

Notary Public

(Neb. Rev. Stat. §53-134.04)

SECTION 5-124: COMPLAINT INITIATED BY COUNCIL

The City Council may on its own motion by resolution fix the time and place for a hearing on whether a licensee has violated any section of the Nebraska Liquor Control Act, the regulations of the Nebraska Liquor Control Commission, or this code, which resolution shall state the section or sections in question. Said resolution shall be served in the same manner and within the same time as the initial resolution mentioned in Section 5-123 (Citizens' Complaint), and insofar as possible the procedure shall be the same as is provided in that section. (Neb. Rev. Stat. §53-134)

SECTION 5-125: REVOCATION OF LICENSE

Whenever any licensee has been convicted by any court of a violation of the Nebraska Liquor Control Act, the licensee may, in addition to the penalties for such offense, incur a forfeiture of the license and all money that had been paid for the license. The City Council may conditionally revoke the license subject to a final order of the Liquor Control Commission or the commission may revoke the license in an original proceeding brought before it for that purpose. (Neb. Rev. Stat. §53-116.02)

SECTION 5-126: CHANGE OF PREMISES

Any retailer licensee desiring to transfer his or her license from one premises to another shall file a written request for permission to do so with the city clerk and shall also file with said clerk a sworn statement showing that the premises to which removal is to be made comply in all respects with the requirements of the Nebraska Liquor Control Act, as amended. The city clerk shall present said application and statement to the City Council at its next meeting and it shall by resolution approve or disapprove the transfer. If the transfer is approved, the said approval shall be endorsed on the license by the mayor and attested by the city clerk.

SECTION 5-127: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY

A. County sheriffs and deputies, officers of the Nebraska State Patrol, and any other such law enforcement officers with power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others or who is otherwise incapacitated from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated person to his or her home or to place such person in any hospital, clinic, alcoholism center, or with a medical doctor as may be necessary to preserve life or to prevent injury. Such effort at place-ment

shall be deemed reasonable if the officer contacts those facilities or doctors which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If such efforts are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that civil protective custody shall be used only so long as is necessary to preserve life or to prevent injury and under no circumstances for longer than 24 hours.

B. The placement of such person in civil protective custody shall be recorded at the facility or jail to which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to such person designated by the person taken into civil protective custody.

C. The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for such actions.

D. The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

E. For purposes of this section, "public property" shall mean any public right of way, street, highway, alley, park, or other state-, county-, or city-owned property. "Quasi-public property" shall mean and include private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.
(Neb. Rev. Stat. §53-1,121)

Article 2 – Peddlers and Solicitors

SECTION 5-201: REGISTRATION; FEES; ISSUANCE OF PERMIT; EXPIRATION

A. To prevent the sale of fraudulent, dangerous, and unhealthful goods and services and to protect the public by maintaining records of the products sold and the persons and companies responsible for such sales, all peddlers and solicitors shall register with the city clerk before doing business within the city. Said registration shall contain all the necessary information and documents required by the City Council.

B. The applicant shall pay a registration fee as set by resolution by the City Council and kept on file with the city clerk to cover the cost of processing the application and registering the applicant. The applicant shall also be subject to any occupation taxes and other rules and regulations which the City Council deems appropriate for the purposes stated herein.

C. Any permit so granted shall be subject to revocation for good and sufficient cause. It shall be unlawful for a solicitor, salesperson, or peddler to solicit without a proper permit on his or her person at all times.
(Neb. Rev. Stat. §17-525)

SECTION 5-202: EXCEPTIONS

Nothing herein shall be construed to apply to any person or persons selling produce raised within the county, to wholesale salesmen soliciting merchants directly, or to a representative of a non-profit or charity organization soliciting on behalf of that organization.

SECTION 5-203: HOURS

It shall be unlawful to make calls as a solicitor or peddler to prospective customers before 8:00 a.m. or after 6:00 p.m. any day unless requested to do so by the prospective customer. (Neb. Rev. Stat. §17-134)

Article 3 – Occupation Taxes

SECTION 5-301: PURPOSE

For the purpose of raising revenue, there is hereby levied an occupation tax upon such occupations and businesses carried on within the corporate limits of this city and in such amounts as set by ordinance and placed on file with the city clerk; and every person, firm, association or corporation carrying on the occupation or business specified within the limits of said city shall pay to the city treasury the sum named as a tax upon such occupation or business. All money so collected shall be credited to the general fund, except as provided in Section 5-302(B) as to fire insurance companies. The said money shall be and remain under the control of the City Council for such use and purpose as other monies belonging to the general fund.

SECTION 5-302: LEVY AUTHORIZED

A. The city shall have power to raise revenue by levying and collecting a license tax on any occupation or business within the limits of the city and regulate the same by ordinance. Any occupation tax imposed pursuant to this section shall make a reasonable classification of businesses, users of space, or kinds of transactions for purposes of imposing such tax, except that no occupation tax shall be imposed on any transaction which is subject to tax under Neb. Rev. Stat. §§53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under Neb. Rev. Stat. §77-2704.24. The occupation tax shall be imposed in the manner provided in Neb. Rev. Stat. §18-1208, except that Neb. Rev. Stat. §18-1208 does not apply to an occupation tax subject to Neb. Rev. Stat. §86-704. All such taxes shall be uniform in respect to the classes upon which they are imposed. All scientific and literary lectures and entertainments shall be exempt from such taxation, as well as concerts and other musical entertainments given exclusively by the citizens of the city.

B. The City Council shall have authority, by ordinance, to impose an occupation tax of not more than \$5.00 per annum on each fire insurance corporation, company or association doing business in the city for the use, support and benefit of the volunteer Fire Department. The city clerk shall collect with diligence the occupation tax so imposed. Upon the receipt of the tax, the clerk shall pay over the proceeds thereof to the city treasurer, who shall credit the same to a fund to be known as “special occupation tax fund” for the benefit of the Fire Department. Upon proper claim filed by the fire chief and allowed by the City Council, the treasurer shall pay over the proceeds of the tax in the fund from time to time for the use of the Fire Department as hereinbefore provided.

C. Notwithstanding any ordinance or charter power to the contrary, the city shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the city in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license.
(Neb. Rev. Stat. §§17-525, 35-106, 53-132)

SECTION 5-303: INTERSTATE OR GOVERNMENT BUSINESS

The license tax levied by this ordinance is not levied upon any business or occupation which is interstate or which is done or conducted by any department of the government of the United States, the State of Nebraska, this city or the officers thereof, as such in the course of its or their official duties or by any county or subdivision of this state or its officers.

SECTION 5-304: COLLECTION DATE

All occupation taxes shall be due and payable on May 1 each year, except in the event that the said tax is levied daily. Upon the payment thereof by any person, company or corporation, the city clerk shall give a receipt, dated and specifying the person paying the said tax and the amount paid; provided, occupation taxes collected from Class C liquor licensees shall be due and payable on November 1. All forms and receipts herein mentioned shall be issued in duplicate and one copy shall then be kept by each party in the transaction.

SECTION 5-305: CERTIFICATES

The receipt issued after the payment of any occupation tax shall be the occupation tax certificate, which shall specify the amount of the tax and the name of the person and business that paid the said tax. The occupation tax certificate shall then be displayed in a prominent place or carried in such a way as to be easily accessible while business is being conducted.

SECTION 5-306: FAILURE TO PAY

If any person, company, or corporation fails or neglects to pay the occupation taxes as provided herein on the day they become due and payable, the city shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of 1% per month until paid.

SECTION 5-307: NO REFUND

No person paying occupation tax shall be entitled to a refund of any part of the tax so paid.

Article 4 – Tobacco Sales

SECTION 5-401: LICENSE; APPLICATION; FEE

It shall be unlawful for any person, partnership or corporation to sell, keep for sale or give away in the course of trade any cigars, tobacco, cigarettes or cigarette materials to anyone without first obtaining a license from the city clerk. Said applicant shall file a written application stating the name of the applicant and the exact location of the place of business. The applicant shall deposit with such application a license fee as set by resolution by the City Council and kept on file in the city office. Said license shall then be issued by the clerk and the fee transferred to the local school district. (Neb. Rev. Stat. §§28-1421 through 28-1429)

Article 5 – Electricians

SECTION 5-501: LICENSE REQUIRED

No person other than an employee of the Electric Department or a person, firm or corporation performing services for the city shall in any manner perform any electrical services for compensation within the corporate limits of the city unless such person has first procured from the city clerk an electrician's license.

SECTION 5-502: LICENSE APPLICATION

Any person applying for an electrician's license in the city shall first state the license number and class of license issued by the Electrical Board of the State of Nebraska. No person shall be issued a license to perform electrical services within the corporate limits of the city unless that person has first obtained a Class "A" or Class "B" journeyman's electrical license from the state. The fee for such electrical license shall be as set by resolution by the City Council and kept on file in the city office, payable at the time of the filing of the application for the license. Such license shall extend for a period of ten years or as long as the applicant maintains the required state license, whichever comes first.

Article 6 – Railroad Companies

SECTION 5-601: SAFE CROSSING

It shall be the duty of every railroad company doing business in or traveling through the city to keep in a suitable and safe condition the crossings and right of way in the city. If any such crossing shall at any time fall into disrepair and become unsafe or inconvenient for public travel, the City Council may by resolution call upon the said company to make whatever repairs may be deemed necessary to correct the dangerous condition. Notice of the said resolution shall be served upon the local agent of the said company. In the event that the railroad shall fail or neglect to repair and correct the said condition as aforesaid within 48 hours, neglect for each 24 hours thereafter shall be deemed and is hereby made a separate and distinct offense against the provisions herein. (Neb. Rev. Stat. §§17-551, 17-552)

SECTION 5-602: LIGHTING

It shall be the duty of all railroad companies owning, operating and maintaining a railroad through the city to sufficiently light all crossings and to install as many signal systems as the City Council shall deem necessary at the expense of said company. (Neb. Rev. Stat. §17-561)

SECTION 5-603: OBSTRUCTING TRAFFIC

It shall be unlawful for any railroad company, its employees, or agents operating a railroad through the city to obstruct traffic on any public street, except in the event of an emergency, for a longer period than five minutes at one time. (Neb. Rev. Stat. §§17-551, 17-552)

SECTION 5-604: WARNING

It shall be the duty of every railroad company, and its agents or servants, to sound a whistle while crossing the streets within the corporate limits. When any such train shall be standing between streets, it shall be unlawful for any such company or its servants in charge to start or permit such train or engine to be started without first sounding a whistle for at least 15 seconds before starting.

SECTION 5-605: DRAINAGE

It shall be the duty of any railroad company owning, maintaining or operating a railroad within or through the corporate limits to construct and keep in repair all ditches, drains and culverts along and under their railroad tracks at all places within the corporate limits where the same may be necessary for the escape of water and the proper draining of the territory on either side of the railroad right of way. If the railroad company should fail or neglect to construct or repair the drain, ditch or culvert and to put the same in a proper condition for the escape of water, the City Council shall by resolution order the railroad to provide for the proper drainage of water on the right of way. A

copy of said resolution shall be served on the local agent of the railroad and failure or neglect by the railroad company to correct the drainage within 14 days shall constitute a separate and distinct misdemeanor for each 24 hour period thereafter.

SECTION 5-606: OBSTRUCTING VIEW

It shall be unlawful for any railroad company to obstruct or obscure the traveling public's view by storing or parking any railroad car on a railroad track within 40 feet of the crossing of any such railroad track and a public road within the corporate limits of the city; provided, in no instance shall any person who is authorized to control the movement of such railroad car or cars within such distance be prevented from reasonably conducting his or her business. (Neb. Rev. Stat. §74-1323)

Article 7 – Penal Provision

SECTION 5-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 6 – PUBLIC WAYS AND PROPERTY

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CHAPTER 6 – PUBLIC WAYS AND PROPERTY

Article 1 – Municipal Property

SECTION 6-101: DEFINITIONS

The following definition shall be applied throughout this chapter. When no definition is specified, the normal dictionary usage of the word shall apply:

"Sidewalk space" as used herein shall mean that portion of a street between curb lines and adjacent property lines.

SECTION 6-102: GENERAL AUTHORITY

A. The City Council shall have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the city and shall cause the same to be kept open, in repair, and free from nuisances.

B. The city shall have the power to prevent and remove all encroachments, including snow, ice, and other similar obstructions upon all sidewalks and other city property.

D. The city shall have the power to remove all obstructions from the sidewalks, curbs, gutters, and crosswalks at the expense of the person placing them there or at the expense of the city and to require and regulate the planting and protection of shade trees in and along the streets and the trimming and removing of such trees.

E. The city shall have the power to regulate the building of bulkheads, cellar and basement ways, stairways, railways, windows, doorways, awnings, hitching posts and rails, lampposts, awning posts, all other structures projecting upon or over and adjoining and all other excavations through and under the sidewalks in the city.
(Neb. Rev. Stat. §§17-555, 17-557, 17-557.01, 17-558, 17-567)

SECTION 6-103: 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 City Council. (Neb. Rev. Stat. §17-557)

SECTION 6-104: SNOW MOVING; CULVERTS

Residents of the city removing snow from their own property shall be required to place said snow in such a manner as not to block the roadway or sidewalks. In no event shall any resident deposit snow in road ditches in such a manner as to block any culvert to the extent that drainage water through said culvert is diverted or impeded. The depositing of snow within 5 feet of the opening of a culvert shall be considered a violation of this section without further proof that said culvert has been blocked to an extent whereby water is diverted or impeded.

SECTION 6-105: SIDEWALK SPACE; TREES; PERMIT

A. It shall be unlawful to plant, or allow to grow, any tree within the sidewalk space without first making a written or verbal application and receiving a written permit from the City Council. No fee shall be charged for said permit and nothing herein shall be construed to apply to any existing trees now growing within the sidewalk space.

B. Any tree planted within the sidewalk space shall be deemed to be unlawfully planted and growing and shall, at the discretion of the City Council, be deemed to be a nuisance. When any such tree is declared to be a nuisance, the council shall order, with proper notice, the tree removed at the expense of the owner of the property adjacent to the sidewalk space upon which the tree has been unlawfully planted. If the property owner fails or neglects to remove or cause to be removed the said tree, the council shall order the same removed and assess the expense of such removal against the property adjacent to the sidewalk space wherein the tree is planted and growing.

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

(Neb. Rev. Stat. §§17-557.01, 18-1720) (Am. Ord. No. 645, 7/19/05)

SECTION 6-106: OBSTRUCTIONS

A. It shall be unlawful for any person, persons, firm or corporation to obstruct or encumber by fences, gates, buildings, structures or otherwise any of the streets, alleys or sidewalks.

B. Trees and shrubs growing upon the lot line partially on public ground and partially upon the abutting property or wholly upon the abutting property but so close to the lot line as to interfere with the use or construction of any public improvement or

so that the roots thereof interfere with any utility wires or pipe shall be deemed obstructions. It shall be the duty of owners and occupants to keep all such similar growth trimmed and pruned at all times.

C. The public ways and property shall be considered to be obstructed when the owner or occupant of the adjacent property shall permit or suffer to remain on any premises owned or controlled by him or her any hedge, shrubbery, bush, or similar growth within 2 feet adjacent to the lot line whether or not there is a sidewalk abutting or adjoining such premises.

D. The city may require the removal or trimming of any tree that obstructs or makes passage difficult along any sidewalk, curb, gutter, street, crosswalk, or alley. Notice to abate and remove such nuisance and notice of a right to a hearing and the manner in which it may be requested shall be given to the owner or the owner's authorized agent and to the occupant, if any, by personal service or by certified mail. Within five days after the receipt of such notice, if the owner or occupant of the property does not request a hearing or fails to comply with the order to abate and remove the nuisance, the city may have such work done and may levy and assess all or any portion of the costs and expenses of the work upon the property so benefited in the same manner as other special taxes for improvements are levied and assessed.

E. Said growth may be removed by the city at the expense of the owner of the property upon which the tree or shrub is located should the owner fail or neglect, after notice, to do so. In the event the property owner is a non-resident of the county in which the property lies, the city shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the non-resident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §§17-555, 17-557.01) (Am. Ord. No. 720)

SECTION 6-107: OVERHANGING BRANCHES

A. The owner or occupant of any lot, piece or parcel of ground abutting or adjacent to any street or sidewalk over which the branches of trees extend shall at all times keep the branches or limbs thereof trimmed to a height of at least 8 feet above the surface of said walk and at least 12 feet above the surface of said street.

B. Whenever the limbs or branches of any tree or trees extend over streets or sidewalks contrary to the provisions herein so as to interfere with the lighting of the street from street lights or with the convenience of the public using said street or sidewalk, the City Council may order the owner or occupant to cut or remove said obstructions within five days after having been served with notice stating that the city will remove said branches and charge the costs to the owner or occupant as a special assessment for improvements as herein provided if said notice is not complied with.

C. In the event the property owner is a non-resident of the county in which the property lies, the city shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the non-resident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.
(Neb. Rev. Stat. §17-557.01)

SECTION 6-108: SIGNS AND CANOPIES; PERMIT

A. No person, firm or corporation shall erect or maintain any sign, signboard, poster or rigid canopy over any street, sidewalk, alley or on other public property without first having obtained a permit therefor. Permits for signs, canopies, posters and signboards shall be issued by the city clerk, subject to the approval of the utility supervisor, upon the payment of a fee as set by resolution of the City Council and kept on file in the city office.

B. All signs and canopies extending over any public sidewalk, street, alley or other public place must be securely fastened and constructed so that there will be no danger of the same being dislodged by ordinary winds or falling from other causes.

C. No sign or canopy shall be erected or maintained which extends over any public sidewalk, street, alley or other public place in such a location as to obstruct the view of any traffic light, sign or signal. Upon the written order of the City Council, any person owning or occupying the premises where such a sign, canopy, poster or signboard is located shall cause the same to be removed within the time limit specified on such notice.

SECTION 6-109: CONSTRUCTION MATERIALS; PERMIT REQUIRED

Persons engaged in the erection, construction, reconstruction, wrecking, or repairing of any building or the construction or repair of a sidewalk along any street may occupy the public street space with such building material and equipment so long as is necessary if such persons shall make application to and receive a permit in writing from the utility supervisor to do so; provided, no permit for the occupancy of the sidewalk space and more than one-third of the roadway of the public space adjacent to the real estate on which said building is to be constructed, erected, reconstructed, wrecked, or repaired shall be granted; and provided further, a suitable passageway for pedestrians shall be maintained within the public space included in the permit which shall be protected and lighted in the manner required by the utility supervisor.

SECTION 6-110: BARRICADES AND LIGHTS

Whenever any excavation on any public property, including without limitation parking sites, sidewalks, curbs and streets, occurs within the zoning jurisdiction of the city, the party responsible for the excavation shall provide adequate barricades around the excavation and shall install sufficient warning lights and signs around the excavation to protect the public. (Neb. Rev. Stat. §17-505)

SECTION 6-111: EAVE AND GUTTER SPOUTS

It is hereby declared unlawful for any person to erect or maintain any dwelling or business building within the limits of the city where the said dwelling or building abuts on any sidewalk or street without providing proper guttering and eave spouts to receive the wastewaters that collect on the said sidewalks and streets. All eave spouts erected on any dwelling or business building shall be constructed to drain into the alleys or shall be buried beneath the sidewalks and drain into the streets where it is found to be impossible to drain said eave spouts into the alley.

SECTION 6-112: DAMAGE

It shall be unlawful for any person to willfully, maliciously, or carelessly injure, change, deface, or destroy any street, sidewalk, building, ditch, drain, or grade within the corporate limits. No person shall cause or permit any offensive or corrosive material to be discharged or thrown out upon any street, sidewalk, alley, or public ground.

SECTION 6-113: CUTTING CURB; DRIVEWAY; PERMIT, DEPOSIT; BOND

A. It shall be unlawful for any person to cut into any paving, curb, or sidewalk for the purpose of constructing a driveway or any other purpose without first having obtained a written permit therefor. It shall also be unlawful for any person to construct a driveway where no curb cutting is required without having first obtained a permit following the procedures set out herein.

B. All driveway applications shall contain the following information:

1. The addition, block and lot which the driveway is to serve;
2. The location of the proposed driveway with reference to adjacent lot lines;
3. The width of the driveway and type of street surface to which the driveway will connect.

C. Before any permit for curb cutting is issued:

1. The applicant for such permit shall deposit with the city treasurer a sum set by resolution of the council for all paving, curb, or sidewalk to be cut. Such sum shall be set on a per-square-foot cost of construction basis. The

deposit shall be retained by the city for the purpose of replacing the paving, curb, or sidewalk in the event the work is done by the city. In the event the city elects to require the applicant to replace the paving, curb, or sidewalk, the deposit shall be retained by the city until the work is completed to the satisfaction of the utility supervisor. In addition to making the deposit, the applicant shall, before any permit is issued, execute a bond to the city with a good and sufficient surety or sureties to be approved by the City Council in a sum set by resolution of the council.

2. The applicant shall inform the city clerk of the place where such cutting is to be done and it shall be the utility supervisor's duty to inspect the place of entry into the paving, sidewalk, or curb before the same is cut.

D. Upon approval of said permit by the City Council, the applicant shall be required to build said driveway and complete said curb cut to the city's specifications, including size and type of materials. When the applicant is ready to close the opening made, he or she shall inform the utility supervisor, who shall supervise and inspect the materials used and work done in closing the opening.

E. It shall be discretionary with the City Council to order the utility supervisor, under the supervision and inspection of the city engineer or the committee of the council on streets and alleys, to do the work of cutting and closing the paving and charge the costs thereof to the party who obtained such permit.

(Neb. Rev. Stat. §17-567)

SECTION 6-114: HEAVY EQUIPMENT

A. It shall hereafter be unlawful for any person or persons to move or operate heavy equipment across any curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing on any unpaved street without first having protected such structure with heavy plank sufficient in strength to warrant against the breakage or damage of the same. Hereafter, it shall be unlawful to drive, move, operate, or convey over or across any paved street a vehicle, machine, or implement with sharp discs or sharp wheels that bear upon said pavement; with wheels having cutting edges; or with wheels having lugs, protruding parts, or bolts thereon that extend beyond a plain tire so as to cut, mark, mar, indent, or otherwise injure or damage any pavement, gutter, or curb.

B. Where heavy vehicles, structures, and machines move along paved or unpaved streets, the City Council is hereby authorized and empowered to choose the route over which such moving will be permitted and allowed.

C. Nothing in this section shall be construed to apply to pneumatic tires with metal or metal-type studs not exceeding 5/16 inch in diameter, inclusive of the stud-casting, with an average protrusion beyond the tread surface of not more than 7/64 inch between November 1 and April 1; provided, it shall be permissible (1) for school

buses and emergency vehicles to use metal or metal-type studs any time of the year; (2) to use farm machinery with tires having protuberances which will not damage the streets; and (3) to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to slide or skid.
(Neb. Rev. Stat. §60-6,250)

SECTION 6-115: REAL PROPERTY; ACQUISITION; AUTHORIZATION

When acquiring an interest in real property by purchase or eminent domain, the city shall do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing. (Neb. Rev. Stat. §18-1755)

SECTION 6-116: REAL PROPERTY; ACQUISITION; APPRAISAL

The city shall not purchase, lease-purchase or acquire for consideration real property having an estimated value of \$100,000.00 or more unless an appraisal of such property has been performed by a certified real estate appraiser. (Neb. Rev. Stat. §13-403)

SECTION 6-117: REAL PROPERTY; ACQUISITION; CONSTRUCTION; ELECTIONS, WHEN REQUIRED

A. The city is authorized and empowered to purchase, accept by gift or devise, purchase real estate upon which to erect, and erect a building or buildings for an auditorium, fire station, city building, or community house for housing city enterprises and social and recreation purposes and other public buildings and maintain, manage, and operate the same for the benefit of the inhabitants of the city.

B. Except as provided below, before any such purchase can be made or building erected, the question shall be submitted to the electors of the city at a general election or at an election duly called for that purpose, or as set forth in Neb. Rev. Stat. §17-954, and be adopted by a majority of the electors voting on such question.

C. If the funds to be used to finance the purchase or construction of a building pursuant to this section are available other than through a bond issue, then either:

1. *Notice of the proposed purchase or construction shall be published in a newspaper of general circulation in the city and no election shall be required to approve the purchase or construction unless within 30 days after the publication of the notice a remonstrance against the purchase or*

construction is signed by electors of the city equal in number to 15% of the registered voters of the city voting at the last regular city election held therein and is filed with the City Council. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be considered timely if filed or postmarked on or before the next business day. If a remonstrance with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the city at a general city election or a special election duly called for that purpose. If the purchase or construction is not approved, the property involved shall not then nor within one year following the election be purchased or constructed; or

2. *The City Council may proceed without providing the notice and right of remonstrance required in subdivision (1) of this subsection if the property can be purchased below the fair market value as determined by an appraisal, there is a willing seller, and the purchase price is less than \$25,000.00. The purchase shall be approved by the council after notice and public hearing as provided in Neb. Rev. Stat §18-1755.*

(Neb. Rev. Stat. §§17-953, 17-953.01)

SECTION 6-118: REAL PROPERTY; SALE AND CONVEYANCE

A. Except as provided in Neb. Rev. Stat. §17-503.01, the power of the city to convey any real property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution directing the sale of such real property.

B. After the passage of the resolution directing the sale, notice of all proposed sales of property described in subsection (1) of this section and the terms thereof shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the city.

C. If within 30 days after the third publication of the notice a remonstrance against such sale is signed by registered voters of the city equal in number to 30 percent of the registered voters of the city voting at the last regular municipal election held therein and is filed with the City Council, such property shall not then, nor within one year thereafter, be sold. The procedure for determining the validity of the said remonstrance shall be as provided in Neb. Rev. Stat. §17-503(3).

D. Real property now owned or hereafter owned by the city may be conveyed without consideration to the State of Nebraska for state armory sites or, if acquired for state armory sites, shall be conveyed strictly in accordance with the conditions of Neb. Rev. Stat. §§18-1001 to 18-1006.

E. Following (1) passage of the resolution directing a sale, (2) publishing of the

notice of the proposed sale, and (3) passing of the 30-day right-of-remonstrance period, the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale.

F. Notwithstanding the procedures in subsections (A) through (E) of this section, real property owned by the city may be conveyed when such property:

1. Is sold in compliance with the requirements of federal or state grants or programs;
2. Is conveyed to another public agency; or
3. Consists of streets and alleys.

G. Subsections (A) to (F) of this section shall not apply to the sale of real property if the authorizing resolution directs the sale of an item or items of real property having a total fair market value of less than \$5,000.00. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the city for a period of not less than seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. Confirmation of the sale by passage of an ordinance may be required.

(Neb. Rev. Stat. §§17-503, 17-503.01)

SECTION 6-119: PERSONAL PROPERTY; SALE AND CONVEYANCE

In order to sell personal property owned by the city, the City Council shall adopt a resolution directing the sale and the manner and terms of the sale. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the city for a period of not less than seven days prior to the sale of the property. If the fair market value of the property is greater than \$5,000.00, notice of the sale shall also be published once in a legal newspaper in or of general circulation in such city at least seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. When such personal property is being sold in compliance with the requirements of federal or state grants or programs or conveyed to another public agency, the notice procedure set forth above may be dispensed with. (Neb. Rev. Stat. §17-503.02)

SECTION 6-120: PUBLIC WORKS; SPECIAL ASSESSMENTS; NOTICE

A. Before the city or special taxing district for public works or public improvements shall be formed and before the city or special taxing district may impose any special assessment for public works or public improvements, a copy of any notice required to be published by law shall be mailed to the last known

addresses of all non-resident property owners as shown on the current tax rolls at the time such notice is first published.

B. The city clerk or any other person upon whom the duty is imposed by law to publish notice required by law in regard to the formation of a special taxing district for public works or public improvements shall mail by certified mail with return receipt requested a copy of the published notice in regard to the formation of any special taxing district within the city to the last known address as shown on the current tax rolls of each non-resident property owner.

C. The city clerk or any other person upon whom the duty is imposed by law to publish notice required by law in regard to any special assessment by a special taxing district shall mail by certified mail with return receipt requested a copy of such notice to be published to the last known address as shown on the current tax rolls of each nonresident property owner.

D. The failure of the city clerk or any other person upon whom the duty is imposed by law to mail a copy of a published notice as provided in this section shall invalidate the assessment against the property involved while permitting all other assessments and procedures to be lawful.

E. "Non-resident property owner" shall mean any person or corporation whose residence and mailing address as shown on the current tax rolls is outside the boundaries of the county and who is a record owner of property within the boundaries of the city, special assessment district, or taxing district involved.
(Neb. Rev. Stat. §§13-310 through 13-314)

SECTION 6-121: EMINENT DOMAIN

The city shall have the power:

A. To create, open, widen, or extend any street, avenue, alley, off-street parking area, or other public way or annul, vacate, or discontinue the same; to take private property for public use for the purpose of erecting or establishing market houses; market places; parks; swimming pools; airports; gas systems, including distribution facilities; water systems; power plants, including electrical distribution facilities; sewer systems; or for any other needed public purpose; and to exercise the

power of eminent domain within or without the city limits for the purpose of establishing and operating power plants, including electrical distribution facilities, to supply such city with public utility service and for sewerage purposes, water supply systems, or airports.

B. The procedure to condemn property shall be exercised in the manner set forth in Neb. Rev. Stat. §§[76-704](#) to [76-724](#), except as to property specifically excluded by Neb. Rev. Stat. §[76-703](#) and as to which Neb. Rev. Stat. §§[19-701](#) to [19-707](#) or the Municipal Natural Gas System Condemnation Act is applicable. For purposes of this section, electrical distribution facilities shall be located within the retail service area of such city as approved by and on file with the Nebraska Power Review Board, pursuant to Neb. Rev. Stat. Chapter 70, Article 10.

(Neb. Rev. Stat. §17-559)

Article 2 – Streets

SECTION 6-201: DEDICATION TO PUBLIC USE

No street or alley which shall hereafter be dedicated to public use by the proprietor of ground in the city shall be deemed a public street or alley or be under the use or control of the City Council unless the dedication shall be accepted and confirmed by an ordinance especially passed for such purpose. (Neb. Rev. Stat. §17-567)

SECTION 6-202: MAINTENANCE

It shall be the duty of the city through the utility supervisor to keep all streets properly maintained to such standards as approved by the City Council. It shall be unlawful for any person other than officials of the city to spread gravel or other material on the city streets or to alter the condition of the roadways in any manner other than what would occur during the normal use of said streets and roads.

SECTION 6-203: NAMES AND NUMBERS

The City Council may at any time by ordinance rename any street or provide a name for any new street. Buildings used for residence or business purposes and located along such streets shall retain such numbers as the council may require. Upon the erection of any new building, it shall be the duty of the utility supervisor to assign the proper number to said building and give notice to the owner(s) and occupant(s) of the same.

SECTION 6-204: CROSSINGS

The City Council may order and cause street, avenue, and alley crossings to be constructed under the supervision of the utility supervisor and the same shall be constructed of such materials as the commissioner shall deem necessary. When a petition for the construction of any such crossing is filed by an interested resident in the office of the city clerk, he or she shall refer such application to the utility supervisor, who shall investigate and recommend to the council allowance or rejection as final action by the council on such application.

SECTION 6-205: EXCAVATION

It shall be unlawful for any person to make an excavation in any street for any purpose whatsoever unless a written permit is issued by the utility supervisor, authorizing such excavation. (Neb. Rev. Stat. §17-567)

SECTION 6-206: SNOW, DEBRIS, ETC.

It shall be unlawful to place, push, or deposit snow, sleet, ice, mud, or any lawn debris, including leaves, grass, and branches, from private property onto the streets of the city. (Neb. Rev. Stat. §17-557)

SECTION 6-207: DRIVING STAKES

It shall be unlawful for any person to drive any peg or stake of any kind into the pavement in any street or alley without authorization from the city. (Neb. Rev. Stat. §17-567)

SECTION 6-208: MIXING CONCRETE

It shall be unlawful for any person to mix any concrete or plastering material directly on the street pavement for any reason whatsoever. (Neb. Rev. Stat. §17-567)

SECTION 6-209: HARMFUL LIQUIDS

It shall be unlawful for any person to place or permit to leak in the gutter of any street any waste gasoline, kerosene, or high lubricating oils, which damage or act as a solvent upon said streets. (Neb. Rev. Stat. §17-567)

SECTION 6-210: UTILITY POLES, WIRES, MAINS

A. Poles, wires, gas mains, pipelines, and other appurtenances of public service companies shall be located or erected over, upon, or under the streets, alleys, and common grounds after a proper written application has been made to the city clerk and permission in writing given by the City Council. When requested by the council, public service companies heretofore or hereafter granted right of way for the erection and maintenance of appurtenances for the purpose of transacting their business upon, under, or over the streets, alleys, and public grounds shall at all times erect, locate, or relocate their said appurtenances to such places and in such manner as shall be designated by said council.

B. Such poles, wires, gas mains, pipelines, and other appurtenances shall be removed or relocated by said companies at their own expense when requested to do so by the City Council. Whenever it becomes necessary for the council to request

such relocation for public safety and convenience, it shall order said relocation by resolution and the city clerk shall notify any company or companies affected. Said companies shall, within 48 hours, at their own expense cause the said appurtenances to be removed or relocated. The City Council shall designate another location where said appurtenances may be reset or placed. All appurtenances shall be reset, placed, or erected in such manner that they will not interfere with the water system, sewer system, poles, wires, or mains of any public utility located on the same street or alley or with travel or buildings constructed or hereafter to be constructed. Whenever possible, all said appurtenances shall be confined to the alleys of the city.

SECTION 6-211: DRIVEWAY APPROACHES

The city may require the owner of property served by a driveway approach constructed or maintained upon the street right of way to repair or replace any such driveway approach which is cracked, broken, or otherwise deteriorated to the extent that it is causing or is likely to cause damage to or interfere with any street structure including pavement or sidewalks. At the direction of the City Council, the city clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, requiring the repair or replacement of such driveway approach. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the utility supervisor may cause such work to be done and assess the cost upon the property served by such approach. (Neb. Rev. Stat. §18-1748)

SECTION 6-212: CULVERTS; RIGHT OF WAY

The city may, by resolution, require any property owner to place a culvert in the ditch beneath any driveway or access road onto a resident's property. Said culvert shall be located and constructed in a manner specified by the utility supervisor. Any person desiring to place a culvert in the road ditch adjacent to his or her property shall first request permission to do so and shall agree to construct said culvert in the manner designated by the utility supervisor.

SECTION 6-213: POWER TO IMPROVE, VACATE, ETC.; IMPROVEMENT DISTRICTS; SPECIAL ASSESSMENTS

A. The City Council may grade, partially or to an established grade, change grade, curb, recurb, gutter, regutter, pave, gravel, regravell, widen or narrow streets or roadways, resurface or relay existing pavement, or otherwise improve any streets, alleys, public grounds, or public ways, entirely or partially, and streets which divide the city corporate area and the area adjoining the city; construct or reconstruct pedestrian walks, plazas, malls, landscaping, outdoor sprinkler systems, fountains, decorative water ponds, lighting systems, and permanent facilities; and construct

sidewalks and improve the sidewalk space. These projects may be funded at public cost or by the levy of special assessments on the property especially benefited in proportion to such benefits, except as provided in Neb. Rev. Stat. §§19-2428 to 19-2431.

B. The City Council may by ordinance create paving, repaving, grading, curbing, recurbing, resurfacing, graveling, or improvement districts, to be consecutively numbered, which may include two or more connecting or intersecting streets, alleys, or public ways, and may include two or more of the improvements in one proceeding. All of the improvements which are to be funded by a levy of special assessment on the property especially benefited shall be ordered as provided in Neb. Rev. Stat. §§17-510 to 17-512 unless the council improves a street which divides the city corporate area and the area adjoining the city as provided in Section 6-215 (Petition for Improvements).
(Neb. Rev. Stat. §17-509)

SECTION 6-214: IMPROVEMENT OF STREETS ON CORPORATE LIMITS

A. Whenever the City Council improves any street which divides the city corporate area and the area adjoining the city, the council shall determine the sufficiency of petition as set forth in Section 6-215 by the owners of the record title representing more than 60% of the front footage of the property directly abutting upon the street to be improved, rather than 60% of the resident owners.

B. Whenever the council shall deem it necessary to make any of the improvements allowed by statute on a street which divides the city corporate area and the area adjoining the city, the City Council shall by ordinance create the improvement district pursuant to Section 6-216 (Improvement Districts) and the right of remonstrance shall be limited to owners of record title, rather than resident owners.
(Neb. Rev. Stat. §17-509)

SECTION 6-215: PETITION FOR IMPROVEMENTS

Whenever a petition signed by the owners of record title representing more than 60% of the front footage of the property directly abutting upon the street, streets, alley, alleys, public way, or the public grounds proposed to be improved shall be presented and filed with the city clerk, petitioning therefor, the City Council shall by ordinance create a paving, graveling, or other improvement district or districts and shall cause such work to be done or such improvement to be made. The council shall contract therefor and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street, streets, alley, or alleys especially benefited thereby in such district in proportion to such benefits, except as provided in Neb. Rev. Stat. §§19-2428 to 19-2431, to pay the cost of such improvement. The council shall have the

discretion to deny the formation of the proposed district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the council should deny a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties. (*Neb. Rev. Stat. §17-510*)

SECTION 6-216: IMPROVEMENT DISTRICTS; OBJECTIONS

A. Whenever the City Council deems it necessary to make any improvements as provided in Section 6-213 allowed by statute which are to be funded by a levy of special assessment on the property especially benefited, the council shall by ordinance create a paving, graveling, or other improvement district and after the passage, approval, and publication or posting of such ordinance shall publish notice of the creation of any such district for six days in a legal newspaper of the city, if a daily newspaper, or for two consecutive weeks if a weekly newspaper. If no legal newspaper is published in the city, the publication shall be in a legal newspaper of general circulation in the city.

B. If the owners of the record title representing more than 50% of the front footage of the property directly abutting on the street or alley to be improved file with the city clerk within 20 days after the first publication of such notice written objections to the creation of such district, such improvement shall not be made as provided in such ordinance but the ordinance shall be repealed. If objections are not filed against the district in the time and manner prescribed in this section, the City Council shall immediately cause such work to be done or such improvement to be made, shall contract for the work or improvement, and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street or alley especially benefited in such district in proportion to such benefits to pay the cost of such improvement. (*Neb. Rev. Stat. §17-511*)

SECTION 6-217: IMPROVEMENT OF MAIN THOROUGHFARES

The City Council shall have power by a three-fourths vote to enact an ordinance creating a paving, graveling or other improvement district and to order such work to be done without petition upon any federal or state highways in the city or upon a street or route designated by the council as a main thoroughfare, connecting to either a federal or state highway or a county road. The council shall contract therefor and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street, alley or alleys especially benefited thereby in such district in proportion to such benefits to pay the cost of such improvement. (*Neb. Rev. Stat. §17-512*)

SECTION 6-218: IMPROVEMENTS; ASSESSMENT AND COLLECTION

Assessments for improvements made under the provisions herein shall be made and

assessed in the following manner:

A. Such assessments shall be made by the City Council at a special meeting, by a resolution, taking into account the benefits derived or injuries sustained in consequence of such improvements, and the amount charged against the same, which, with the vote thereon by “yeas” and “nays,” shall be spread at length upon the minutes. Notice of the time of holding such meeting and the purpose for which it is to be held shall be published in a newspaper published or of general circulation in said city at least four weeks before the same shall be held or, in lieu thereof, personal service may be had upon persons owning or occupying property to be assessed.

B. All such assessments shall be known as “special assessments for improvements” and shall be levied and collected as a separate tax, in addition to the taxes for general revenue purposes, and shall be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other city taxes.

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

(Neb. Rev. Stat. §17-524)

SECTION 6-219: IMPROVEMENTS WITHOUT PETITION OR CREATION OF DISTRICT

A. The city may, without petition or creating a street improvement district, grade, curb, gutter, and pave:

1. Any portion of a street otherwise paved so as to make one continuous paved street, but the portion to be so improved shall not exceed two blocks, including intersections, or 1,325 feet, whichever is the lesser;
2. Any unpaved street or alley which intersects a paved street for a distance of not to exceed one block on either side of such paved street; and
3. Any side street or alley within its corporate limits connecting with a major traffic street for a distance not to exceed one block from such major traffic street.

B. Those improvements may be performed upon any portion of a street or alley or any unpaved street or alley not previously improved to meet or exceed the minimum standards for pavement set by the city for its paved streets.

C. In order to defray the costs and expenses of these improvements, the mayor and City Council may levy and collect special taxes and assessments or issue paving bonds as provided in Neb. Rev. Stat. §18-2003. (Neb. Rev. Stat. §§18-2001 through 18-2004)

SECTION 6-220: CONSTRUCTION NOTICE

The City Council through the city clerk shall notify the owners in fee simple of real estate abutting a street, alley, or a part thereof which is to be put under contract for paving or repaving. Notice shall also be given to all gas, electric service, and telephone companies. Notice shall also be given to all consumers of gas, water, and sewer services which will be discontinued during such construction. Said notice shall be published one time in a legal newspaper at least 20 days prior to the beginning of such construction by the party undertaking such construction and said notice shall state at what date connections must be made and excavation completed. All gas, water, sewer, and underground connections must be made prior to the paving or repaving of the street under construction. After expiration of such time, permits for excavation will not be issued nor will excavation be allowed until after the completion of the pavement in said street or alley and the formal final acceptance thereof by the proper officials of the city.

SECTION 6-221: VACATING PUBLIC WAYS

The city shall have power to open, widen, or otherwise improve or vacate any street, avenue, alley, or lane within the limits of the city or village and also to create, open, and improve any new street, avenue, alley, or lane. All damages sustained by the citizens or by the owners of the property therein shall be ascertained in such manner as shall be provided herein.

A. Title; All of Street Vacated. Whenever any street, avenue, alley, or lane is vacated, the same shall revert to the owners of the abutting real estate, one-half on each side thereof, and become a part of such property unless the city reserves title in the ordinance vacating such street or alley. If title is retained by the city, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the city.

B. Title; Portion of Street Vacated. When a portion of a street, avenue, alley, or lane is vacated only on one side of the center thereof, the title to such land shall vest in the owner of the abutting property and become a part of such property unless the city reserves title in the ordinance vacating a portion of such street or alley. If title is retained by the city, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the city.

C. *Filing of Certified Copy.* When the city vacates all or any portion of a street, avenue, alley, or lane, the city shall, within 30 days after the effective date of the vacation, file a certified copy of the vacating ordinance with the county register of deeds to be indexed against all affected lots.

D. *Conditions.* The title to property vacated pursuant to this section shall be subject to the following:

1. There is reserved to the city the right to maintain, operate, repair, and renew public utilities existing at the time title to the property is vacated there; and
2. There is reserved to the city, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on, or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish such purposes at any and all reasonable times.

(Neb. Rev. Stat. §17-558)

Article 3 – Sidewalks

SECTION 6-301: DUTY TO KEEP CLEAN

It shall be unlawful for the occupant of any lot or lots or the owner of any vacant lot or lots within the corporate limits to allow snow, sleet, mud, ice, or other substance to accumulate on any sidewalk or to permit any snow, sleet, ice, mud, or other substance to remain upon said sidewalk. In the event that the occupant or property owner fails to keep the sidewalk clear after notice by the city to do so, the city may clean the sidewalks at the expense of the owner or occupant of the property upon which the sidewalk is located. All sidewalks shall be cleaned as soon as possible after the cessation of a storm. (*Neb. Rev. Stat. §§17-557, 17-557.01*)

SECTION 6-302: CONSTRUCTION OR REPAIR; ORDERED BY CITY

A. Every owner of any lot or piece of land within the corporate limits shall at all times keep and maintain the sidewalk along and contiguous to said lot, lots, or pieces of land in good and proper repair and in a condition reasonably safe for travel for all travelers thereon.

B. The mayor and council may construct and repair sidewalks or cause the construction and repair of sidewalks in such manner as they deem necessary and assess the expense of such construction or repairs on the property in front of which such construction or repairs are made, after having given notice:

1. By publication in one issue of a legal newspaper in or of general circulation in such city and
2. By either (a) causing a written notice to be served upon the occupant in possession of the property involved or (b) to be posted upon such premises ten days prior to the commencement of such construction or repair.

C. All sidewalks shall be constructed or repaired in conformity with such plans, specifications, and materials as may be approved by the City Council.

D. If any owner shall fail to construct or repair any sidewalk in front of his or her property within the time and in the manner as directed herein after having received due notice to do so, the mayor and council may cause the sidewalk to be constructed or repaired and may assess the cost thereof against the property. The owner shall be liable for all damages or injury occasioned by reason of the defective or dangerous condition of any sidewalk.

E. In the event the property owner is a non-resident of the county in which the property lies, the city shall, before levying any special assessment against that

property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the non-resident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

F. The powers conferred under this section are in addition to those provided in Neb. Rev. Stat. §§17-509 to 17-521 and may be exercised without creating an improvement district.
(Neb. Rev. Stat. §17-522)

SECTION 6-303: CONSTRUCTION OR REPAIR BY OWNER; APPLICATION, PERMIT

A. Any person desiring to construct or cause to be constructed any sidewalk shall do so only as provided herein. It shall be unlawful for any person to construct any sidewalk without first having made application with the city clerk and obtaining a permit. The public works director shall issue the desired permit unless good cause shall appear why said permit should be denied. The permit shall give a description of the lot or piece of land along which the sidewalk is to be constructed.

B. All sidewalks shall be built and constructed on the established grade or elevation, and if there is no established grade, then on the grade or elevation indicated by the public works director. If it is desired to construct the sidewalk at any other than the regularly prescribed location, grade, elevation, and thickness, the public works director shall submit the application to the City Council, which shall determine whether the permit should be granted or denied.

SECTION 6-304: IMPROVEMENTS; ASSESSMENT AND COLLECTION

Assessments for improvements made under the provisions herein shall be made and assessed as provided in Section 6-218 (Improvements; Assessment and Collection).
(Neb. Rev. Stat. §17-524)

SECTION 6-305: CONSTRUCTION BY PETITION; IMPROVEMENT DISTRICT; SPECIAL ASSESSMENTS; ABUTTING OWNER

A. If the owners of the record title representing more than 60% of the front footage of the properties directly abutting upon the street proposed to be improved with a sidewalk shall sign a petition and present it to the city clerk for filing, petitioning therefor, the City Council shall by ordinance create a paving or other improvement district, cause such work to be done or such improvement to be made, contract therefor, and levy special assessments on the lots and parcels of land abutting on or adjacent to such streets or alleys specially benefited thereby in such district in

proportion to such benefits, except as provided in Neb. Rev. Stat. §§19-2428 to 19-2431, to pay the cost of such improvement. The City Council may deny the formation of the proposed district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the council denies a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties.

B. Upon the petition of any property owner who is an abutting owner in fee simple of property subject to assessment for sidewalk improvements, the City Council may order permanent sidewalks built in accordance with this article upon the owner making, executing, and delivering to the city an agreement to the effect that the petitioning freeholder will pay the engineering service fee and all other incidental construction costs which until paid shall be a perpetual lien upon the real estate along which the owner desires such sidewalk to be constructed and that the petitioner gives and grants to the city the right to assess and levy the costs of such construction against the owner's real estate abutting the sidewalk improvement and promises to pay such costs with interest. The total cost of such improvement shall be levied, allocated, financed, and specially assessed as provided by law.

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

(Neb. Rev. Stat. §17-510)

Article 4 – Penal Provision

SECTION 6-401: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 7 – PUBLIC UTILITIES

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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: CITY POWERS; RATE SETTING

A. The city currently owns and operates a water supply and distribution system, a sanitary sewer disposal and treatment system, and an electricity distribution system. The city has the right and power to tax assets and collect from its residents payment for use of the water supplied to them by the water system, for use of the sewer system, and for use of the electricity supplied to them by the electric system. The City Council is authorized to establish by ordinance such rates for water, sewer, and electric services, as well as garbage collection service provided by a contract hauler, as may be deemed fair and reasonable.

B. There shall be two classes of building sewer permits: (A) for residential and commercial service and (B) for service to establishments producing industrial wastes. In either case, the owner or his or her agents shall make application, supplemented by any plans, specifications or other information considered pertinent in the judgment of the utility supervisor.

C. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such rates, taxes, or rent shall be paid and collected and such lien enforced in such manner as the council shall by ordinance direct and provide. All such rates, taxes, or rent shall be on file in the office of the city clerk for public inspection.

(Neb. Rev. Stat. §§17-538, 17-542)

SECTION 7-102: MANDATORY USE OF CITY SERVICES

All residents of the city shall be required to subscribe to city utility services. Said residents shall be subject to the assessment and payment of charges for such utility services as set from time to time by the City Council.

SECTION 7-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT; FEES

A. Each person applying for utility services shall make a security deposit as set by resolution by the City Council and kept on file in the city office. The security deposit may be waived if the consumer can provide a credit history from a previous utility demonstrating that he or she is in good standing for the consecutive, preceding 12 months and without delinquent payments to the previous utility. A deposit can be returned to a consumer at the discretion of the city provided the consumer has been in good standing with the city and without delinquent payments for the previous 12 months. At the time any service deposit is returned to the consumer, the city will not pay any interest that may have accrued on such amount.

B. If such applicant ceases to utilize such service within one year of the time of

application or upon termination of service for other reasons, such deposit shall be returned to the consumer subject to any setoff which the city may claim from such consumer for unpaid water, sewer, electric, and/or garbage collection service.

C. In the event the consumer has had utility service from the city for more than one year and requests to establish an additional utility service, the city may in its discretion waive the security deposit if the service user has maintained a flawless credit history with the city.

D. Existing water, sewer, electric, and/or garbage collection customers shall be required to make a cash deposit which shall be designated as a security deposit when their account becomes delinquent more than twice in any 12-month period. Existing electric, water, sewer and/or garbage collection customers shall be required to make an additional deposit in the event his or her utilities are disconnected for nonpayment. Said deposit amounts shall be as set by resolution by the City Council and kept on file in the city office.

E. A permit and inspection fee and a tap fee for a residential or commercial building sewer permit or for an industrial building sewer permit shall be paid to the city clerk at the time the application for permit is filed. A tap fee shall also be assessed for new water service. Such fees shall be as set by resolution by the City Council and kept on file in the city office.

F. No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity in this city shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings.

(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601) (Am. Ord. 689, 10/20/09)

SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and rates set forth in this chapter shall be considered a part of every application hereafter made for utility services and shall be considered a part of the contract between the city and every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use of the water, sewer and electric systems by a new consumer thereof and the furnishing of water, sewer and electric service to said consumer shall constitute a contract between the consumer and the city, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the utility supervisor may cut off or disconnect the water or electric service from the building or premises of such violation. No further connection for service to said building or premises shall again be made save or except by order of said supervisor.

C. Contracts for water, sewer or electric service are not transferable. Any person wishing to change from one location to another shall make a new application and sign

a new contract. If any consumer shall sell, dispose of, or move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the city clerk, who shall cause the water, sewer or electric service to be shut off at the said premises. If the consumer should fail to give such notice, he or she shall be charged for water, sewer or electric monthly until the city is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-537)

SECTION 7-105: **BILLING AND COLLECTIONS; DELINQUENCY; TERMINATION**

A. Utility bills shall be due and payable monthly for all utilities including water, sewer, electricity, and/or garbage collection at the office of the city clerk. All meters of consumers shall be read by the utility supervisor or his or her agent on or about the 15th day of each month. Bills for all city utilities shall be due and payable at the office of the city clerk on the first day of each month. Bills for utilities paid after the 10th day of each month shall have a penalty charge added thereto in an amount set by ordinance by the City Council. Bills not paid by the 15th day of the month following the end of each month shall be deemed to be delinquent.

B. Upon being deemed to be delinquent, as herein defined, the city clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. Any customer who fails to pay his or her bill after receiving such demand shall be subject to discontinuance of service as provided in Section 7-106. The City Council shall assess an additional fee for resumption of service as set by resolution of the council and filed at the office of the city clerk.

(Neb. Rev. Stat. §§17-538, 17-542) (Am. Ord. Nos. 554, 6/1/98; 637, 3/15/05)

SECTION 7-106: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

A. No city utility shall discontinue service to any domestic subscriber for non-payment of any due account unless such utility shall first give written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination, weekends and holidays excluded. As to any subscriber who has previously been identified to the utility as a recipient of assistance from the Department of Social Services, such notice shall be by certified mail to the subscriber and to Social Services.

B. The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the city regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or

complaint;

5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the city may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or a resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility service to that household. Such certificate shall be filed with the city within five days of receiving notice under this section and will prevent the disconnection of the utility service for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of nonpayment of any past due account;
8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the city for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bills and that they should contact their caseworkers in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the City Council.

C. A domestic subscriber may dispute the proposed discontinuance of service by notifying the city with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the city may discontinue services.

D. Whenever the city shall discontinue service of a city utility to a domestic subscriber for nonpayment of any due account, the city clerk shall assess a non-refundable additional reconnection fee to compensate the city for costs incurred to restore the service of such utility. A reconnection charge shall be assessed to the domestic subscriber who has been disconnected for nonpayment and requests reconnection during regular business hours. A greater reconnection charge shall be assessed to a domestic subscriber who requests reconnection to city utilities after regular employee working hours, weekends or holidays. Such reconnection charges shall be as set by resolution by the City Council and kept on file in the city office.

E. This section shall not apply to any disconnections or interruptions of services made necessary by the city for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(Neb. Rev. Stat. §§70-1603, 70-1604, 70-1606, 70-1608) (Am. Ord. No. 637, 3/15/05)

SECTION 7-107: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the city for utilities service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The city clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of utility charges. It shall be the duty of the city clerk to report monthly to the mayor and City Council a list of all unpaid accounts due for utility services, together with a description of the premises served. The report shall be examined and if approved by the council, shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503) (Ord. No. 613, 7/1/03)

SECTION 7-108: INSPECTIONS

The utility supervisor or his or her duly authorized agents shall have free access at any reasonable time to each premises and building to or in which utilities are supplied for the purpose of examining the pipes, fixtures, wires and other portions of the utility systems to ascertain whether there is any disrepair or unnecessary waste; provided, in the event of an emergency such inspections may take place at any time. (Neb. Rev. Stat. §§17-537, 17-902)

SECTION 7-109: DESTRUCTION OF PROPERTY

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, machinery, apparatus, fixture, attachment, appurtenance, or equipment which is part of the water, sewer or electric systems. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION 7-110: UNLAWFUL EXTENSIONS

It shall be unlawful for any person to construct an extension to the sewer or water systems to land annexed into the city limits or to any land newly subdivided within the city limits without first having plans and specifications for such construction approved by a licensed engineer and the City Council.

**SECTION 7-111: DIVERSION OF SERVICES; METER TAMPERING,
UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE**

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed

without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

B. If water meters are not in use in the city, any person who connects any pipe or conduit supplying water without the knowledge and consent of the supplier of such product in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without the knowledge and consent of the supplier, and any person who knowingly uses or knowingly permits the use of water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

C. Any person who reconnects electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 or Section 7-106 of this code shall be deemed guilty of an offense.

D. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it without the knowledge and consent of the supplier of the electricity, electric current, gas, or water passing or intended to pass through such meter shall be deemed guilty of an offense.

E. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is *prima facie* evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.

(Neb. Rev. Stat. §§25-21,275 through 25-21, 278, 28-515.02)

SECTION 7-112: DIVERSION OF SERVICES; PENALTY

A. The city may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts bypassing, tampering, or unauthorized metering when such act results in damages to a city utility. The city may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering, or unauthorized metering.

B. In any civil action brought pursuant to this section, the city shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering, to recover as damages:

1. The amount of actual damage or loss if such amount may be reasonably calculated; or

2. Liquidation damages of \$750.00 if the amount of actual damage or loss cannot be reasonably calculated.

C. In addition to damage or loss under subdivision (B)(1) or (2), the city may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering, including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorney's fees in cases within the scope of Neb. Rev. Stat. §25-1801.

D. There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (2) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

E. There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.

F. The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws, and the remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies.

(Neb. Rev. Stat. §§25-21,276, 25-21,277)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

A. The city owns and operates the Water Department through the utility supervisor. The mayor and City Council, for the purpose of defraying the cost of the care, management, and maintenance of the Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the water fund and shall remain in the custody of the city treasurer.

B. The utility supervisor shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. The supervisor shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the mayor and City Council. The council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection during office hours.

(Neb. Rev. Stat. §§17-531, 17-534, 19-1305)

SECTION 7-202: DEFINITIONS

The following definitions shall be applied throughout this section. Where no definition is specified, the normal dictionary usage of the word shall apply.

"Main" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to and dispersing the same in the city.

"Separate premises" is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building, or structure used for a separate business.

"Service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.

"Supply pipe" is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premises where the shut-off, stop box, or curb cock is located.

SECTION 7-203: CONNECTION TO WATER SYSTEM; PRIVATE WELLS PROHIBITED

A. The city through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons whose property is within 300 feet of a main

shall be required, upon notice by the mayor and City Council, to hook up with the city water system.

B. The city may furnish water service to persons within its corporate limits whose premises are not within 300 feet of the said main; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide water service to persons whose property line is not within 300 feet of the said main.

C. Each building hereafter erected shall be connected with the water system at the time of its erection. In the event any owner, occupant, or lessee shall neglect, fail, or refuse to make such connection within a period of ten days after the notice has been given to do so by regular mail or by publication in a newspaper in or of general circulation in the city, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the water bills in the manner provided for collection of other special taxes or assessments or to collect in the manner provided for the collection of water bills as provided herein.

D. No private water supply or private water supply system shall be constructed or enlarged within the corporate limits of the city for the purpose of providing water for domestic use and shall not be connected to the pipes of the Water Department. No water piping supplied, used or useful in connection with any private water system shall be connected to the system in any manner whatsoever.

(Neb. Rev. Stat. §17-532)

SECTION 7-204: SERVICE TO NONRESIDENTS

The Water Department shall not supply water service to any person outside the corporate limits without special permission from the mayor and City Council; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. All mains, service pipe and supply lines shall meet the standards set by the City Council in regard to size of lines, material used and workmanship and further be subject to inspection by the utility supervisor prior to being backfilled. Nothing herein shall be construed to obligate the city to provide water service to nonresidents. (Neb. Rev. Stat. §§17-537, 19-2701)

SECTION 7-205: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders, or flux used in the installation or repair of any residential or nonresidential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301)

SECTION 7-206: WATER METERS REQUIRED; LAWFUL USE

All municipal water use shall be metered as provided in this article. Municipal water shall not be utilized to irrigate crops or other agricultural products; provided, watering of gardens and lawns with municipal water shall be allowed.

SECTION 7-207: INSTALLATION; EXPENSE; TAP FEE

A. The city shall pay the cost of tapping the water main, installing the meter, and providing fixtures and labor up to and including the stop box at the lot line of the customer. The city shall furnish the meter but it is the responsibility of the consumer to install said meter. No person other than the utility supervisor or his duly authorized agent shall tap the main. The customer shall pay a tap fee in such sum as the supervisor shall require in each case, pursuant to resolution of the City Council.

B. Excluding the above costs of tapping the main, installing the meter and installing the stop box, the customer shall, at his or her own expense, bring water service from the stop box up to and upon his or her own premises and shall employ a licensed plumber to install water service to the place of dispersion.

C. Nonresidents shall pay such installation charges in such sums as the utility supervisor, pursuant to resolution of the City Council, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts.

(Neb. Rev. Stat. §17-542)

SECTION 7-208: REPAIRS AND MAINTENANCE

A. The city shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his or her own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersion. When leaks occur in service pipes, the utility supervisor shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the supervisor.

B. All water meters shall be kept in repair by the city at its expense. When meters are worn out, they shall be replaced and reset by the city at its expense; provided, if the customer permits or allows a water meter to be damaged, injured, or destroyed through his or her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the utility supervisor shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer.

C. All meters shall be tested at the customer's request at his or her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the city shall bear the expense of such test. The city reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the city shall always have the right to place a new meter on the customer's water

service fixtures at city expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the utility supervisor.

(Neb. Rev. Stat. §17-537)

SECTION 7-209: PLUMBER'S LIABILITY

All work by plumbers shall be done in the manner required by the utility supervisor and shall be at all times subject to the inspection and approval of the supervisor. Plumbers who connect with the public water system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the utility supervisor. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

SECTION 7-210: INSTALLATION OR REPAIR; PROCEDURE

A. A consumer changing or causing to be changed the depth of the existing water line by means of excavation or altering the slope of the landscape will have the responsibility of lowering the existing water line service at the consumer's expense to a depth that conforms with the depth of the water line services abutting the consumer's property. It will be the consumer's responsibility to notify the utility supervisor before any alteration commences. It will be the supervisor's responsibility to reconnect the consumer only after he or she has inspected the alterations and duly noted that the altered water line service was lowered to a depth of approximately 5 to 6 feet that will prevent water line freezing. In the event that the consumer fails to comply, resulting in said water line freezing, it will be the consumer's financial responsibility in assuming all costs resulting from the freeze up.

B. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving and earth must be removed and deposited in a manner that will be least inconvenient to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade and, during the night, warning lights.

C. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the utility supervisor shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer.

D. All installations or repairs of pipes require two inspections by the utility supervisor: (1) when connections or repairs are completed and before the pipes are covered and (2) after the dirt work is completed and the service is restored. It is the

customer's responsibility to notify the supervisor at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the supervisor; provided, the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. (Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 7-211: WATER RATES

All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the utility supervisor to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again. (Neb. Rev. Stat. §§17-540, 17-542)

SECTION 7-212: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the city on the account of the Water Department, and faithfully account for and pay to the city treasurer all revenue collected. Billing and collection procedures are set forth in Section 7-105. (Neb. Rev. Stat. §17-540)

SECTION 7-213: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants and it shall be unlawful for any person other than (A) members of the Fire Department under the orders of the fire chief or the assistant chief or (B) employees of the Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants without permission of the utility supervisor. The city shall pay into the city treasury for the credit of the Water Department an amount per year for each of the said hydrants as set by resolution by the City Council and kept on file in the city office.

SECTION 7-214: POLLUTION PROHIBITED

No person shall place in, near or around the city wells, storage tanks or any other part of the waterworks system of the city any dirt, filth or impure substance whatsoever or any substance or fluid by which the water could be rendered impure, unpalatable or dangerous for human or animal consumption. (Neb. Rev. Stat. §17-536)

SECTION 7-215: CROSS-CONNECTIONS; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING

A. A customer of the Water Department may be required by the utility supervisor to install and maintain at his or her expense a properly located backflow prevention

device appropriate to the potential hazards set forth in Nebraska Department of Health, Title 179, and approved by the utility supervisor.

B. The customer shall make application to the utility supervisor to install a required backflow prevention device on a form provided by the city. The application shall contain at a minimum the name and address of the applicant, the type of potential hazard protection required, and the type of backflow device to be installed, including brand and model number. The supervisor shall approve or disapprove the application based on his opinion of whether such installation will protect the city water distribution system from potential backflow and cross-connection hazards.

C. The installation of the device shall be subject to all other sections of this code dealing with installation of plumbing, including the use of a licensed plumber, if applicable.

D. Every backflow prevention device equipped with a test port shall be tested as often as required by the city but at least once each year by a Grade 6 certified water operator, with test results certified to the city as often as required but in no case more than 30 calendar days after the test. Such certification shall be made on a form available at the office of the city clerk.

E. All customers of the Water Department shall be required to report to the utility supervisor at least every five years any potential backflow hazards which may be on their premises.

F. Any decision of the utility supervisor may be appealed to the City Council.

SECTION 7-216: FLUORIDE PROHIBITED

No fluoride or fluoride compound shall be added to the water supply of the city. (Ord. No. 675, 11/18/08)

SECTION 7-217: WELLS AND OTHER UNDERGROUND FACILITIES; CONTAMINATING FACILITIES; GEOTHERMAL WELLS; PERMITS

A. It shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate limits or zoning jurisdiction of the city without first having obtained the proper permit from the City Council: potable water well; any other well; sewage lagoon; absorption of disposal field for water; dumping grounds; feedlot; livestock pasture or corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well.

B. In order to obtain a permit to drill and/or operate any of the facilities listed above, the owner of the property on which the proposed facility is to be located must

make application to the City Council. Such application must be presented to the council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the above-described facilities, the City Council must approve or deny said permit.

C. Any well utilizing the geothermal properties of the ground shall have the following properties:

1. Must be a closed loop system.
2. Joints must be made by heat fusion.
3. Antifreeze must be potassium acetate, propylene glycol, or other food grade substance.
4. Wells must be sealed from bottom to top with a cement slurry.
5. Piping will consist of polybutylene or polyethylene pipe.
6. Will be located no closer than 100 feet to the city’s drinking water source.

D. It shall be unlawful to cause pollution to or be in a position to cause pollution to the public water supply by willfully or carelessly allowing the following facilities, acts, or events within the specified footage of any city public water supply well. The following facilities, acts, or events shall be defined as nuisances for purposes of this section:

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

E. The above distances are taken from Nebraska HHS Title 179, Chapter 2, and will change automatically if said distances are revised. (Nebraska DHHS 4/4/10)

F. Any unlawfully existing use of land which exists prior to the adoption of these regulations and does not comply with the requirements of these regulations may be continued, as long as otherwise lawful and so long as it is not specified to be terminated by these regulations or by the owner.

G. In the event any facility as described herein is installed or operated (1) without first having obtained a permit from the city and/or (2) within the designated number of feet from the city water supply, then such facility shall be deemed a nuisance

and the City Council shall abate such facility as a public nuisance pursuant to Chapter 3, Article 4 of this code.

(Ord. No. 590, 7/3/01)

SECTION 7-218: RESTRICTED USE; DISCLAIMER OF LIABILITY

The mayor and City Council or the utility supervisor may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire, drought, or other good and sufficient cause. The city shall in no manner be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs, or the shutoff is caused by the freezing of the main; the breaking of any pipe or service cock; a shortage of water due to accident; circumstances over which the city has no control; or any act of God. (Neb. Rev. Stat. §17-537)

SECTION 7-219: WATER EMERGENCY; DEFINITIONS; CLASSES OF USE

A. The following definitions shall be applied throughout this ordinance. Where no definition is specified, the normal dictionary usage of the word shall apply:

1. "Water" shall mean water available to the city for treatment by virtue of its water rights or any treated water introduced by the city into its water distribution system, including water for sale at any coin-operated site.
2. "Customer" shall mean the customer of record using water for any purpose from the city's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
3. "Waste of water" includes but is not limited to (a) permitting water to escape down a gutter, ditch, or other surface drain; or (b) failure to repair a controllable leak of water due to defective plumbing.

B. The following classes of uses of water are established:

1. *Class 1:* Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools, or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
2. *Class 2:* Water used for any commercial or industrial purpose, including agricultural, except water actually necessary to maintain the health and personal hygiene of bona fide employees while they are engaged in the performance of their duties at their places of employment.
3. *Class 3:* Domestic usage, other than that which would be included in either Classes 1 or 2.

4. *Class 4:* Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

(Ord. No. 593, 9/18/01)

SECTION 7-220: WATER EMERGENCY; DECLARATION OF WATCH, WARNING, OR EMERGENCY

A. Whenever the City Council finds that conditions indicating that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare by resolution that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared to have ended by resolution of the council. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

B. Whenever the City Council finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared to have ended by resolution of the council. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper.

C. Whenever the City Council finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared to have ended by resolution of the council. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper.

(Ord. No. 593, 9/18/01)

SECTION 7-221: WATER EMERGENCY; VOLUNTARY CONSERVATION

Upon the declaration of a water watch or water warning as provided herein, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including but not limited to limitations on the following uses: (A) sprinkling of water on lawns, shrubs or trees, including golf courses; (B) washing of automobiles; (C) use of water in swimming pools, fountains and evaporative air conditioning systems; and (D) waste of water. (Ord. No. 593, 9/18/01)

SECTION 7-222: WATER EMERGENCY; MANDATORY CONSERVATION

Upon the declaration of a water supply emergency, the mayor is also authorized to implement certain mandatory water conservation measures including but not limited to the following:

A. Suspension of new connections to the city's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the city prior to the effective date of the declaration of the emergency;

B. Restrictions on the uses of water in one or more classes of water use, wholly or in part;

C. Restrictions on the sales of water at coin-operated facilities or sites;

D. The imposition of water rationing based on any reasonable formula including but not limited to the percentage of normal use and per capita or per consumer restrictions;

E. Complete or partial bans on the waste of water; and

F. Any combination of the foregoing measures.

(Ord. No. 593, 9/18/01)

SECTION 7-223: WATER EMERGENCY; EMERGENCY WATER RATES

Upon the declaration of a water supply emergency, the City Council shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for but are not limited to: (A) higher charges for increasing usage per unit of use (increasing block rates); (B) uniform charges for water usage per unit of use (uniform unit rate); or (C) extra charges in excess of a specified level of water use (excess demand surcharge). (Ord. No. 593, 9/18/01)

SECTION 7-224: WATER EMERGENCY; REGULATIONS

During the effective period of any water supply emergency, the mayor is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the City Council at its next regular or special meeting. (Ord. No. 593, 9/18/01)

SECTION 7-225: WATER EMERGENCY; VIOLATIONS; DISCONNECTIONS; PENALTIES

A. If the mayor or other city official charged with implementation and enforcement of this ordinance or a water supply emergency resolution learns of any violation of any water use restrictions imposed herein, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record or any other person known to the city who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall

describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the city determines is reasonable under the circumstances.

B. If the order is not complied with, the city may terminate water service to the customer subject to the following procedures:

1. The city shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City Council or a city official designated as a hearing officer;
2. If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
3. The City Council or hearing officer shall make findings of fact and order whether service should continue or be terminated.

C. A fee shall be paid for the reconnection of any water service terminated pursuant to subsection (A). In the event of subsequent violations, the reconnection fee shall be increased for the second and any subsequent reconnections. Said fees shall be set by resolution by the City Council and kept on file in the city office.

SECTION 7-226: WATER EMERGENCY; AUTHORIZATION

Nothing in this ordinance shall limit the ability of any properly authorized city official to terminate the supply of water to any or all customers upon the determination of such official that emergency termination of water service is required for protection of the health and safety of the public. (Ord. No. 593, 9/18/01)

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

A. The city owns and operates the sewer system through the utility supervisor. The mayor and City Council, for the purpose of defraying the cost of the management and maintenance of the sewer system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the sewer maintenance fund.

B. The utility supervisor shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the mayor and City Council. The council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection during office hours.

(Neb. Rev. Stat. §17-925.01)

SECTION 7-302: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning 5 feet outside the inner face of the building wall.

"Building sewer" shall mean and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

"Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

"Public sewer" shall mean a sewer that is controlled by public authority.

"Sanitary sewer" shall mean a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Sewer system" shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

"Utility supervisor" shall mean the superintendent of the city sewage system or his authorized deputy, agent or representative.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 7-303: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES

A. It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage, or other objectionable waste in any unsanitary manner on public or private property within the city, within one mile of the corporate limits thereof, or in any area under the jurisdiction of said city.

B. It shall be unlawful to discharge to any natural outlet within the city, within one mile of the corporate limits thereof or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsection (E) below.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank or other similar facility intended or used for the disposal of sewage.

D. Storm water and all other unpolluted drainage including surface water, subsurface drainage, ground water, and roof runoff shall be discharged to specifically designated combined sewers or storm sewers or to a natural outlet approved by the utility supervisor. Industrial cooling water or unpolluted process water may be discharged, on approval of the utility supervisor, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the city for such costs, which shall be as determined by the utility supervisor. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any pump which pumps any of the above-identified kinds of water for any purpose whatsoever.

E. No person shall discharge or cause to be discharged any hazardous waters or wastes into the city sewer system. Specific prohibitions in reference to hazardous discharges, options for handling the same, compliance procedures, and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

F. In addition to the other remedies that are provided by this chapter for violations of this code, the city shall have the right to secure the abatement of any connection or discharging violation of this section.

SECTION 7-304: CONNECTION TO SEWER SYSTEM

A. The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the city is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within ten days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

B. The city may furnish sewer service to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid, provided that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide sewer service to persons whose property line is not within 300 feet of the said public sewer.

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of ten days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the city, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.

(Neb. Rev. Stat. §§17-149.01, 18-503)

SECTION 7-305: SERVICE TO NONRESIDENTS

The Sewer Department shall not supply sewer service to any person outside the corporate limits without special permission from the mayor and City Council; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide sewer service to nonresidents. (Neb. Rev. Stat. §19-2701)

SECTION 7-306: INSTALLATION EXPENSE; TAP FEE

All costs and expenses incident to the installation and connection of sewer service shall be borne by the customer. Said expenses shall include any needed repairs to return the streets and sidewalks to their previous condition. The customer shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service. The sewer tap shall be done by the city. The customer shall pay a tap fee in such sum as the supervisor shall require in each case, pursuant to resolution of the City Council. All fees required by this section shall be due and payable in advance of the inspection or sewer connection. The customer of the Sewer Department, upon approval of his or her application, shall be responsible for procuring the supplies and labor necessary to bring the sewer service from the main onto the property to be served. (Neb. Rev. Stat. §18-503) (Am. Ord. No. 549, 4/20/98)

SECTION 7-307: REPAIRS AND MAINTENANCE

A. The Sewer Department may require the owner of any property which is connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utility supervisor, provided the same have been previously approved by the City Council.

B. The city clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the utility supervisor shall complete the work and charge the cost of such repairs or replacement to the customer.
(Neb. Rev. Stat. §18-1748)

SECTION 7-308: PLUMBER'S LIABILITY

All work by plumbers shall be done in the manner required by the utility supervisor and shall be at all times subject to the inspection and approval of the supervisor. Plumbers who connect with the public sewer system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the utility supervisor. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

SECTION 7-309: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

All installation or repair of any part of the sewerage system shall be done under the

supervision of the utility supervisor and strictly in accordance with the rules, regulations, and specifications on file at the city office and prescribed for such installation by the city engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. Where the material proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines, and service lines. (Neb. Rev. Stat. §18-503)

SECTION 7-310: INSTALLATION; USE OF EXISTING SEWERS

Old building sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the utility supervisor, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the supervisor shall notify the owner to make the necessary changes to conform to the provisions of the municipal code.

SECTION 7-311: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Neb. Rev. Stat. §18-503)

SECTION 7-312: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the utility supervisor for purposes of disposal of polluted surface drainage. If responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

SECTION 7-313: SEWER RATES

All sewer customers shall be liable for the minimum rate provided by ordinance. (Neb. Rev. Stat. §18-509)

SECTION 7-314: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the city on the account of the Sewer Department, and faithfully account for and pay to the city treasurer all revenue collected. Billing and collection procedures are set forth in Section 7-105. (Neb. Rev. Stat. §17-540)

SECTION 7-315: MANHOLES

Entrance into a manhole or opening for any purpose except by authorized persons is prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

Article 4 – Electric Department**SECTION 7-401: OPERATION AND FUNDING**

A. The city owns and operates the electric system through the utility supervisor. The City Council, for the purpose of defraying the cost of the care, management and maintenance of the electric system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the electrical fund and shall remain in the custody of the city treasurer.

B. The utility supervisor shall have the direct management and control of the electric system and shall faithfully carry out the duties of his or her office. He or she shall have the authority to adopt rules and regulations for the safe and efficient management of the electric system subject to the supervision and review of the City Council. The council shall, by ordinance, set the rates to be charged for services rendered and shall file the same in the office of the city clerk for public inspection at any reasonable time.

(Neb. Rev. Stat. §§17-902 through 17-904, 17-906, 17-909)

SECTION 7-402: TERMS OF SERVICE

The city through its Electric Department shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits as and when according to law the City Council may see fit to do so.

SECTION 7-403: INSTALLATION EXPENSE

The expense of installation and equipment up to the house or building to be served shall be paid by the city. The city shall install the meter. The expense of installation and wiring at the point of the house or building shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner. (Neb. Rev. Stat. §17-902) (Am. Ord. No. 553, 6/1/98)

SECTION 7-404: ELECTRIC RATES

All electricity consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the utility supervisor to shut off the power, in which case he or she shall not be liable thereafter for electricity usage until it is turned on again.

SECTION 7-405: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the city on the account of the Electric Department, and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-105 and 7-106. (Neb. Rev. Stat. §17-902)

SECTION 7-406: REPAIRS

All repairs to the electric system up to the lot line of the customer shall be paid by the city. All repairs to the wire and other appurtenances from the lot line to the points of distribution, including the meter, shall be paid by the customer. In the case of nonresidents, the customer shall pay for all repair and replacement from the corporate limits to the points of distribution on the customer's premises.

SECTION 7-407: RESTRICTED USE

The electric system does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment and machinery to do so. The utility supervisor has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The city shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers but shall not be liable for damages resulting from interruption of service due to causes over which the city has no control and the city expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Neb. Rev. Stat. §17-902)

SECTION 7-408: BUILDING MOVING

Should any house or building moving occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the electric system, the same should not be done except upon written permission received from the utility supervisor, who shall then order paid in advance the actual cost of moving the said wires and such cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing and replacing the said wires or apparatus of the electric system shall be paid out of the deposit made prior to moving and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, if in the course of moving the said building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded.

SECTION 7-409: METER IN DISREPAIR

In the event that any customer's meter falls out of repair or fails to register properly, the utility supervisor shall charge such customer the same amount billed one year previous to such disrepair. In the event that there is no such basis for comparison, the utility supervisor shall charge the customer such amount as he or she deems is fair both to the

customer and the city.

SECTION 7-410: TRIMMING TREES

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the electric system shall, before doing the said work, give reasonable written notice to the utility supervisor and shall follow any and all rules and regulations which he or she may prescribe for doing such work. It shall be unlawful for any person felling or removing such trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the electric system, the City Council shall have the power to order any overhanging branches or limbs of trees to be cut and removed so that the lines will be free and safe.

SECTION 7-411: POSTING SIGNS

It shall be unlawful for any person to post, tack or fasten to the poles, structures, fixtures or equipment of the electric system any sign, poster, advertisement or banner without written permission from the utility supervisor.

Article 5 – Sanitation Department**SECTION 7-501: COLLECTION AND DISPOSAL**

The city shall contract for the disposal of nonhazardous solid waste from residential, commercial, institutional, and governmental premises. Such wastes shall be disposed of on a regularly scheduled basis and shall be disposed of only in a licensed landfill facility meeting all state and federal criteria. (Neb. Rev. Stat. §19-2106)

SECTION 7-502: COLLECTION BY CONTRACTOR

The contractor shall have charge of the collection of garbage, refuse and ashes within the corporate limits. Transportation and collection thereof shall be made from all premises as scheduled by the contractor only. The material shall be properly stored for collection in closed or covered containers. Fees shall be as set by the City Council and kept on file in the office of the city clerk. Should the amount of garbage from an establishment or place exceed the normal amount for such place so that the fee prescribed for such collection is not fair and reasonable as applied to that particular place, the contractor shall recommend to the City Council the establishment of a special rate for such customer.

SECTION 7-503: NUISANCE; ABATEMENT

A. It shall be unlawful and declared to be a nuisance for any person to keep in, on, or about any dwelling, building, or premises or any other place within the city any decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the city unless the same is kept in approved receptacles, not exceeding a 20-gallon capacity, as nearly airtight as may be practical.

B. No person shall permit garbage, refuse, or rubbish to collect. All persons shall remove the same within 24 hours after being notified to do so by the Board of Health. Any person having garbage, rubbish, waste or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover or a durable plastic container that is securely tied at its opening. The contents of all garbage cans shall be removed at least once a week in residential premises and twice a week in commercial premises. All building materials shall be removed by the property owner.

C. It shall be unlawful and declared to be a nuisance to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, or rubbish of any kind.

(Neb. Rev. Stat. §§17-123.01, 19-2106)

SECTION 7-504: DEAD ANIMAL DISPOSAL

All dead animals shall be immediately removed and buried by the owner of such animals and, if the owner of such animal cannot be found within two hours after discovering the same, then such animal shall be removed by the city at the expense of the owner. Dead animals shall not be buried within the corporate limits of the city, nor within one mile thereof, nor in or above the course of ground water that is used for drinking purposes by the city or its inhabitants.

SECTION 7-505: PUBLIC DUMPSTER

A. "Public dumpster" shall mean any dumpster not assigned to a particular residence, business, or combination thereof, which is available to the residents of the city.

B. It shall be unlawful for any person(s) to use any public dumpster for the following:

1. Yard waste;
2. Tires;
3. Construction waste by either a contractor or home or business owner doing major construction which would require a Site Plan and Land Use permit issued by the city;
4. Dead animals;
5. Concrete, brick, rock or asphalt; or
6. Hazardous materials or other waste prohibited by landfills of the state.

C. It shall be unlawful for any person(s):

1. To pile excess garbage or waste of any kind outside of any dumpster; or
2. To remove any material from any dumpster without prior permission from the city.

D. It shall be unlawful for any person or persons who are not residents within the city limits to use any public dumpster.

E. In the event that any person shall use a public dumpster unlawfully, and is convicted of such, he or she shall be fined any sum not exceeding \$500.00, plus the landfill fees, and shall be ordered to pay the costs of such prosecution.

(Ord. No. 724, 5/5/14)

SECTION 7-506: HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL HANDLING

A. Any person, firm, or corporation within the city generating or creating hazardous waste or waste requiring special handling or disposal shall be responsible for the transportation and disposal of the same. All such handling and disposal shall in all respects comply with state and federal laws and regulations pertaining to the specific type of waste generated.

B. "Hazardous waste" shall mean any waste designated or defined as a hazardous waste by N.A.C. Title 128, *Rules and Regulations Governing Hazardous Waste Management in Nebraska*, which for purposes of general definition is a solid waste which, because of quantity, concentration, or physical, chemical, or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
(Neb. Rev. Stat. §81-1516)

Article 6 – Penal Provision

SECTION 7-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 8 – PUBLIC SAFETY

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- SECTION 8-102: DUTIES OF DEPARTMENT**
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CHAPTER 8 – PUBLIC SAFETY

Article 1 – Fire Department

SECTION 8-101: OPERATION AND FUNDING; AGREEMENT WITH RURAL FIRE DISTRICT

A. The city operates the Fire Department through the fire chief and firefighters. The fire chief shall manage the Fire Department. The City Council, for the purpose of defraying the cost of the management, maintenance and improvement of the Fire Department, may each year levy a tax not exceeding the maximum limits prescribed by state law on the actual valuation of all real estate and personal property within the city that is subject to taxation. The revenue from the said tax shall be known as the Fire Department fund. The fund shall be at all times in the possession of the city treasurer.

B. The city shall have power to procure fire engines and other apparatus, to organize fire engine companies, and to prescribe rules of duty and the government thereof with such penalties as the City Council may deem proper, not exceeding \$100.00; and to make all necessary appropriations therefor.

C. The City Council may levy a tax annually of not more than \$0.07 on each \$100.00 upon the taxable value of all the taxable property within the city for the maintenance and benefit of the volunteer Fire Department. The amount of such tax shall be established at the beginning of the year and shall be included in the adopted budget statement. Upon collection of such tax, the city treasurer shall disburse the same upon the order of the fire chief with the approval of the City Council.

D. The Fire Department is authorized to enter into an agreement with the appropriate Rural Fire District for the mutual aid and protection of the residents of both the city and the Rural Fire District. Such an agreement shall provide for mutual aid, protection and a sharing of necessary expenses between the city and the Rural Fire District. The agreement so entered into shall be on file in the office of the city clerk for public inspection during office hours.
(Neb. Rev. Stat. §§17-147, 17-718, 35-501, 35-530)

SECTION 8-102: DUTIES OF DEPARTMENT

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires, to protect property within the city, and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

SECTION 8-103: FIRE CHIEF

A. The fire chief shall be **elected by the members of the Fire Department.** He shall manage the Fire Department and it shall be his duty to inform the City Council when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the council, the fire chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same. It shall be the duty of the fire chief to come before the City Council at the regular meeting in January each year to give a report of the general condition and the proposed additions or improvements recommended by him.

B. The fire chief shall, on the first day of April and October each year, file with the city clerk a certified copy of the rolls of all members in good standing in their respective companies.

C. **The chief shall enforce all laws and ordinances covering the prevention of fires, the storage and use of explosives and flammable substances, the installation of fire alarm systems, the regulation of fire escapes, and the inspection of all premises requiring adequate fire escapes.** The fire chief shall have the right to enter at all reasonable hours into buildings and upon all premises within his jurisdiction for the purpose of examining the same for fire hazards and related dangers. The chief shall investigate the cause, origin, and circumstances of any fire arising within his jurisdiction.

D. The chief shall keep or cause to be kept a record of all meetings of the Fire Department, the attendance record of all members, and a record of all fires, making a full report of such records to the city clerk each year. The record of any fire shall include the cause, origin, circumstances, property involved and whether criminal conduct may have been involved. In the event of sizable property damage, the chief shall include information of whether such losses were covered by insurance and, if so, in what amount. All records shall be available to the public at any reasonable time.

(Neb. Rev. Stat. §§ 17-505, 35-102, 35-108, 81-506, 81-512)

SECTION 8-104: MEMBERSHIP

A. The Fire Department shall consist of so many members as may be decided by the City Council. The members may organize themselves in any way they may decide, subject to the review of the council.

B. The volunteer Fire Department shall not have upon its rolls at one time more than 25 persons for each engine company in the Fire Department. Members in good standing are those who keep their dues promptly paid up and are present and render active service when called out for the legitimate purposes of the Fire Department.

C. Volunteer firefighters of the Fire Department shall be deemed employees of the city while in the performance of their duties as members of the department. Members of the volunteer Fire Department, before they are entitled to benefits under the Nebraska Workers' Compensation Act, shall be recommended by the fire chief or some person authorized to act for the chief for membership therein to the mayor and City Council, and upon confirmation shall be deemed employees of the city. After confirmation to membership, members of the department may be removed by a majority vote of the council and thereafter shall not be considered employees of the city. Firefighters shall be considered as acting in the performance and within the

course and scope of their employment when performing activities outside of the corporate limits of the city but only if directed to do so by the fire chief or some person authorized to act for the chief.

D. The City Council shall purchase and maintain in force a policy of group term life insurance to age 65 covering the lives of all of the active volunteer fire personnel, except that when any such person serves more than one city or rural fire protection district, the policy shall be purchased only by the first city or district which he or she serves. The policy shall provide a minimum death benefit of \$10,000.00 for death from any cause and shall, at the option of the insured, be convertible to a permanent form of life insurance at age 65. The coverage of such policy shall terminate as to any individual who ceases to be an active volunteer member of the department.

E. The City Council may compensate or reimburse any member of the Fire Department for expenses incurred in carrying out his or her duties in an amount set by resolution.

F. All members of the Fire Department shall be subject to such rules and regulations and shall perform such duties as may be prescribed or required of them by the fire chief or the City Council. The members of the department shall, during the time of a fire or great public danger, have and exercise the powers and duties of police officers and shall have full power and authority to arrest all persons guilty of any violation of the city code or the laws of the state.

G. Members of the Fire Department may hold meetings and engage in social activities with the approval of the City Council. The secretary shall, upon request, keep a record of all meetings and shall make a report to the council of all meetings and activities of the Fire Department.

H. Any volunteer firefighter testifying as a witness in connection with his or her officially assigned duties, in that capacity alone, shall not be deemed an employee of the State of Nebraska or the city.

(Neb. Rev. Stat. §§33-139.01, 35-101 through 35-103, 35-108, 48-115)

SECTION 8-105: EQUIPMENT

It shall be unlawful for any person except the fire chief and the members of the Fire Department to molest, destroy, handle, or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the city. Fire equipment may not be removed from the Fire Department without prior approval of department personnel. (Neb. Rev. Stat. §28-519)

SECTION 8-106: COMMUNICATIONS EQUIPMENT

No unauthorized person shall operate any radio or communications equipment of the Fire Department. All persons authorized to operate said equipment shall do so only as authorized by the license granted to that particular piece of equipment and shall strictly comply with all of the rules and regulations established.

SECTION 8-107: LAWFUL BURNING OF PROPERTY FOR TRAINING AND SAFETY PROMOTION

Property may be lawfully destroyed by burning such structures as condemned by law, structures no longer having any value for habitation or business, or no longer serving any useful value in the area in which situated, and any other combustible material that will serve to be used for test fires to educate and train members the Fire Department and promote fire safety. Before any structure may be destroyed by fire for training and educational purposes, it must be reported to the state fire marshal and a permit issued for that purpose. Any expense incurred in burning a structure shall be assumed by the department. (Neb. Rev. Stat. §28-506)

SECTION 8-108: IMPERSONATING FIREMAN

It shall be unlawful for any person to falsely personate a fireman by wearing a badge or other apparel usually worn by a fireman for the purpose of obtaining any benefit whatsoever. Nothing in this section shall be construed to prohibit the theatrical representation of a fireman for bona fide entertainment purposes when there is no intent to defraud. (Neb. Rev. Stat. §28-609)

Article 2 – Ambulance/Rescue Unit

SECTION 8-201: OPERATION AND FUNDING

The city operates the Ambulance/Rescue Unit through the EMTs. The Ambulance/Rescue president shall manage the unit. The City Council, for the purpose of defraying the cost of the management, maintenance and improvement of the Ambulance/Rescue Unit, may each year levy a tax not exceeding the maximum limits prescribed by state law on the actual valuation of all real estate and personal property within the city that is subject to taxation. The revenue from the said tax shall be known as the Ambulance/Rescue Unit fund. The fund shall be at all times in the possession of the city treasurer.

SECTION 8-202: NAME OF ORGANIZATION

This organization shall be known as the Cambridge Ambulance/Rescue Unit (Company 2 of Cambridge Fire Department).

SECTION 8-203: MEMBERS; LEVELS; REQUIREMENTS

A. There shall be three levels of membership:

1. Active members are those members who are fulfilling all the listed requirements set forth in the constitution and bylaws.
2. Inactive members give up the right to vote and the right to participate in the insurance program, unless the premiums are paid by the said inactive members.
3. Probationary members are those members who will demonstrate their proficiency by completing a minimum of 10 runs and/or transfers.

B. The requirements for membership to the Cambridge Ambulance/Rescue:

1. Shall have attained the age of 18;
2. Shall be a resident of the city, unless waived by the membership;
3. Shall have successfully completed an EMT course;
4. Shall maintain a current card of competency;
5. Shall receive a majority vote of a quorum of active members.

SECTION 8-204: MEETINGS; QUORUM; ORDER OF BUSINESS

A. The business/training meeting shall be held on the last Sunday of each month at 7:30 pm at the Fire Barn, unless otherwise informed. A quorum shall consist of a majority of active members for the purpose of any transaction of business.

B. Order of business:

1. Opening roll call
2. Reading of minutes from past meeting
3. Communications received
4. Reports of committees
5. Unfinished business
6. Discuss the month's runs
7. New business
8. Good of the department
9. Adjournment
10. Training exercise

C. It shall be the duty of all members to attend the regular monthly meeting/training sessions. Any member who intends to be absent shall notify any officer of his intention. Any member will be dropped from the roll of the department with three consecutive unexcused absences.

SECTION 8-205: OFFICERS; TERMS; NOMINATION

The officers of this organization shall be known as Ambulance/Rescue president, vice-president, secretary-treasurer, training officer, supply officer, and publicity chairman.

A. All officers shall hold their respective offices for a period of one year, except that president is a two-year term, or until a successor shall be elected.

B. The officers of this department shall be nominated in a written or voice ballot by the EMTs at the meeting on the last Sunday of January each year.

SECTION 8-206: OFFICERS AND MEMBERS; DUTIES

A. The Ambulance/Rescue president shall preside at the regular meetings; preserve order; decide all questions of order; have control of the Ambulance/Rescue Company. The president shall make the determination of the validity of any excuse for being absent.

B. The vice-president shall perform all the duties of the president in his or her absence. Any absence reported to the vice-president shall be reported to the president.

C. The secretary-treasurer's duties as secretary shall be to keep minutes of meetings; his or her duties as treasurer shall be to prepare the payroll report for the city clerk.

D. The training officer shall plan and conduct regular monthly training sessions. It will be his or her responsibility to maintain files for continuing education hours.

E. The supply officer shall order all supplies at the most competitive price. He or she shall check over the supplies to see what is needed each month and periodically check over the ambulance to see what needs to be restocked. It is the duty of all EMTs to notify the supply officer if something needs to be ordered right away.

F. The publicity chairman shall notify the paper of all events and shall put together an article for EMS Week.

G. The trustees shall consist of past presidents. It shall be their duty to look after the property of the department and see that it is properly cared for. Trustees can also appoint drivers for the ambulance.

H. Every member shall report to the Fire Barn upon paging and dress in protective clothing and equipment provided by the department (see protocol). Members shall find someone to cover the pager for them if they cannot cover their scheduled time. Each person will also notify at least one other person who is also on call. A member is considered active if he or she participates in carrying a pager but is not considered active by just attending monthly meetings. It is the duty of each member to notify the training officer of any certified education hours and provide verification of the same (30 hours every three years). It shall be the duty of every new member to attend some type of formal education in emergency care.

I. Drivers shall be the same as EMTs except that they will not attend to the patient. Qualified drivers will be bound by restrictions of this constitution & by-laws and the protocol. The drivers will not have voting privileges.

SECTION 8-207: VACANCIES

A. *Permanent.* In case of vacancy in any of the offices enumerated in Section 8-205 by death, resignation, or otherwise, the vacancy shall be filled by election at the same or next succeeding regular meeting by a majority of all votes cast.

B. *Temporary.* In the case of a temporary absence of an officer, the vacancy shall be filled by a temporary appointment made by the presiding officer.

SECTION 8-208: EQUIPMENT

A. The officers of Cambridge Rescue and/or the City Council has the control of all emergency ambulance and rescue vehicles.

B. The city has authorized the Rescue president to use any fire equipment in their charge to answer the call for mutual aid. The same request has been granted by the Rural Board.

SECTION 8-209: TRANSFERS

In the case of transfers, the people who are carrying the pagers at the time have the opportunity to go on the transfer or to refuse, providing that if they refuse, they find someone to go on the transfer in their place.

SECTION 8-210: EXPULSIONS

A. Any member may be expelled from the department for misconduct but such member shall be entitled to a hearing before a quorum of voting members, with proof in his or her defense being heard. Such member shall be furnished with a copy of the charges in writing at least three days prior to the meeting at which the case is to be heard.

B. Expulsion from the department may occur when the said member has failed to attend three consecutive monthly meetings or is guilty of one of the following:

1. Breaking rule of silence;
2. Unprofessionalism;
3. Unsuccessful completion of probationary period;
4. Alcoholism or drug abuse;
5. Failure to respond when paged, without just cause;
6. Other cases as deemed necessary by a quorum.

C. All expulsions shall be by written ballot, with two-thirds of the department present voting in favor of the expulsion, except in cases of continued absence.

SECTION 8-211: CONSTITUTION AND BYLAWS

A. The constitution of the department may be amended by a two-thirds vote of all members present at the regular monthly meeting, provided that a quorum of active members is present.

B. A committee appointed by the president will review the bylaws and constitution every three years or as circumstances require.

Article 3 – Fires

SECTION 8-301: PRESERVATION OF PROPERTY

Any official of the Fire Department shall have the power during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The said officials may direct the firemen to remove any building, structure, or fence for the purpose of checking the progress of any fire.

SECTION 8-302: TRAFFIC

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus have stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 8-303: PEDESTRIANS

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm has sounded until the fire trucks have completely passed. (Neb. Rev. Stat. §28-908)

SECTION 8-304: DRIVING OVER HOSE

It shall be unlawful for any person, without the consent of the fire chief or assistant fire chief, to drive any vehicle over unprotected hose of the Fire Department. (Neb. Rev. Stat. §60-6,184)

SECTION 8-305: FALSE ALARM

It shall be unlawful for any person to raise any false alarm of fire intentionally and without good and reasonable cause. (Neb. Rev. Stat. §§28-907, 35-520)

SECTION 8-306: MANDATORY ASSISTANCE

Any official of the Fire Department may command the assistance and services of any person present at a fire to help in extinguishing the fire or in the removal and protection of property. Any spectator who refuses, neglects, or fails to assist after a lawful order to do so shall be deemed guilty of a misdemeanor.

SECTION 8-307: INTERFERENCE

It shall be unlawful for any person or persons to hinder or obstruct the fire chief or the members of the Fire Department in the performance of their duties. A person commits the offense of interfering with a fireman if at any time and place where any

fireman is discharging or attempting to discharge any official duties he or she willfully:

A. Resists or interferes with the lawful efforts of any fireman in the discharge or attempt to discharge an official duty; or

B. Disobeys the lawful orders given by any fireman while performing his duties; or

C. Engages in any disorderly conduct which delays or prevents a fire from being extinguished within a reasonable time; or

D. Forbids or prevents others from assisting or extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, not to assist in extinguishing a fire.

(Neb. Rev. Stat. §28-908)

SECTION 8-308: FIRE INVESTIGATION

It shall be the duty of the Fire Department to investigate or cause to be investigated the cause, origin, and circumstances of every fire occurring in the city in which property has been destroyed or damaged. Any fire of unknown origin shall be reported and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be in compliance with the rules and regulations of the state fire marshal. The officer making the investigation of fires occurring within the city shall immediately notify the state fire marshal and shall, within one week of the occurrence of the fire, furnish him or her with a written statement of all the facts relating to the cause and origin of the fire and such further information as he or she may call for.

(Neb. Rev. Stat. §81-506)

SECTION 8-309: DISTANT FIRES

Upon permission of the mayor or fire chief or pursuant to any agreement with a rural fire district for mutual aid and protection, such fire equipment of the city as may be designated by the City Council as rural equipment may be used beyond the corporate limits to extinguish a reported fire. The firemen of the city shall be considered as acting in the performance and within the scope of their duties in fighting fires or saving property or life outside the corporate limits of the city when directed to do so by the mayor, fire chief, or some person authorized to act for such chief and in so doing, may use such fire equipment of the city as may be designated by the City Council.

Article 4 – Fire Prevention

SECTION 8-401: FIRE CODE

All of the provisions of the most recent edition of the Fire Code, as published by the National Fire Protection Association and recommended by the American Insurance Association, are hereby adopted by reference as part of this chapter. If requested, the city clerk shall provide a source for obtaining a copy of the said code. In the event that any of the provisions of said code are in conflict with any of the provisions of the municipal code, the provisions of the municipal code shall prevail. (Neb. Rev. Stat. §§18-132, 19-902, 19-922, 81-502)

SECTION 8-402: LIFE SAFETY CODE

Incorporated by reference into this municipal code are the standards recommended by the National Fire Protection Association known as the Life Safety Code, most recent edition and all subsequent amendments. This code shall have the same force and effect as if set out verbatim herein. If requested, the city clerk shall provide a source for obtaining a copy of the said code. (Neb. Rev. Stat. §§18-132, 19-902, 81-502)

SECTION 8-403: CODE ENFORCEMENT

It shall be the duty of all city officials to enforce the incorporated fire code provisions as provided in Sections 8-401 and 8-402, and all infractions shall be immediately brought to the attention of the fire chief.

SECTION 8-404: OPEN BURNING BAN; WAIVER; PERMIT

A. There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

B. The fire chief may waive an open burning ban under subsection (A) of this section for an area under the fire department's jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. Said person shall make application on a form provided by the state fire marshal. The permit shall be signed by the fire chief. He or she may adopt standards listing the conditions acceptable for issuing a permit to conduct open burning under this section.

C. The fire chief may waive an open burning ban under the local fire department's jurisdiction when conditions are acceptable to the chief. Anyone intending to burn in such jurisdiction when the open burning ban has been waived shall notify the fire chief beforehand of his or her intention to burn.

D. The Fire Department may set and charge a fee not exceeding \$10.00 for each such permit issued. Such fees shall be remitted to the City Council for inclusion in the general funds allocated to the Fire Department. Such funds shall not reduce the tax requirements for the Fire Department. No such fee shall be collected from any

state or political subdivision to which such a permit is issued to conduct open burning under subsection (B) of this section in the course of such state's or political subdivision's official duties.

(Neb. Rev. Stat. §81-520.01)

SECTION 8-405: OUTDOOR FIRE PITS AND FIREPLACES

A. The following definitions shall apply in this section:

1. "Outdoor fireplaces" shall include fire pits, portable fire pits, and chimineas. These residential outdoor fireplaces use wood as a fuel and are used for containing recreational fires located at a private residence for the purpose of outdoor cooking and personal enjoyment. Outdoor fireplaces do not include barbeque grills that use propane or charcoal as a fuel and are used primarily for outdoor cooking.
2. "Portable fire pits" are defined as being commercially designed and intended to confine and control outdoor wood fires.
3. "Chimineas" are defined as outdoor patio fireplaces, usually made from clay, intended to confine and control outdoor wood fires.
4. "Fire pits" are usually constructed of steel, concrete and/or stone, and constructed above ground with a heavy steel screen cover.

B. All outdoor fireplaces shall meet the following requirements:

1. *Clearances.* A minimum ten-foot clearance shall be maintained between the outdoor fireplace and combustible structure or materials such as walls, roofs, fences, decks, wood piles, and other combustible material.
2. *Construction.* Outdoor fireplaces shall be constructed of concrete or approved non-combustible materials. Not permitted are drums, barrels, half-barrels, or similarly constructed devices.
3. *Size.* The fuel area for a fire pit shall not be larger than 3 feet in diameter and not more than 3 feet in height.
4. *Location.* An outdoor fireplace shall be placed on a stable non-combustible surface such as a concrete pad and only at grade level and shall not be located on a combustible balcony or deck nor under any combustible balcony or any overhanging portion of a structure.
5. *Type of Materials Being Burnt.* Materials allowed by this section shall be limited to untreated wood or approved fireplace starter logs. Petroleum products, rubbish, grass, leaves, cardboard, plastics, rubber, or any material that may flow out of the containment or cause excessive heat,

smoke, or offensive smell shall not be permitted.

6. *Amount of Materials Being Burnt.* Users must (a) limit the amount of material being burnt to ensure the flames are confined inside the fuel area of the outdoor fireplace and the flames do not extend above the pit or into the chimney and (b) follow the manufacturer's recommendation on the maximum amount of fuel to be used at one time with the spark guard in place.
7. *Supervision.* Every outdoor fireplace shall be under constant supervision by at least one responsible person age 18 or older from the ignition of the fire until the fire is completely extinguished and embers are cooled so as to prohibit the fire from rekindling.
8. *Provisions for Protection.* A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use.
9. *Weather Conditions.* Outdoor fireplaces shall not be operated when weather conditions are extremely dry.
10. *Hazard.* Outdoor fireplaces shall be completely extinguished and/or not be operated when breezes or winds are blowing which will cause smoke, embers, or other burning materials to be carried toward any building or other combustible materials. The fire chief or an authorized representative shall have the authority to require that use of the outdoor fireplace be immediately discontinued if such use is determined to constitute a hazardous condition to occupants of surrounding property.
11. *Nuisance to Neighbors.* Smoke from any outdoor fireplace shall not create a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of any neighboring property owner of any smoke nuisance.
12. *Maintenance.* The owner is responsible to ensure proper maintenance and care is accomplished in accordance with manufacturer's instructions. At a minimum, the outdoor fireplace will be checked regularly for the appearance of cracks and other physical deterioration or loose parts.

(Neb. Rev. Stat. §§17-549, 17-556, 81-520.01)

SECTION 8-406: INSPECTIONS; VIOLATION NOTICE

A. It shall be the duty of the fire chief, when directed to do so by the City Council, to inspect or cause to be inspected by a Fire Department officer, member, or some other official as often as may be necessary all buildings, premises, and public thoroughfares, except the interiors of private dwellings, for the purpose of

ascertaining and causing to be corrected any conditions liable to create a fire hazard. It shall be the duty of the owner, lessee, or occupant of any building or structure, except the interiors of private dwellings, to allow the fire inspector to inspect the structure for purposes of ascertaining and enumerating all conditions therein that are likely to cause fire or any other violations of the provisions of the city ordinances affecting the hazard of fire.

B. The inspection shall be of the storage, sale, and use of flammable liquids, combustibles, and explosives; electric wiring and heating; and the means and adequacy of exits in case of fire in schools, churches, hotels, halls, theaters, factories, hospitals, and all other buildings in which numbers of persons congregate from time to time for any purpose, whether publicly or privately owned; the design, construction, location, installation, and operation of equipment for storing, handling, and utilizing of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and chemicals, prozylin plastics, nitrocellulose films, or any other hazardous material that may now or hereafter exist.

C. It shall be the duty of the owner, lessee, or occupant of any building or structure that was lawfully inspected as herein prescribed and who receives written or verbal notice of a violation of any of the provisions of the city ordinances to correct such condition within five days from the receipt of such notice.

(Neb. Rev. Stat. §81-512)

SECTION 8-407: STOVES, FURNACES, AND CHIMNEYS

A. All furnaces, stoves and other heating devices shall be installed at a proper distance from combustible materials and portions of the building. Any combustible materials or portions of the building that are dangerously close to such heating devices shall be protected by noncombustible material. This section shall apply both to existing structures and those which may hereafter be erected.

B. All such devices shall be inspected annually during the first week in October by the fire chief to determine the adequate operation of any and all such devices. If a violation of this chapter or a dangerous condition is revealed, notice shall be served as provided in this chapter. Such inspections may take place at other times during the year upon complaint that any such devices are not being kept in operative condition.

(Neb. Rev. Stat. §17-549)

SECTION 8-408: FIRE HAZARDS; FAILURE TO CORRECT

It shall be unlawful for the owner or occupant of any building or premises within the corporate limits to fail or neglect to correct within five days after receipt of notice from the fire chief of the Fire Department any condition likely to cause a fire or constitute a fire hazard.

Article 5 – Explosives; Hazardous Gases

SECTION 8-501: EXPLOSIVES; STORAGE; REGISTRATION; EXCEPTION

A. Any person, firm, or corporation storing or keeping dynamite, gunpowder, nitroglycerine, or other high explosives within the city for any period of time shall register such information with the city clerk 24 hours prior to being brought into the city. The clerk shall forward such information to the fire chief and to the City Council. Transfer of explosives to another individual within the city shall require the recipient to register the transfer and the new location of the explosives with the clerk. Also, moving explosives to a new location by the owner shall require registration of that fact to the clerk.

B. Any high explosives including dynamite, gunpowder, and nitroglycerine shall be stored in a proper receptacle which shall be closed at all times except when actually in use. Such concrete, metal, or stone receptacle shall not be located in any room where there is a flame or flammable materials. The area surrounding the storage facility shall be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities.
(Neb. Rev. Stat. §§17-549, 17-556, 28-1213, 28-1229, 28-1233)

SECTION 8-502: EXPLOSIVES; BLASTING PERMITS

Any person wishing to discharge high explosives within the city must secure a permit from the City Council and shall discharge such explosives in conformance with its direction and under its supervision. In no case shall any person perform blasting operations unless operating under the direct supervision of a person in possession of a valid user's permit issued by the Nebraska State Patrol. (Neb. Rev. Stat. §§17-556, 28-1229)

SECTION 8-503: EXPLOSIVES; BULLETS

Cartridges, shells, and percussion caps shall be kept in their original containers away from flame, flammable materials, and high explosives.

SECTION 8-504: POISONOUS OR FLAMMABLE GASES

Any person, firm or corporation desiring to store or keep in the city for any period of time any form of poisonous or flammable gas or liquefied petroleum gas in excess of 30 gallons or add to, enlarge, or replace any facility used for the storage of such gases must register that fact with the city clerk. The clerk shall require the name of the gas, the place of storage, and the amount of gas stored. Any present use that is discontinued for a period of 60 days shall not be renewed without reregistering. Any change in location or ownership of the stored gas shall also necessitate reregistration. Any poisonous and flammable gases in excess of 30 gallons shall not be stored in any residential district. (Neb. Rev. Stat. §17-549) (Am. Ord. No. 650, 1/3/06)

SECTION 8-505: GASOLINE CONTAINERS

A. Every person within the city limits retailing gasoline, benzene, and other similar types of high explosives in less than carload lots shall deliver the same to the purchaser only in containers or portable tanks painted vermilion red and having the word gasoline, benzene, or whatever name such explosive is known by plainly printed on it in English. All such words shall be in letters sufficiently large to attract attention.

B. Every person within the city limits purchasing gasoline or other high explosives of that nature for his or her own use shall procure and keep the same only in containers or portable tanks painted and stamped as required by subsection (A) herein. Subsections (A) and (B) herein shall not affect sales, purchase, or the keeping for use of such explosives if the quantity is one quart or less.

C. No person shall deliver kerosene, or what is known as coal oil, in any container or portable tank painted or stamped as provided by subsection (A) herein.

D. No person keeping for use or using kerosene, otherwise known as coal oil, shall put or keep the same in any container or portable tank painted or stamped as provided in subsection (A) herein.

(Neb. Rev. Stat. §§66-103 through 66-107) (Class 3)

Article 6 – Fireworks

SECTION 8-601: REGULATION OF USE, SALE, POSSESSION

The use, sale, offer for sale, and possession of permissible fireworks in the city as defined by Neb. Rev. Stat. §28-1241 shall be governed and regulated by Neb. Rev. Stat. §§28-1241 to 28-1252, including any and all amendments thereto, together with any rules and regulations adopted by the state fire marshal for the enforcement of said sections.

SECTION 8-602: DEFINITIONS

A. “Consumer fireworks” means any of the following devices that (i) meet the requirements set forth in 16 C.F.R. Parts 1500 and 1507, as such regulations existed on January 1, 2010, and (ii) are tested and approved by a nationally recognized testing facility or by the state fire marshal:

1. Any small firework device designed to produce visible effects by combustion and which is required to comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission set forth in 16 C.F.R., as such regulations existed on January 1, 2010;
2. Any small device designed to produce audible effects such as a whistling device;
3. Any ground device or firecracker containing 50 milligrams or less of explosive composition; or
4. Any aerial device containing 130 milligrams or less of explosive composition.

Class C explosives as classified by the United States Department of Transportation shall be considered consumer fireworks.

B. “Consumer fireworks” does not include:

1. Rockets that are mounted on a stick or wire and project into the air when ignited, with or without report;
2. Wire sparklers;
3. Nighttime parachutes;
4. Fireworks that are shot into the air and after coming to the ground cause automatic ignition due to sufficient temperature;

5. Firecrackers that contain more than 50 milligrams of explosive composition; and

6. Fireworks that have been tested by the state fire marshal as a response to complaints and have been deemed to be unsafe.

(Neb. Rev. Stat. §28-1241)

SECTION 8-603: SALE

It shall be unlawful for any person or persons to possess, sell, offer for sale, or discharge fireworks of any description whatsoever except consumer fireworks as defined in Section 8-602. Toy cap pistols and permissible caps may be sold at retail at all times; provided, all other fireworks named may be sold only between June 24 and July 5 and between December 28 and January 1 each year. Also, fireworks of any description are permissible for purposes of public exhibitions or displays authorized by the City Council. (Neb. Rev. Stat. §§17-556, 28-1244, 28-1245, 28-1249)

SECTION 8-604: UNLAWFUL THROWING OF FIREWORKS

A person commits the offense of unlawful throwing of fireworks if he or she throws any firework or any object which explodes upon contact with another object:

A. From or into a motor vehicle;

B. Onto any street, highway, or sidewalk;

C. At or near any person;

D. Into any building; or

E. Into or at any group of persons.

(Neb. Rev. Stat. §§17-556, 28-1242)

Article 7 – Penal Provision

SECTION 8-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 9 – BUILDING REGULATIONS

ARTICLE 1 – BUILDING INSPECTOR

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- SECTION 9-102: RIGHT OF ENTRY**
- SECTION 9-103: TIME OF INSPECTION**
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ARTICLE 2 – BUILDING PERMITS

- SECTION 9-201: APPLICATION**
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- SECTION 9-301: REGULATIONS**
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ARTICLE 4 – CODES ADOPTED

- SECTION 9-401: BUILDING CODE; ADOPTED BY REFERENCE**
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- SECTION 9-403: ELECTRICAL CODE; ADOPTED BY REFERENCE**
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ARTICLE 5 – PENAL PROVISION

- SECTION 9-501: VIOLATION: PENALTY**

CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Building Inspector

SECTION 9-101: POWERS AND AUTHORITY

The City Council shall appoint a building inspector, who shall be the city official having the duty of enforcing all building and housing regulations as herein prescribed and shall have the authority to carry out the duties as stated in the Dangerous Buildings Regulations in Chapter 3, Article 5 herein. The nuisance officer designated in Section 3-405 or another person experienced in building construction practices may be appointed as building inspector. His or her duties shall be as follows:

A. He or she shall inspect all buildings repaired, altered, built, or moved in the city as often as necessary to insure compliance with all city ordinances and is authorized, upon properly identifying himself, to enter, inspect, survey, and investigate between the hours of 8:00 a.m. and 5:00 p.m. or at any time if an emergency exists or if requested by the owner or occupant thereof. He or she shall also investigate all complaints, whether verbal, written, or in the form of a petition, alleging and charging that a violation of the municipal ordinances exists and that a building or structure is unfit or unsafe for human habitation.

B. He or she shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He or she shall, at the direction of the City Council, issue permission to continue any construction, alteration, or relocation when the council is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one hour. The building inspector or his or her agent shall serve such written order.

C. He or she shall have no financial interest in the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, except where he or she is the owner; and he or she shall not act as an agent for any said dealer or as an agent for the sale, lease, or rental of any real estate.

D. He or she shall keep records of all complaints received, inspection reports, orders, and complaints issued, which shall be available for public inspection.

E. He or she shall report to the City Council as often as may be deemed necessary and shall have such other duties and issue such permits as the council may direct.

SECTION 9-102: RIGHT OF ENTRY

It shall be unlawful for any person to refuse the building inspector entry into any building or structure where the work of construction, alteration, repair, or relocation is taking place, for the purpose of making official inspections, at any reasonable hour.

SECTION 9-103: TIME OF INSPECTION

A. The building inspector, upon notification from the permit holder or his or her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent that the work fails to comply with the requirements of the municipal code:

1. Foundation inspection shall be made after trenches are excavated and the necessary forms erected;
2. Frame inspection shall be made after the roof, framing, fire-blocking, and backing are in place and all pipes, chimneys, and vents are complete; and
3. Final inspection shall be made after the building is completed and ready for occupancy.

B. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the building inspector.

SECTION 9-104: APPEAL FROM DECISION

In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the building inspector, that the time allowed for compliance with any order of the building inspector is too short, or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and by the building inspector, the owner, his or her agent, or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made. The City Council shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation are assured and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted shall be sent to both the building inspector and the applicant.

SECTION 9-105: BARRICADES AND LIGHTS

It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the city to have all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day and by warning lights at night during the time that such work is in progress. The failure, neglect, or refusal of said persons to erect such guards shall

constitute a violation of this section and the building inspector shall stop all work until guards are erected and maintained as required.

Article 2 – Building Permits

SECTION 9-201: APPLICATION

A. Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish, or relocate any building or dwelling or cause the same to be done shall file with the city clerk an application for a building permit entitled “Site Plan and Land Use” permit application. The application shall be in writing on a form to be furnished by the clerk. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect and contractor, and such other information as may be requested thereon.

B. The application, plans, and specifications filed with the city clerk shall be checked and examined by the building inspector and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the inspector shall authorize the city clerk to issue the said applicant a permit upon payment of the permit fee set by resolution of the City Council and kept on file in the city office. Standard permit fees shall, however, apply only in the case of on-time (before construction) filings. Any application filed after construction has commenced shall pay a fee that is four times the standard fee. Such permits shall be effective for one year from the date of approval by the council.

C. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern.

(Neb. Rev. Stat. §§17-130 through 17-132, 17-550, 17-1001) (Am. Ord. No. 573, 3/6/00)

SECTION 9-202: LIMITATION

If the work for which a permit has been issued shall not have begun within six months of the date thereof or if the construction is discontinued for a period of six months, the permit shall be void. Before work can be started or resumed, a new permit shall be obtained in the same manner and form as an original permit.

SECTION 9-203: DUPLICATE TO COUNTY ASSESSOR

Whenever a building permit is issued for the erection, alteration, or repair of any building within the city's jurisdiction and the improvement is \$2,500.00 or more, a duplicate of such permit shall be filed with the county assessor by the city clerk. (Neb. Rev. Stat. §§18-1743)

Article 3 – Building MovingSECTION 9-301: REGULATIONS

A. It shall be unlawful for any person, firm, or corporation to move any building or structure within the city without a written permit to do so. Application may be made to the city clerk and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the City Council may require. The application shall be accompanied by a certificate issued by the county treasurer to the effect that all provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The city clerk shall refer the said application to the City Council for approval of the proposed route over which the said building is to be moved. Upon said approval, the clerk shall then issue the said permit; provided, a good and sufficient corporate surety bond, check, or cash in an amount set by resolution of the council and conditioned upon moving said building without doing damage to any private or city property is filed with the clerk prior to the granting of any permit.

B. No moving permit shall be required to move a building that is 10 feet wide or less, 20 feet long or less and, when in a position to move, 15 feet high or less. (Neb. Rev. Stat. §§60-6,288 to 60-6,291, 60-6,294, 60-6,298 to 60-6,301)

SECTION 9-302: UTILITIES

A. In the event it will be necessary for any licensed building mover to interfere with poles, wires, gas mains, pipelines, and other appurtenances, the company or companies owning, using, or operating the said appurtenances shall, upon proper notice of at least 24 hours, be present and assist by disconnecting the said poles, wires, gas mains, pipelines, and other appurtenances relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise.

B. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the city, notice in writing of the time and route of the said building moving operation shall be given to the utility supervisor, who shall proceed on behalf of the city and at the expense of the mover to make such disconnections and do such work as is necessary. See specific provisions required by the Electric Department in Section 7-408.

SECTION 9-303: COMPLETION OF MOVE

At such time as the building moving has been completed, the building inspector shall inspect the premises and report to the city clerk as to the extent of damages, if any, resulting from the said relocation and whether any city laws have been violated during the said operation. Upon a satisfactory report from the building inspector, the clerk shall return the corporate surety bond, cash, or check deposited by the applicant. In the event the basement, foundation, or

portion thereof is not properly filled, covered or in a clean and sanitary condition, the City Council may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit, the council may recover such excess expense by civil suit or otherwise as prescribed by law.

Article 4 – Codes Adopted

SECTION 9-401: BUILDING CODE; ADOPTED BY REFERENCE

The International Building Code (IBC), most recent edition, published by the International Code Council, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. If requested, the city clerk shall provide a source for obtaining a copy of the said building code. The provisions of the IBC shall be controlling throughout the city and throughout its zoning jurisdiction. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

SECTION 9-402: PLUMBING CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection and uses of materials in the installation of plumbing and heating, the most recent edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. If requested, the city clerk shall provide a source for obtaining a copy of the said plumbing code. The provisions of the Plumbing Code shall be controlling throughout the city and throughout its zoning jurisdiction. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

SECTION 9-403: ELECTRICAL CODE; ADOPTED BY REFERENCE

The most recent edition of the National Electrical Code, as recommended by the National Fire Protection Association, is hereby adopted and incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. If requested, the city clerk shall provide a source for obtaining a copy of the said electrical code. The provisions of the electrical code shall be controlling throughout the city and throughout its zoning jurisdiction. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

SECTION 9-404: HOUSING CODE; ADOPTED BY REFERENCE

The most recent edition of the Uniform Housing Code, printed by International Conference of Building Officials, is hereby adopted and incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. If requested, the city clerk shall provide a source for obtaining a copy of the said electrical code. The provisions of the housing code shall be controlling throughout the city and throughout its zoning jurisdiction. (Neb. Rev. Stat. §§17-1001, 18-132, 19-902, 19-922)

Article 5 – Penal Provision

SECTION 9-501: VIOLATION: PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 10 – MUNICIPAL PLANNING

ARTICLE 1 – COMPREHENSIVE PLAN

SECTION 10-101: ADOPTED BY REFERENCE

ARTICLE 2 – ZONING REGULATIONS AND MAP

SECTION 10-201: ADOPTED BY REFERENCE

ARTICLE 3 – MUNICIPAL LIMITS

SECTION 10-301: DECLARED

ARTICLE 4 – SUBDIVISIONS AND ADDITIONS

SECTION 10-401: COMPLIANCE

SECTION 10-402: SURVEYOR'S CERTIFICATE

SECTION 10-403: DEDICATION

SECTION 10-404: STREETS AND ALLEYS

SECTION 10-405: APPROVAL OF PLAT

SECTION 10-406: RECORDING PLAT

SECTION 10-407: ADDITIONS

ARTICLE 5 – PENAL PROVISION

SECTION 10-501: VIOLATION; PENALTY

CHAPTER 10 – MUNICIPAL PLANNING

Article 1 – Comprehensive Plan

SECTION 10-101: ADOPTED BY REFERENCE

The Comprehensive Plan for Cambridge, Nebraska was approved on August 19, 2013 after a public hearing. The area of jurisdiction shall be all land within the corporate limits of the city and all land within one mile of the corporate limits of the city. The official copy of the Comprehensive Plan shall be kept on file at the city clerk's office, open to inspection and available to the public at all reasonable business hours.

Article 2 – Zoning Regulations and Map

SECTION 10-201: ADOPTED BY REFERENCE

Ordinance No. 728, approved on 4/20/15, shall be known and may be cited as the “Zoning Regulations for the City of Cambridge, Nebraska.” The area of jurisdiction shall be all land within the corporate limits of the city and all land within one mile of the corporate limits of the city. The official zoning district map and official copy of the zoning regulations, incorporated herein by reference, shall be kept on file at the city clerk’s office, open to inspection and available to the public during office hours.

Article 3 – Municipal Limits

SECTION 10-301: DECLARED

All the additions, lots, lands and parcels of land included within the hereinafter described limits, having been by act or ordinance of the Board of Trustees of the original Village of Cambridge, Nebraska, or the mayor and council of this city, duly annexed to or made a part of such city or having by act, authority, consent, platting and dedication of their respective owners, created either as the original townsite or as additions to the City of Cambridge, Furnas County, Nebraska, are hereby declared as follows: Located in Sections 28, 29, 30 and 33, Township 4 North, Range 25 West of the 6th P.M. in Furnas County, Nebraska, more particularly described in Ordinance No. 684, adopted on 4/21/09. (Am. Ord. No. 684, 4/21/09)

Article 4 – Subdivisions and Additions

SECTION 10-401: COMPLIANCE

The owner of any tract of land within the corporate limits of the city or within one mile contiguous thereto may lay out said land into lots, blocks, streets, avenues and alleys as a suburban development or as an addition to the city upon conformance to and compliance with the conditions herein and with the statutes of Nebraska. (Neb. Rev. Stat. §§17-405, 17-426, 17-1002)

SECTION 10-402: SURVEYOR'S CERTIFICATE

The map or plat shall be accompanied by a certificate from the surveyor making said survey and plat, that he or she accurately surveyed the said tract and that the lots, blocks, streets, avenues and alleys are accurately shown upon the said map or plat. (Neb. Rev. Stat. §§17-405, 17-1002)

SECTION 10-403: DEDICATION

Said map or plat shall have written thereon or attached thereto a dedication to this city for the use of the public of all streets, avenues, alleys, parks, squares and commons and all land set apart for public use or dedicated to charitable, religious and educational purposes as therein mentioned and described. Such dedication shall be signed by the owner of the tract of land and shall be duly acknowledged as required by law. (Neb. Rev. Stat. §§17-417, 17-1003)

SECTION 10-404: STREETS AND ALLEYS

Streets and alleys laid out in any addition to or in any suburban development of the city shall be continuous with and correspond in direction and width to the streets and alleys of the city to which they are an addition. (Neb. Rev. Stat. §§17-418, 17-1003)

SECTION 10-405: APPROVAL OF PLAT

Before any such map or plat shall have any validity, it must first be submitted to and be approved and accepted by the City Council or by its designated agent when the subdivision is of existing lots and blocks, where all required public improvements have been installed, no new dedication of public rights of way or easements are involved and the subdivision complies with requirements concerning minimum areas and dimensions of such lots and blocks. Where the county has both adopted a Comprehensive Development Plan and is enforcing subdivision regulations and the proposed subdivision plat both contemplates public streets or improvements and lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by the county, then the county Planning Commission shall run concurrently with subdivision review activities of the city after the commission receives all available material for a proposed subdivision plat. The map or plat must have such acceptance and approval endorsed thereon; provided, before any such map or plat shall be considered, approved or accepted, the owner or proprietor shall pay or cause to be paid all taxes, special taxes and special assessments due thereon and shall produce a certificate showing that all such taxes and assessments have been paid or cancelled. (Neb. Rev. Stat. §§17-405, 17-1002, 19-902, 19-916)

SECTION 10-406: RECORDING PLAT

If a majority of all members of the City Council shall vote in favor of such suburban development or annexation, an ordinance shall be prepared and passed by the council granting such approval or declaring the annexation of such territory to the corporate limits of this city and extending the limits thereof accordingly, whichever is hereinbefore described; certified by the engineer or surveyor and acknowledged and approved as provided by law in such cases; and, at once filed and recorded by the owner or proprietor of such land in the office of the county register of deeds, together with a certified copy of the ordinance granting approval or declaring such annexation, under the official seal of the city; provided, plats and subdivisions are not authorized to be recorded if such they have not been approved by the City Council or its designated agent. (Neb. Rev. Stat. §§17-405, 17-417, 17-1002, 19-902, 19-916, 23-1506)

SECTION 10-407: ADDITIONS

All additions to this city which have heretofore been approved and accepted or which may hereafter be laid out in accordance with the provisions herein and accepted and approved shall be and become incorporated in this city for all purposes whatsoever; and inhabitants of such additions shall be entitled to all the rights and privileges and be subject to all the laws and regulations of said city.

Article 5 – Penal Provision

SECTION 10-501: VIOLATION; PENALTY

Any person, whether as owner, proprietor, or as the agent, attorney, or representative of any owner or proprietor of land who shall plat or subdivide any tract of land within the corporate limits of the city or adjoining and contiguous to the same, except as herein authorized, or who shall sell, transfer, deed or convey, contract, or agree to sell, transfer, or offer for sale any lot or piece of ground in any addition or subdivision of three or more parts within said corporate limits or adjoining and contiguous thereto without having first obtained the acceptance and approval of the plat or map thereof by the City Council, and any person who shall violate or who shall fail, neglect, or refuse to comply with any of the provisions hereinbefore as now existing or as hereafter amended shall, upon conviction, be fined in any sum not exceeding \$500.00. (Neb. Rev. Stat. §17-426)