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CHAPTER II – MISDEMEANORS

ARTICLE I – MISDEMEANORS

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

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

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

SECTION 2-102: DISTURBING THE PEACE

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

SECTION 2-103: EXCESSIVE NOISE

It is hereby determined to be unlawful to operate industrial equipment, heavy machinery, jack hammers and other industrial equipment emitting loud noise or to race automobile engines within the Village between the hours of 10:00 P.M. and 7:00 A.M. in such a manner so as to disturb the comfort, repose, peace and quiet of residents of the Village unless such activity has been approved in advance by the Village Board.

SECTION 2-104: DISORDERLY CONDUCT

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

SECTION 2-105: MALICIOUS DESTRUCTION OF PROPERTY

It shall be unlawful for any person, wantonly or maliciously in any manner, to molest, injure or destroy any property of another in this village.

SECTION 2-106: TRESPASSING

It shall be unlawful for any person to remain upon any private or public property within said village without the express permission of the owner or party in possession thereof.

SECTION 2-107: WINDOW PEEPING

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

SECTION 2-108: NON-LICENSED GAMBLING OPERATIONS

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

SECTION 2-109: GAMBLING

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

SECTION 2-110: STALKING

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

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

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

SECTION 2-112: HOUSE OF PROSTITUTION; DISORDERLY HOUSE

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

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

It shall be unlawful for any person within this village to make an indecent exposure of his or her person; to urinate in public view; to commit any indecent or lewd act; to sell or offer for sale or to dispense of in any manner any obscene, lewd or indecent book, pic-

ture or other publication or thing; to exhibit or perform any indecent, immoral, lewd or obscene play or other representation; or in any public place to write, draw, or make any profane, obscene, indecent or lewd work, sentence, figure or design.

SECTION 2-114: CONCEALED WEAPONS; HANDGUN PERMIT

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. §28-1202) (Am. Ord. No. 2018-O-1, 3/13/18)

SECTION 2-115: RESISTING OR FAILING TO ASSIST OFFICER

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

SECTION 2-116: IMPERSONATING OFFICER

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

SECTION 2-117: APPLIANCES IN YARD

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

SECTION 2-118: SEXUAL PREDATOR; DEFINITIONS

1. "Child Care Facility" means a facility licensed pursuant to the Nebraska Child Care Licensing Act.

2. "School" means a public, private, denominational, or parochial school which meets the requirements for accreditation or approval prescribed by Nebraska Law.

3. "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 Nebraska Sex Offender Registration Act

4. "Sexual predator" means an individual who is required to register under the Nebraska Sex Offender Registration Act, who has a high risk of recidivism as determined by the Nebraska State Patrol and who has victimized a person eighteen years of

age or younger.

SECTION 2-119: SEXUAL PREDATOR; RESIDENCY RESTRICTIONS

1. It is hereby determined unlawful for any sexual predator to reside within 500 feet from a school or child care facility.

2. For the purpose of determining the minimum distance separation, the distance shall be measured in a straight line outward from the outer property line of the school or child care facility to the closest point of the sexual predator's proposed place of residence.

SECTION 2-120: SEXUAL PREDATOR; EXCEPTIONS

These restrictions shall not apply to sexual predators who reside within a prison or correctional or treatment facility operated by the state or county; established residence prior to July 1, 2006, and has not moved from such residence or who has established residency 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 residency at that location. (Sections 2-118 through 2-120 adopted 9-12-06, Ord. No. 2006-0-4)

SECTION 2-121: PUBLIC NUDITY

1. *Purpose of Ordinance.* It is the intent of the Village to prohibit the exploitation of human nudity for the purpose of advertising, selling, or otherwise promoting the economic interest of any type of business enterprise. It is also the intent of the Village to further the government's interest in avoiding the harmful secondary effects of this type of activity such as prostitution, sexual assaults, criminal activity, degradation of women, and other activities which break down the family structure. This prohibition is not intended to extend to any expression of opinion or the performance of a bona fide play, ballet, or drama protected by the First Amendment to the Constitution of the United States or by Article I, Section 5 of the Constitution of the State of Nebraska.

2. *Definition.* "Nude," "nudity" or "state of nudity" shall mean the showing or depiction of the human, post-pubertal male or female genitals, pubic area or buttocks with less than a full opaque covering, the showing or depiction of covered male genitals in a discernibly turgid state, or the showing or depiction of the female breast with less than a full opaque covering of any portion thereof below the top of the areolae of the nipple. This definition shall include the entire portion of the human female breast below the top of the areolae of the nipple, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other clothing.

3. *Prohibited Activities.* (A) It shall be unlawful for any person to knowingly or intentionally appear in a state of nudity in public place, in any place open to the public place, or 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 knowingly or intentionally appear in a state of nudity in a public place, in any place open to the public, or while employed in providing any service, product, or entertainment in any business or commercial establishment.

4. *Penalties.* (A) Any activity in violation of this section shall be deemed to be a

nuisance and the Village may proceed by a suit to equity to, temporarily and permanently, enjoin, abate, and remove the same in the manner provided by law. (B) Any person, entity, association or corporation violating any of the provisions of this section, in addition to any equitable or injunctive relief, shall, upon conviction thereof, be deemed guilty of violation of this ordinance. The penalty for such violation shall be a fine in any sum not exceeding \$500, plus costs of prosecution, and any other costs and expenses allowed by law. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this section.

5. *Exceptions.* This ordinance shall not apply to: (A) any theater, concert hall, art center, museum or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were lawfully permitted or allowed as part of such art exhibit or performance; (B) any dressing/changing room or restroom facility open to the public; (C) any person under 12 years of age; or (D) mothers who are breastfeeding.

(Adopted 6/19/12, Ord. No. 2012-O-2)

ARTICLE II – CURFEW

SECTION 2-201: CURFEW HOURS

1. It shall be unlawful for any person under the age of 18 years to loiter, idle, wander, stroll, play or be in or upon the public streets, public places and public buildings, places of amusement and entertainment, vacant buildings or vacant lots or operate any bicycle or other vehicle, in, upon, over or through the streets of other public places of the Village during the below described hours:

2. During the normal school year: between the hours of 10:00 P.M. and 6:00 A.M. on the nights of Sunday through Thursday, and between the hours of 12:00 midnight and 6:00 A. M. on the nights of Friday and Saturday, and

3. During the summer months: between the hours of 11:00 P.M. and 6:00 A.M. on the nights of Sunday through Thursday, and between the hours of 12:00 midnight and 6:00 A.M. on Friday and Saturday nights, unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of said minor person or unless the minor person is upon an emergency errand or legitimate business directed by his/her parents, guardian or legal custodian, except as hereinafter provided.

SECTION 2-202: CURFEW HOURS EXTENDED

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

SECTION 2-203: VIOLATION; PARENTAL LIABILITY

It shall be unlawful for the parent, guardian or other adult person having the care and custody of minors under the age of 18 years to allow or permit said minor persons to do

any of the acts or things prohibited by Section 2-201 or 2-202 of this article.

SECTION 2-204: ENFORCEMENT; POLICE AUTHORIZATION

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

SECTION 2-205: PENALTIES

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

2. Any person violating the provisions of Section 2-203 of this article shall, on conviction thereof, be fined in any sum not exceeding \$25.00 for each offense and shall be assessed the court costs of prosecution.

ARTICLE III – DOGS

SECTION 2-301: OWNER DEFINED

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

SECTION 2-302: LICENSING OF DOGS

A. Any person who shall own, keep or harbor a dog over the age of six months within the Village shall, within 30 days after acquisition of the said dog, acquire a license for each such dog annually by May 1 of each year. The said 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 of any year shall be liable for the payment of the dog tax levied herein.

B. Licenses shall be issued by the village clerk upon the payment of a license fee for each male dog or spayed female dog and a fee for each unspayed female dog. Said license shall not be transferable and no refund will be allowed in case of the death, sale or other disposition of the licensed dog. At the time the application is made, upon a form provided for such purpose, the owner shall state his/her name and address and the name, breed, color and sex of each dog owned and kept by him/her. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. The said license fees shall be as set from time to time by resolution of the Village Board and placed on file in the office of the village clerk. An additional annual fee of \$1.00 per license shall also be charged. The Village shall retain 3% of the fee collected for administrative costs and the balance of 97% shall be paid to the state treasurer for the Commercial Dog and Cat Cash Fund as required by law.

C. Upon the payment of the license fee, the village clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tag shall be properly attached to the collar or harness of any dog so licensed and shall entitle the owner to keep or harbor the said dog until May 1 following such licensing. In the event that a license tag is lost, upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the village clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid, and may charge and collect a fee set by resolution of the Village Board for each such duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the village clerk to issue tags of a suitable design that are different in appearance each year.

(Am. 07-13-10, Ord. 2010-O-4; 2-10-15, Ord. 2015-O-1)

SECTION 2-303: 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 village identification than that issued by the village clerk for dogs, nor shall the owner, keeper or harbinger wrongfully and knowingly license an unspayed female dog with a license prescribed for a male or spayed female dog.

SECTION 2-304: REMOVAL OF TAGS

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

SECTION 2-305: UNLICENSED DOGS

All dogs found running at large upon the streets and public grounds of the Village without a current license tag affixed as required in this article are hereby declared a public nuisance and may be impounded pursuant to Section 2-307 hereafter.

SECTION 2-306: BARKING AND OFFENSIVE DOGS PROHIBITED

A. It shall be unlawful for any person to own, keep or harbor any dog which by loud, continued or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person, or which habitually barks or chases pedestrians, vehicles or riders of horses while they are on any public sidewalks, streets or alleys in the Village.

B. Upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the village clerk, that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, the clerk shall issue a written warning to such offending person.

C. Upon a second written complaint by two or more affected persons from different households concerning the same dog or dogs, a complaint will be filed with the County Court and upon conviction the offending party shall be fined in the sum of \$200.00.

D. Upon a third or more written complaints by two or more affected persons from different households concerning the same dog or dogs, a complaint shall be filed with the County Court and upon conviction the offending party shall be fined in the sum of \$500.00. In addition, the offending party shall pay the court costs and costs of prosecution.

(Am. 1-13-09, Ord. No. 2009-O-1)

SECTION 2-307: DOGS RUNNING AT LARGE; IMPOUNDMENT; FINES

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

B. In addition, upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the village clerk, that any dog owned by the person named in the complaint is running at large or otherwise violates the provisions of this section, the clerk shall issue a written warning to such offending person.

C. Upon a second written complaint by two or more affected persons from different households concerning the same dog or dogs, a complaint will be filed with the County Court and upon conviction the offending party shall be fined in the sum of \$200.00.

D. Upon a third or more written complaints by two or more affected persons from different households concerning the same dog or dogs, a complaint shall be filed with the County Court and upon conviction the offending party shall be fined in the sum of \$500.00. In addition, the offending party shall pay the court costs and costs of prosecution.

(Am. 1-13-09, Ord. No. 2009-O-2)

SECTION 2-308: DAMAGE BY DOG; LIABILITY OF OWNER

It shall be unlawful for any person to allow a dog owned, kept or harbored by him/her, or under his/her charge or control, to injure or destroy any real or personal property of any description belonging to another person. The owner 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 any amount equal to the value of the damage so sustained.

SECTION 2-309: FIGHTING DOGS

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

SECTION 2-310: KILLING AND POISONING

It shall be unlawful to kill, administer or cause to be administered to a dog poison of any sort or in any manner to injure, maim, destroy, or in any manner attempt to injure, maim

or destroy any dog that is the property of another person, or to place any poison or poisoned food where the same is accessible to a dog; provided, this section shall not apply to a law enforcement official or village dog catcher acting within their power and duty.

SECTION 2-311: DANGEROUS DOGS

A. *Prohibited.* It is hereby determined unlawful for any person, firm or other legal entity to own, harbor, or maintain a dangerous dog within the corporate limits of the Village or its zoning jurisdiction.

B. *Definitions.* The following breeds of dogs, to-wit: Pit Bull, wolf hybrid, Staffordshire Terrier, or dogs displaying the primary characteristics of the above-named breeds are hereby determined to be “dangerous dogs.”

C. *Veterinarian’s Decision Final.* If a dispute exists as to whether a dog within the Village or its zoning jurisdiction is of the breeds or has the primary characteristics of one of the breeds of dogs determined to be a dangerous dog and a nuisance as set forth above, the Village shall employ a Nebraska licensed veterinarian to examine the animal or pictures of the animal to determine whether such animal is one of the breeds or has the primary characteristics of the breeds determined to be dangerous. Such determination shall be final on both the Village and the person owning or harboring the dog.

D. *Other Breeds.*

1. In the event that any person within the Village or its zoning jurisdiction owns, harbors, controls, or maintains any dog which has exhibited aggressive tendencies toward any person which have resulted in at least two written complaints to the village clerk by adults who have witnessed such aggressive behavior, the Village Board shall direct the municipal law enforcement agency to investigate such complaints and report its findings to the Board.
2. If the investigation determines that such dog does exhibit aggressive tendencies, the Village Board shall notify the owner of such determination and that any further written complaints to the village clerk of such aggressive behavior shall result in the determination that the dog complained of is a dangerous dog and a nuisance and must be removed from the Village and its zoning jurisdiction. Such notice shall be made by personal service or by certified mail with return receipt requested.
3. Upon receipt of a third written complaint filed with the village clerk concerning the same animal, the clerk shall issue a notice to be served upon the offending party that such dog has been determined a dangerous dog and must be removed from the Village and its zoning jurisdiction within 10 days or a criminal complaint will be filed in Buffalo County Court against the offending party for harboring or maintaining a dangerous dog with in the Village or its zoning jurisdiction.

E. *Unprovoked Attack.* Any dog engaging in an unprovoked attack upon any human being off the premises of its owner be and hereby is determined a dangerous dog.

F. *Penalty.* Any person, firm or other legal entity violating the terms of this ordinance shall be fined in a sum not to exceed \$500.00, and each day's violation shall be a separate offense.

(Am. 9-8-09, Ord. No. 2009-O-6)

SECTIONS 2-312 through 2-314 (Repealed)

SECTION 2-315: RABIES VACCINATION

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

SECTION 2-316: RABIES SUSPECTED; IMPOUNDMENT

Any dog or other animal suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions set forth above which has bitten any person or has caused an abrasion of the skin of any person shall be seized by a police officer or animal control officer of this village and shall be impounded under the supervision of a licensed veterinarian or public health authority for not less than ten days. If, upon examination by a veterinarian, the dog or other animal has no clinical signs of rabies at the end of such impoundment, it shall be released to the owner upon payment of the costs of said impoundment by said owner or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of 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.

SECTION 2-317: RABID ANIMALS; CAPTURE IMPOSSIBLE

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

SECTION 2-318: RABID DOGS; PROCLAMATION

It shall be the duty of the Village Board 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. Such dogs may be harbored by any good and sufficient means in a house, garage or yard on the premises wherein the said owner may reside. Upon issuance of the proclamation, it shall be the duty of all persons owning, keeping or harboring any dog to confine the same as herein provided.

SECTION 2-319: 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/her by the provisions of this article, or to break open or in any manner directly or indirectly aid, counsel or advise the breaking open of the village animal shelter, any ambulance wagon or other vehicle used for the collecting or conveying of dogs to the shelter.

SECTION 2-320: IMPOUNDMENTS

This policy shall pertain to dogs within the Village. For purposes of this policy, dogs will be classified as follows:

"Stray dogs" – Unlicensed dogs running at large; also pertains to dogs with no collar and current tags attached.

"Dogs at large" – Licensed dogs running at large; dogs must have collar and current tags attached.

"Vicious or rabid dogs" – Any dog showing vicious tendencies or characteristics of rabies can be killed by deputies. This shall also pertain to dog bites and uncontrollable dogs.

No dog is to be allowed off the owner's property unless it is being accompanied by the owner or a responsible person. Any dog found off the owner's property and not with the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of restraint.

- A. Stray dogs are to be transported to the Riverside Animal Hospital in Kearney, Nebraska. Transports can be done any time, 24 hours a day.
- B. Dogs at large are to be picked up and transported to the Riverside Animal Hospital for impounding. For purposes of impoundment, these dogs will be treated in the same manner as a stray dog. Dogs at large can be transported anytime 24 hours a day. Due to the fact that the dog should have a collar and current tag on it at this time, tag information shall be recorded for records and notification to owner.

SECTION 2-321: IMPOUNDMENT; NOTIFICATION

In order to assure proper notification to owners of dogs that have been impounded, the law enforcement officer or village dog catcher shall be consistent with the following guidelines:

A. Notification of Animal Clinic: When a stray dog is impounded at the Riverside Animal Hospital, notification needs to be left with the staff. Notify a clinic employee, by stopping in at the office or calling in the necessary information. This information should include the following:

1. CR number
2. Location where dog was picked up
3. Description of the dog

4. Time and date picked up
5. Party handling case
6. Any special instructions, if necessary
7. Location dog is being held
8. Tag number, if dog at large

B. In the event that a dog at large is transported to the Riverside Animal Hospital, all information listed above must be included on the report that is made for the case. Any other information that may be needed for the case report shall also be included, in regard to other violations or previous warning in reference to the impounded dog.

C. In all cases where an impound is made on a stray dog or dog at large, the village clerk shall be notified. The village clerk will keep all records in regard to dog licensing, warnings and citations issued, and all dog impoundments.

SECTION 2-322: IMPOUNDMENT; CLAIMING DOGS

Anytime a dog is impounded, the law enforcement officer or village dog catcher shall make contact with the owner, if known, and inform him/her that said dog was impounded and the procedure for claiming his/her dog. The procedure for claiming dogs and the penalties are as follows:

A. First Offense: Warnings will be issued for all first offense violations when a stray dog or dog at large is impounded. The warnings will be by documented letter mailed to the owner by the village clerk and shall contain a copy of the ordinance and the penalty for a second or subsequent offense. When the law enforcement officer or village dog catcher has identified the dog's owner, he/she should contact the owner and advise him/her of the impoundment and forward the owner's name and address to the village clerk. The village clerk will then mail a warning to the owner of such dog. The law enforcement officer or village dog catcher shall document the time and date of the contact in regard to the warning and forward this information to the village clerk.

1. Stray dogs shall be licensed prior to being released from impoundment. the cost for licensing is set forth in Section 2-302. Owners must also produce proof of a current rabies vaccination prior to the dog being released. Current rates for vaccination charges and impoundments will be used and a list of such charges will be available at the village clerk's office. Strays will be kept for a maximum of three days prior to being destroyed. This time period will not include days that the Riverside Animal Hospital is closed, such as weekends and holidays.
2. Dogs at large should already be licensed and have a collar with current tag attached. The owner shall be identified by registration information. The law enforcement officer or village dog catcher should make contact with the owner, advise them to pick up their dog at the Riverside Animal Hospital and forward the information to the village clerk so that a warning can be mailed to them and documented.

B. Second or Subsequent Offense: Any dog, regardless if stray or dog at large, which has been impounded a second or subsequent time, will be released to the owner only after the owner has received a citation for violation of Section 2-307. The law enforcement officer or village dog catcher shall check with the village clerk to determine if

strays or dogs at large have been previously impounded prior to the release of the dog. If the owner of the dog is present to claim the dog and determination as to the previous violation cannot be established, such as during hours when the village office is closed, the law enforcement officer or village dog catcher should contact the village clerk to determine the status of the dog. The fine for violation of Section 2-307 herein is \$20.00. The same fees for vaccination and impoundment as with first offense impoundments will apply. All information in regard to citations issued and dogs impounded shall be forwarded to the village clerk by the law enforcement officer or village dog catcher.

C. Unclaimed Dogs Placed for Adoption: When any impounded animal has not been claimed by its owner within the time prescribed by these ordinances, it may be placed for adoption to any qualified individual. Prior to such adoption, however, the animal shall be neutered and the cost of such neutering shall be borne by the person desiring to adopt such impounded animal.

(Am. 9-13-05, Ord. No. 2005-0-6)

ARTICLE IV – KENNELS

SECTION 2-401: KENNELS; DEFINED

"Kennel" is defined for this article as any lot or parcel of land or place where more than three dogs or more than three cats over the age of 6 months are confined, treated, boarded, housed or cared for, and shall include any lot or parcel of land or place where a person, corporation or other entity engages in, conducts, manages or maintains a veterinary business, regardless of the number of animals treated, kept, confined or boarded.

SECTION 2-402: UNLICENSED KENNELS; NUISANCE

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

SECTION 2-403: UNLICENSED KENNELS; PROHIBITED

It is unlawful for any person, corporation, partnership or other entity to maintain, keep, conduct or operate any kennel within the zoning limits of the Village without first obtaining a license therefor.

SECTION 2-404: KENNEL LICENSE

Any person or legal entity seeking a kennel license shall make written application to the Village Board. Such application shall state in detail the type, number and gender of animals to be held in such kennel, describe the kennel facility in detail and provide such other information as may be required by the Village Board. Such application shall also have attached thereto the consent of all property owners or occupants of lands or lots adjoining the land upon which the proposed kennel is to be located. In the event that the Village Board determines that such kennel would not constitute a nuisance, it shall issue such license on such terms and conditions as it deems appropriate. Such license shall be on an annual basis and may be revoked after notice and hearing for violation of any term or condition of the issuance of the license. The annual license fee shall be \$100.00

and the license shall not be issued until such fee is paid.

SECTION 2-405: KENNEL REGULATIONS

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

ARTICLE V – ANIMALS AND FOWL

SECTION 2-501: DEFINITIONS

The following definitions shall hereby apply:

"Domestic farm animal" is hereby defined as any horse, mule, sheep, cow, goat, swine or offspring thereof.

"Exotic animal" is hereby defined as any llama, zebra, buffalo or animal other than a domestic farm animal or offspring thereof, or a dog weighing more than 50 pounds.

"Fowl" is hereby defined as chickens, turkeys, guinea hens, ducks, swans, ostriches, emus, geese or any similar bird.

SECTION 2-502: PROHIBITION

From and after the effective date of this ordinance, it shall be and hereby is determined to be unlawful for any person to keep, maintain or confine any domestic farm animals, exotic animals or fowl within the corporate limits of the Village of Pleasanton, unless a special permit is issued for such by the Village Board.

SECTION 2-503: ISSUANCE OF SPECIAL PERMIT

The Village Board is hereby authorized to issue a special permit for maintenance of domestic farm animals, exotic animals or fowl within the corporate limits of the Village on such terms and conditions as they determine advisable to minimize noise, odor and disturbances to neighbors living adjacent to the property upon which such animals or fowl are maintained.

SECTION 2-504: NUISANCE

It is hereby determined to be a nuisance to keep, maintain or confine of any of the above-named animals and/or fowl without a special permit issued by the Village Board pursuant to Section 2-502 and 2-503 above.

SECTION 2-505: ABANDONMENT, NEGLIGENCE AND CRUELTY; DEFINITIONS

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

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

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

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

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

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

SECTION 2-506: ABANDONMENT, NEGLECT AND CRUELTY; LAW ENFORCEMENT OFFICER; POWERS, IMMUNITY

Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal. Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed by law. Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence.

SECTION 2-507: PITTING; DEFINITIONS

"Bearbaiting" shall mean the pitting of any animal against a bear.

"Cockfighting" shall mean the pitting of a fowl against another fowl.

"Dogfighting" shall mean the pitting of a dog against another dog.

"Pitting" shall mean bringing animals together in combat.

SECTION 2-508: PITTING; PROHIBITED

No person shall knowingly promote, engage in, or be employed at dogfighting, cockfighting, bearbaiting, or pitting an animal against another. Nor shall any person knowingly receive money for the admission of another person to a place kept for such purpose. Nor shall any person knowingly own, use, train, sell or possess an animal for the purpose of animal pitting. Nor shall any person knowingly permit any act as described in this section to occur on any premises owned or controlled by him/her.

SECTION 2-509: PITTING; SPECTATORS PROHIBITED

No person shall knowingly and willingly be present at and witness as a spectator dogfighting, cockfighting, bearbaiting, or the pitting of an animal against another.

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

SECTION 2-601: DEFINITIONS

1. "Weeds, grasses or worthless vegetation" shall mean any weed or grass growth of more than 12 inches in height, or 8 inches as described in Section 2-602. Weeds shall include, but not be limited to, bindweed, puncture vine, leafy spurge, Canada thistle, perennial peppergrass, Russian knapweed, Johnson grass, nodding or musk thistle, quack grass, perennial sow thistle, horse nettle, bull thistle, buckthorn, hemp plant and ragweed.

2. "Litter" shall include, but not be limited to: (A) trash, rubbish, refuse, garbage, paper, rags and ashes; (B) wood, plaster, cement, brick or stone building rubble; (C) grass, leaves and worthless vegetation; (D) offal and dead animals; (E) 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; (F) any motor vehicle not housed in a storage or other building and not being currently licensed.

3. "Dangerous building" as used in this article is hereby defined to mean and include (A) any building, shed, fence or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of its occupants or neighboring structures; (B) any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard; (C) any building, shed, fence or other man-made structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure; (D) any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows readily admits birds and animals or is an attraction for children or other persons to enter.

SECTION 2-602: PUBLIC NUISANCE; GRASSES OR WEEDS

It is hereby declared to be a public nuisance to permit grasses or worthless vegetation to grow in excess of 12 inches, or 8 inches in the event that the City has previously acted within the same calendar year to remove such grass in excess of 12 inches on the same lot or piece of ground and had to seek recovery of the costs and expenses of such work from the owner or occupier of the property. (Am. 12-8-09, Ord. No. 2009-O-9)

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

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

SECTION 2-604: ABATEMENT

Whenever the Board of Trustees, by resolution, determines that (1) any grass in excess

of 12 inches or weeds of any height are growing on property within the Village; (2) litter is found on any property; or (3) any building or structure in the Village of Pleasanton is a dangerous building, the village clerk shall cause written notice to be served upon the owner of the property on which grass, weeds, litter or such dangerous building is located and further, upon the occupant thereof, by registered mail or by personal service. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the Village or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated or removed. Such notice shall state that the premises have thereon grass in excess of 12 inches, weeds or litter or that the building situated thereon has been declared to be in a dangerous condition and that the grass in excess of 12 inches, weeds, litter or dangerous building must be removed or remedied within 15 days of receipt of notice. (Am. 9-13-05, Ord. No. 2005-0-3)

SECTION 2-605: FAILURE TO CORRECT

In the event that the owner or occupant of said premises fails to correct and eliminate said nuisance pursuant to the notice to correct delivered by the village clerk, he/she shall be guilty of a misdemeanor and fined not more than \$100.00. Each day's violation after the expiration of the 15 days' notice shall be a separate offense.

SECTION 2-606: COST OF REMOVAL

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

ARTICLE VII – PENAL PROVISION

SECTION 2-701: VIOLATION; PENALTY

Any person, firm, association or corporation violating any of the provisions of Chapter II hereof for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor, and be fined in any sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance.